



The Law Society
of England and Wales



ADVOCATING FOR CHANGE: TRANSFORMING THE FUTURE OF THE LEGAL PROFESSION THROUGH GREATER GENDER EQUALITY

INTERNATIONAL WOMEN IN LAW REPORT
Findings from the international women's roundtables

June 2019

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Contents

Foreword	4
Acknowledgements	5
Executive summary	6
Introduction and methodology	8
Context	8
Research	8
Practice definitions	10
Regions	11
Africa	11
Americas	17
Asia / Middle East	24
Europe	32
Pacific	38
Conclusions	43
Unconscious bias solutions	43
Gender pay gap	44
Flexible working	44
Recommendations	46
Men as champions for change	46
Zero tolerance for sexual harassment	47
Women supporting other women	47
Targets and quotas	47
Values-based business and development	47
Leading from the top and by example	47
Recruitment and selection processes	47
Annexes	48
International Women in Law Roundtable Tracker	48
International Women in Law Roundtable Hosts and Supporters	50

Foreword



*Christina Blacklaws,
President of the Law Society of England and Wales*

The legal profession is increasingly global and the issues that affect one half of our profession affect us all.

Overcoming the barriers that prevent women from entering and progressing in the law is an imperative for the future of the profession. During my time as President of the Law Society of England and Wales I have worked, both at home and abroad, to highlight the issues facing women in the law. I have had the privilege of visiting many of the jurisdictions that hosted roundtables and have been humbled to learn about the experiences of female lawyers around the world, whilst gaining a better understanding of the barriers preventing women lawyers from progressing.

The interest in this project has been staggering. In less than 10 months, we have directly engaged with over 700 women across five continents. We have been very fortunate to hear from a diversity of women, at all stages in their careers, brought together by a shared desire to overcome the pervasive and outdated barriers that threaten to hamper their futures. There has also been a great deal of interest and support from our male colleagues in moving gender equality forward as a critical issue. The challenge now is to be more creative and effective and to turn that understanding into action at a local and global level.

With the increasing challenges to women's rights across the globe, the position of women in law is as important as ever. There is no room for regression. It is essential that young women have equal access to the profession and for qualified lawyers to progress in their careers without fear of stigma, exclusion, or violence.

This report summarises women's experiences in the hope that we can learn from each other to increase inclusivity and create a forward-looking profession that works for all of us.

We want our message of solidarity to be shared with our colleagues globally – both women and men – because we are all part of the solution. To everyone who has been a part of the roundtables so far, thank you. To those who are yet to take part, I welcome you and your future participation.

Christina Blacklaws
President of the Law Society of England and Wales
19 June 2019

Acknowledgements

The Law Society is indebted to the 7,781 respondents of the global survey, conducted between November 2017 and January 2018, for sharing views that provided significant insights into the challenges and opportunities experienced by women lawyers in the legal sector.

We also extend our appreciation to Law Society staff, in particular: Lizzette Robleto de Howarth and Lauren Thornton for researching and drafting this report. We are also very grateful to the whole of the Law Society's international team, who were instrumental in the organisation and delivery of all the 'International Women in Law' (IWIL) roundtables worldwide.

We also owe a debt of gratitude to all our hosts and supporters (see Annex 2), which include: Law Society members, British Embassies, International Bar Association Women Lawyers' Interest Group, LexisNexis, the International Bar Association (IBA), foreign law firms, and individual lawyers around the globe, who made it possible to gather this important qualitative material.

Finally, the recommendations in this report have been drawn from the views of all roundtable participants to whom we owe huge thanks for actively engaging with the programme and for openly sharing their experiences, challenges, and potential solutions to achieve gender equality in the legal profession.



Executive summary

Overcoming the barriers that prevent women from entering and progressing in law is an imperative for the future of the profession. However, the legal sector will not be able to provide suitable responses to gender inequality without first having a deep understanding of the global barriers that limit the career progression of female lawyers. Political will and strong commitment from all relevant stakeholders, including firms, businesses, clients, bar associations and law societies, are also essential components to success.

To begin with, obtaining the necessary quantitative and qualitative research is critical. This report aims to complement the largest quantitative global survey on women in the law undertaken by the Law Society between November 2017 and January 2018. The information from the International Women in Law (IWIL) roundtables was gathered between July 2018 and April 2019 from 34 international roundtables held in 21 cities, across 18 jurisdictions, and with the participation of 712 female lawyers. The IWIL roundtable participants were at different stages in their careers, showcasing the wide range of experiences of female lawyers worldwide.

Despite a few contextual differences, this report demonstrates that the challenges and experiences of female lawyers are very similar across the globe with some key issues outlined below:

Traditional gender roles and stereotypes

There are shared social and cultural expectations about how a woman should behave on account of their gender. For example, women feel that they are having to work harder to reach the same level of recognition, promotion, and remuneration as their male counterparts. Yet, questioning gender inequalities can carry certain risks ranging from being labelled as a troublemaker, to harassment and dismissal. A common theme was working mothers, in particular, being penalised as societal expectations place the main caregiving responsibilities on women.

Gender pay gap

Unlike their male colleagues, female lawyers are often challenged by their clients and employers about the level of fees they charge and requests for reduction on account of their gender. Women in all jurisdictions reported that it appears more acceptable for men to request greater financial recognition for their work, but women are perceived as aggressive when they do. There is also a serious lack of transparency about remuneration rates and bonuses across all regions, which prevents the identification of pay discrepancies that in turn undermines and prevents accountability for ensuring fair remuneration and equal treatment.

Flexible working

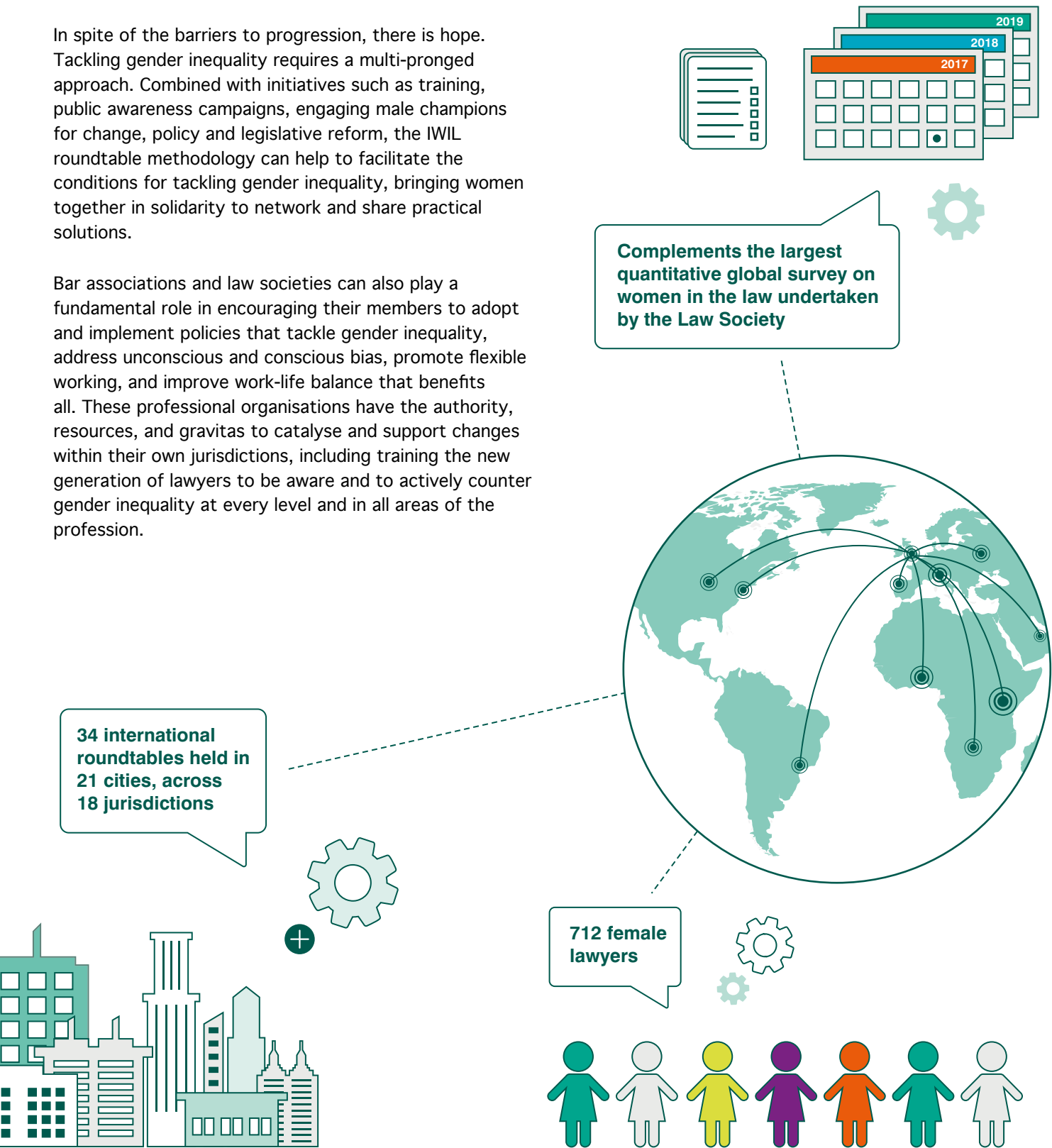
Flexible working is not an available option for many female lawyers, despite the technological progress that facilitate working remotely and the numerous benefits to businesses and employees. In many jurisdictions, flexible working is not culturally acceptable and those who work flexibly commonly feel dismissed as uncommitted to their roles. This is primarily due to an office-based mindset and presenteeism.



Solutions

In spite of the barriers to progression, there is hope. Tackling gender inequality requires a multi-pronged approach. Combined with initiatives such as training, public awareness campaigns, engaging male champions for change, policy and legislative reform, the IWIL roundtable methodology can help to facilitate the conditions for tackling gender inequality, bringing women together in solidarity to network and share practical solutions.

Bar associations and law societies can also play a fundamental role in encouraging their members to adopt and implement policies that tackle gender inequality, address unconscious and conscious bias, promote flexible working, and improve work-life balance that benefits all. These professional organisations have the authority, resources, and gravitas to catalyse and support changes within their own jurisdictions, including training the new generation of lawyers to be aware and to actively counter gender inequality at every level and in all areas of the profession.



Introduction and methodology

Context

In March 2012, the Law Society held an international summit on women and the law entitled: ‘Setting the Agenda for Change,’ which assessed the outcomes of three decades of diversity and inclusion initiatives across the legal profession. At this summit, participants agreed that, while some progress had been made, the equitable treatment of women lawyers was still a long way off.

In 2017, with the support of International Bar Association Women Lawyers’ Interest Group, LexisNexis and the International Bar Association, the Law Society compiled the largest ever global survey of its kind, to better understand the key issues that are affecting women lawyers. In March 2018, the results were released and showed that despite the progress made in the last five years, gender equality within the legal profession remains an unfulfilled aspiration for women lawyers. Consequently, for her presidential year, Christina Blacklaws firmly set her agenda focusing more strategically on ‘Women in Leadership in Law’ and to continue building a solid foundation that empowers women to become changemakers and leaders in the legal sector.

With this mandate, the International Women in Law (IWIL) programme was created, which seeks to increase gender equality within the legal profession in a consistent, systematic, and structured way, by creating solidarity linkages and collaborative projects globally. It also aims to promote greater participation and leadership of women in the sector and generate good practices, which in turn can be shared with other sectors experiencing similar challenges.

To facilitate discussions among female lawyers, the Law Society developed the IWIL roundtable methodology in order to identify, from a female perspective and experiences, appropriate strategies to generate transformative changes within their firms and organisations. The IWIL methodology encourages all participants to commit to hosting their own IWIL roundtables, to multiply impact and allow us to reach a wide number of legal professionals. All IWIL roundtables are conducted under the Chatham House Rule, to enable frank and open discussions.

The IWIL roundtable initiative has stimulated debate among the legal profession and has also proven to be a great engagement tool, attracting attention to the issue of gender equality among in-house counsels, senior and junior lawyers, barristers, academics, members of the judiciary and parliamentarians.

Tackling gender inequality requires a multi-pronged approach. Combined with other initiatives such as training, public awareness campaigns, male champions for change roundtables, and policy and legislative changes, we are hopeful that the IWIL roundtable methodology will create the conditions for long-term change to help transform traditional mindsets that perpetuate gender inequality in the legal sector.

Research

Between November 2017 and January 2018, the Law Society designed and compiled the largest ever global survey on women in the law, which had a total of 7,781 respondents. The survey identified the perceived and concrete barriers in the career progression of women in the law, highlighting the following key challenges:

- Half of respondents thought there had been progress on gender equality over the last five years. However, there was a large disparity in perception by gender with 74% of men reporting progress in gender equality compared to 48% of women.
- 52% responded that unconscious bias was the main barrier to women’s career progression in law, and only 11% reported unconscious bias training being consistently carried out in their organisation.
- 49% of respondents reported an unacceptable work-life balance as the second top reason for preventing women progressing and reaching senior levels.
- 46% of respondents cited traditional network routes to promotion as the third main barrier, since these are mostly male orientated.

- 91% of respondents felt that a flexible working culture is critical to improving diversity in the legal profession with 88% of men and 93% of women in favour, compared to 86% of both men and women in 2012.
- 41% of respondents felt that they had benefited from regular performance and development reviews, with 43% reporting having consistent diversity and inclusion training.
- 60% of 6,533 individuals, responding to the gender pay gap section of the survey, reported that they were aware of a gender pay gap within their organisation.

The Law Society has also been contributing to the World Bank's 'Women, Business and the Law' report since its inception in 2009. This report investigates discriminatory laws that are hindering women's agency in society worldwide. In June 2018, the Law Society and the World Bank launched the 5th edition of this report and some of the findings include:

- Globally, over 2.7 billion women are legally restricted from having the same choice of jobs as men.
- Although almost 80% of the studied economies prohibit gender discrimination in employment, only 40% mandate equal remuneration for work of equal value.
- 104 economies still restrict women's employment in specific jobs such as mining or working at night.
- 75 economies constrain women's property rights.
- 68 economies restrict women's freedom of movement or activity.
- 59 economies do not have laws prohibiting sexual harassment in the workplace.
- 18 economies legally allow husbands to prevent their wives from working.

Our report intends to be qualitative in nature and is additional to the two research pieces mentioned above. It reflects the diversity of views collected between July 2018 and April 2019 from 34 international roundtables held in 21 cities, across 18 jurisdictions, and with the participation of 724 female lawyers. IWIL roundtable participants were at different stages in their careers, showcasing the wide range of experiences of female lawyers worldwide. The views, perspectives, and experiences put forward by participants are not necessarily the views of the Law Society.



Practice definitions

Unconscious bias

Unconscious bias refers to both positive and negative attitudes or stereotypes that affect our understanding, decisions or actions concerning an individual or group in an unconscious manner. All human beings are biased, and we are hardwired to make implicit associations, which may result in quick thinking, but also causes stereotyping, prejudice, and discrimination.

In the Law Society's 2017-2018 global survey, the presence of perceived unconscious bias in the legal profession was the most commonly cited reason why so few women reach senior positions.

Equal pay and gender pay gap

In the UK, equal pay means that men and women in the same employment performing equal work must receive equal pay, as set out in the Equality Act 2010. This applies not only to salary, but to all contractual terms and conditions of employment, such as holiday entitlement, bonuses, pay and reward schemes, pension payments and other benefits.

However, the Law Society's research suggests that equitable remuneration is a concern across the profession, not only in the UK but globally. The global survey showed that:

- Over 60% of respondents, based on their knowledge and experience, were aware of a gender pay gap within their organisation.
- Only 16% reported visible steps being taken to address the issue. A smaller proportion of women (15%) reported steps had been taken compared to that of men (32%).

Gender pay gap is a measure of the difference between men and women's average earnings across an organisation or the labour market. It is expressed as a percentage of men's earnings. According to the Equality and Human Rights Commission in Britain there is an overall gender pay gap of 18.1%.

Flexible working and agile working

Flexible working often means that whilst the number of hours remain the same, there is flexibility in the start and finish times and the ability to work remotely. Agile working is slightly different and gives more autonomy to the individual, allowing people to work where, when, and how they choose, with maximum flexibility and minimum constraints to optimise performance.

Our 2018 survey evidenced that 91% of respondents felt that a flexible working culture was critical to improving diversity in the legal profession compared to 86% in 2012. Our survey also found that:

- 52% of respondents said that they worked in organisations where a flexible working policy is consistently applied.
- 37% said that they worked in organisations where there is provision for flexible working, but it is not consistently applied.
- 11% said that they worked in organisations with no provision for flexible working.

Regions

Africa



African IWIL roundtables:

Number	Country	City	# of IWIL roundtables	# of attendees
1	Ghana	Accra	2	35
2	Kenya	Diani	1	32
3	Nigeria	Lagos	3	41
4	Rwanda	Kigali	3	63
5	Zambia	Livingstone	1	13
Total	5	5	10	184

Unconscious bias – common barriers

- **Gender traditional roles and stereotypical attitudes directly affecting women**

Participants concurred that there is still a male-dominated system of values and roles, not confined to Africa, which expects women to play a greater domestic role in society. These views prejudice and constrain women's professional development and agency. In some jurisdictions young women are likely to struggle against family members, who would prefer them to get married early, rather than pursuing a career.

Participants explained that conscious and unconscious bias from senior male lawyers, who uphold traditional stereotypical views of women, can directly impact their female colleagues. Several participants highlighted that some male lawyers, heading a high performing team of female lawyers, paradoxically expected their wives to remain at home with the children. Some participants remarked that, in certain circumstances, female lawyers may not be allowed by their spouses to arrive home after certain hours and could face familial tension by doing so. There is also a difference between female lawyers in the urban and rural setting – in urban areas, female lawyers may be able to obtain external help for household chores, which might not be available for them in rural areas.

Participants commented that some female lawyers are challenging the status quo but are discriminated against for speaking out and are labelled as trouble makers whose 'cards are marked,' which directly affects their chances of progressing in their careers.

There is conscious and unconscious bias against women who aspire to achieve positions of leadership – a participant shared that people questioned her motives when she decided to stand for an official leadership role in her professional body. To get elected, she felt she had no choice but to adopt a strategy that counteracted gender bias first and, at that point, she was able to present her plans and activities. Another participant disclosed that, after obtaining a senior position at a law firm, a male colleague openly told her that she was single and too young for that position. She remarked: "As if these two points mattered on how capable I was in doing my job as a lawyer." In one jurisdiction, there are around 20%

female equity partners in large law firms and this number has not shifted in 20 years due to the lack of leadership opportunities for women.

Participants also commented that female lawyers are typically viewed as very good academically, but not very good at advocating in court because women are not perceived as competent or as 'strong' litigators as men. Some clients and employers also prefer male litigators and might be reluctant to entrust female lawyers with difficult or complex cases. Comments were also made about the fact that men are commonly given higher value briefs because it is assumed that they are working to feed their families, whereas women are not perceived to be the breadwinners and, therefore, do not need the additional income. Participants also felt that some clients do not trust female lawyers and think that female lawyers might only be capable of handling family law, divorce, domestic violence, or child abuse cases. A participant explained how one day someone brought a military court case to her firm, but when the client realised that his case was going to be allocated to a female lawyer, he chose a male lawyer instead.

Participants shared that there is also an unfounded view that women hide behind their gender to avoid doing specific pieces of work but, in practice, women are prevented from exercising the choice of undertaking specific work. Several participants stated that some firms have expressed concerns about sending young women or mothers to deal with cases in provinces far from their homes, so men are sent instead, without consulting those female lawyers first, taking away their right to choose. This inhibits the professional development of female lawyers and perpetuates stereotypical perceptions about them.

The motto 'there are no women at the bar' allows men to play on the fact that women feel the need to prove themselves and earn their seat at the table, and so they make impossible or difficult demands of us.

IWIL roundtable participant

Participants reflected that this constant barrage of conscious and unconscious bias not only adversely affects women's self-esteem and confidence, but also forces female lawyers to work a great deal harder than their male counterparts to get to the same level.

The law is still considered a man's profession where women are only included if they can be 'one of the guys'. In some jurisdictions, participants were disheartened to find that the saying: 'there are no women at the bar' is proudly articulated by some men, which not only made them feel unwelcome, but also compelled them to prove they had earned their 'seat at the table'. For that reason, female lawyers often adopt masculine traits to avoid being seen as 'too soft' or too lenient. If women show concern for others, they are likely to be perceived as less competent and too emotional. Ironically, if they challenge these stereotypes by showing determination, ambition and rationality, they will meet a 'backlash effect' and be criticised for 'trying to be like a man' so, in their own words, 'women can't win'.

Several participants commented that they had trouble working for senior female lawyers who were always working because it was very stressful and not conducive to striking a work-life balance. Women left such employers because it was suggested that if you were not that kind of lawyer then you were not a 'good lawyer'. Some senior female lawyers are also not very helpful to other women, which participants called the 'Queen Bee syndrome'. Rather than improving women's chances in leadership positions, this could reassert the view that women see each other as competitors rather than natural allies. There is also another type of bias where women have shamed other women for going back to work after having children, which is unhelpful and damaging to the career aspirations of younger female lawyers.

We need to ensure that role models do not end up making other women feel they need to embrace the same 'macho' standards as men, such as coming back to work only one week after having a baby.

IWIL roundtable participant

Participants also suggested that men often refer human resources issues to female colleagues since they view women as 'motherly and nurturing'. Over-reliance on this stereotype contributes to pigeonholing female lawyers, adding to their workload in a way that is neither recognised nor remunerated, becoming a 'free walk in therapy unit'. In addition, the demands made on female lawyers can be sometimes completely unreasonable or unacceptable, with evidence showing that some female lawyers are being intimidated or harassed because they are women.

In some jurisdictions, women drinking alcohol is frowned upon, but the existing networking and business development opportunities in the legal sector are based on socialising around drinking, which prevent a good number of women from taking advantage of these events. Men also undertake business development by taking clients to sporting events (e.g. hockey games, baseball) leaving women out because they assume that women are not interested in sports. Some participants also explained that male lawyers are likely to get a male sponsor or mentor and, consequently, they have more chances to get the jobs.

• **Stereotypes inhibiting pregnant women and women with children**

Participants said that some firms make negative assumptions about women lawyers of childbearing age, suggesting that they would inevitably leave the business to have children, be constantly off sick, request long periods of leave to deal with childcare issues, or that, as a caregiver, they are not committed to their jobs. Moreover, some employers struggle to develop initiatives that support women to stay in employment, leaving them no choice but to leave their roles once they start a family. In smaller firms when a woman goes on maternity leave, her absence can have a big impact on the business, which can put pressure on women to return to work sooner.

In a few jurisdictions, female lawyers can take up to a year of maternity leave subsidised by the government, and large firms may top up salaries for several months, but this is very costly for firms. Men are generally not allowed to take up paternity leave, or they are frowned upon if they do.

Unconscious bias – potential solutions

All participants agreed that the legal profession will only attain true gender equality when women have the same opportunities and outcomes as men. This will require initiatives such as training lawyers to be aware of and to actively counter outmoded cultural norms and gender inequality. Participants also acknowledged that it is essential for everyone to recognise our own unconscious bias.

Another good way of increasing the number of women in leadership positions is to raise women's reputation and profile so that the work undertaken by women is more visible and showcased to colleagues and clients. Senior lawyers, including heads of firms, must be supportive of female lawyers, and ensure that traits such as caring, commitment, dedication, and loyalty are also recognised and valued by the business. Organisations must also be willing to go 'the extra mile' to support the progression of women, making provisions such as flexible working, which was considered an important solution and very forward-looking by most roundtable participants.

Advocating for clear gender equality policies, such as flexible working, is essential. Once established, individuals can request their implementation so that firms and institutions can be measured by the same high standard. Participants thought that employers could do more to develop initiatives so that women lawyers can remain in employment when they start a family e.g. provision of creche facilities. Although there may be a period during which women may not be able to work extended hours, this may only be temporary, and so should not negatively affect women's legal careers in the long run.

Participants also considered it their duty to continue with their own professional development and build their self-confidence, reflecting that more international opportunities such as sponsorships, conferences, and placements would help them to innovate as individuals and legal businesses through knowledge-sharing with other jurisdiction and industries. Participants also reflected on the need to have role models embracing their 'femininity' as a way of counteracting the current status quo.

Bar associations and law societies can play a significant role in leading and supporting gender equality discussions and initiatives, for example, some jurisdictions have already set up their own 'Women's Forum' or 'Women's Division'. Participants felt that the IWIL roundtables have facilitated networking opportunities and allowed them to develop connections with other women in the profession in a way that is safe, productive, and confidential. A significant outcome of the roundtables has been to develop a space where women learn to champion, support, and mentor each other.

Gender pay gap – barriers

Participants recognised that more research is needed to ascertain whether there is a pay gap. Nonetheless, there seems to be common practice that clients are happy to pay higher fees when quoted by male lawyers, and that when female lawyers quote their fees, clients complain that the amount is too high for the same job. Although it is not an ideal or sustainable solution, some female lawyers have found that it helps to bring along their male manager or colleague to the initial fee negotiations and chose only to work with a client once payment had been agreed.



Male lawyers are perceived to be more assertive when negotiating salary increases and, when women lawyers adopt a similar approach, they are considered aggressive, demonstrating bias in remuneration. A participant shared an anecdote where a female lawyer was promoted to senior manager after 10 years of being at her firm, only after she threatened to sue them when she found out that her male colleagues were being paid twice as much for the same job. Participants also observed that employment opportunities for women lawyers are more limited and highly competitive, so women reluctantly compromise and may accept less remuneration than they are worth. A participant shared that a junior lawyer at her firm was asked to work as a secretary on a temporary basis, but this arrangement carried on for two years. When she asked for a pay increase, her boss refused so she had the difficult choice to leave or to continue with the arrangement.

When negotiating pay a female is 'tough and greedy' but a male is respected for 'knowing how to negotiate'.

IWIL roundtable participant

Unconscious bias also plays a role in widening the gender pay gap if men are being promoted over women, which in turn can distort the purpose of promotions. Unfair promotion will also affect the credibility of the organisation, and impact staff retention. Differential remuneration in the so-called 'pink' and 'blue' areas of law also contributes to the widening of gender pay – for example, women getting more briefs on estate planning tax rather than mergers and acquisitions tax, which is generally more lucrative.

Moreover, some participants commented that some firms give bonuses that are unrelated to performance or talent – if most partners are men, bonuses are given to married men because they are considered the breadwinners while women are not. In some cases, female lawyers have been told they have husbands or boyfriends who can help them financially.

Gender pay gap – potential solutions

Participants stated that, to address the gender pay gap, both male and female lawyers should be given the same opportunities and the same pay allowances with no variation or discrimination except those relating to talent, performance, the role, and level of seniority. Fortunately, an increasing number of business clients are also demanding greater diversity.

Flexible working – barriers

Despite the developments in technology, participants agreed that most employers and law firms still apply traditional performance indicators such as billable hours, which is not conducive to assessing overall performance. Many employers still insist that lawyers work onsite in the office, regardless of productivity levels and do not seem to appreciate that employees can work from home and be equally or more productive.

There is an unfair perception that being immediately accessible out of hours indicates that people are more productive.

IWIL roundtable participant

Participants commented that female advocates often work independently so, while on maternity leave, they must continue managing their cases, court hearings, and clients, which can be challenging. There are cost limitations for small and medium size firms that may lack the necessary infrastructure to ensure that people can work remotely, so these arrangements might only be available in large institutions. In some jurisdictions, job sharing is possible, but experience demonstrates that often those who can secure part-time work continue to work over their hours for less salary to 'make up' for their time spent out of the office.

Participants also perceived that the new generation of millennials prefer a greater ‘work-life balance’ so, if firms want to retain young talent, they must find alternatives to presenteeism and the long working hours culture. In some jurisdictions, it is difficult to get flexible working in private practice and, for that reason, younger female lawyers are joining the public sector to take advantage of the flexibility offered by those organisations.

There is flexitime in theory but in reality, there are many rules as to how flexible you can be, and it depends on who you are working for.

IWIL roundtable participant

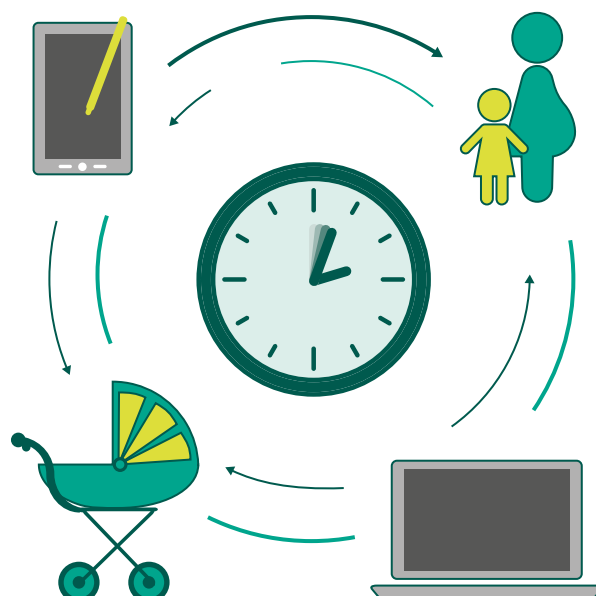
Flexible working – solutions

Participants agreed that productivity must be output-led and new ways of assessing performance must be introduced to ensure that competence is rewarded, regardless of gender. Flexible working requires trust between employers and employees to ensure that the practice is valued. In addition, female lawyers could be encouraged to work collaboratively so that they are able to team up and cover each other’s work.

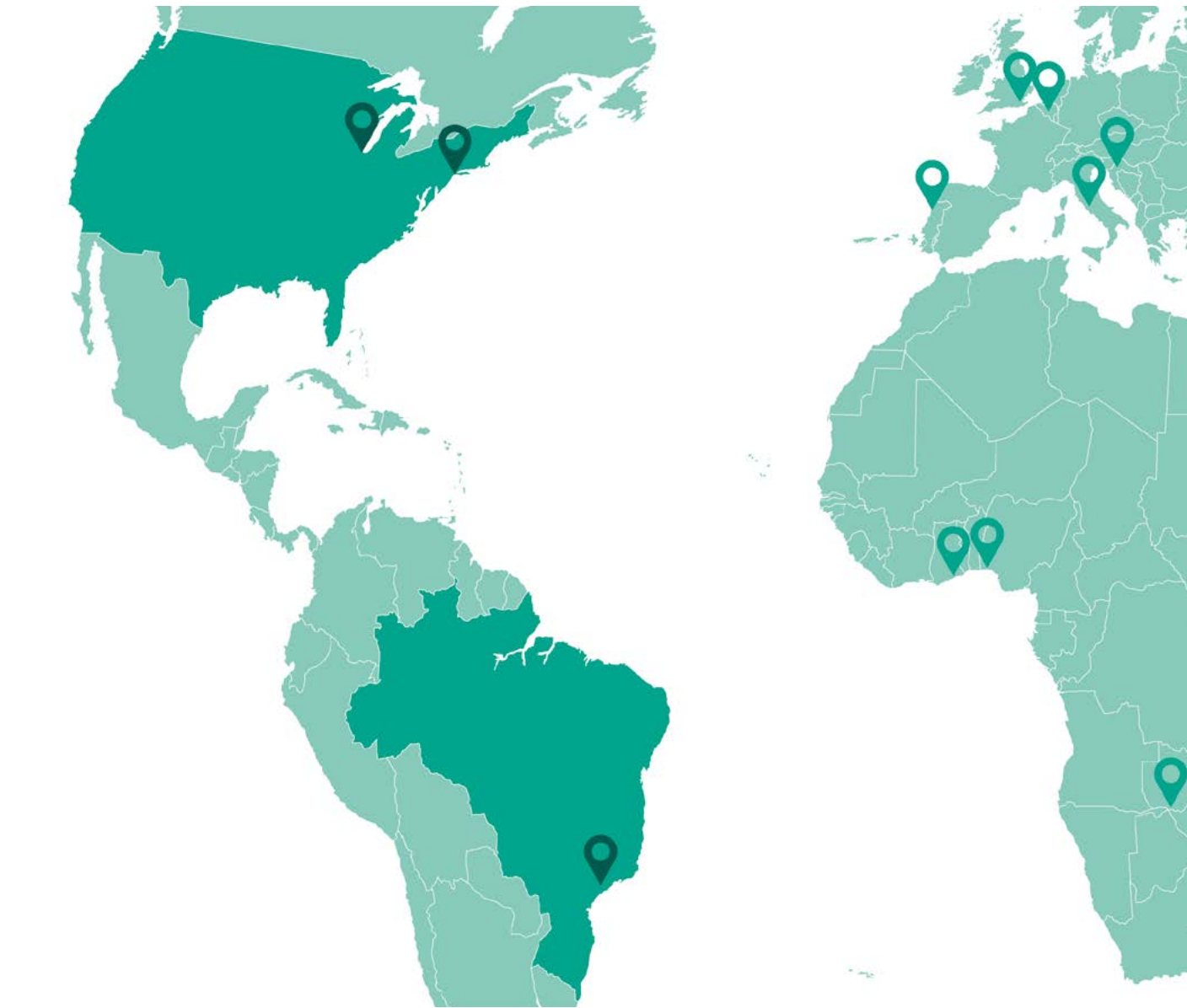
Employers should provide the infrastructure for employees to work remotely. In addition, the senior leadership must change their mindsets so that women can confidently request flexible working without it negatively affecting their chances of obtaining a promotion, remuneration, or bonuses. Some law firms and other institutions have even created childcare facilities where children can stay after school. Participants said that this is extremely helpful since they would be happy to work longer hours, knowing that their children were nearby and safe. Participants also emphasised that it is important to acknowledge good initiatives through good practice awards.

Relationship-building is important for legal businesses and this can only be done successfully if lawyers have time to build their networks. A participant gave an example where there was a three-month timeframe for obtaining responses to queries from a government department. By attending the government’s office and interacting personally with its lawyers, she had a faster response, saving the firm time and money.

Flexible working hours and maternity leave can increase women’s productivity, motivation, commitment, and loyalty towards their employer. Participants agreed that encouraging men to take up flexible working and parental leave will help to mainstream these practices and would alleviate the double burden women face in caring for their careers and their families, leading to better work-life balance. However, it is important to note that flexible working is a new concept in some jurisdictions and means that more advocacy and influencing is needed before it can be mainstreamed.



Americas



Americas IWIL roundtables:

Number	Country	City	# of IWIL roundtables	# of attendees
1	United States	Chicago	3	78
		New York	2	40
2	Brazil	São Paulo	3	93
Total	2	3	8	211

Unconscious bias – barriers

- **Gender traditional roles and stereotypical attitudes directly affecting women**

Participants agreed that unconscious bias is a significant problem, not only for the legal profession, but for society. Despite some progress, the legal sector in the Americas has yet to tackle traditional stereotypes that hamper women's career progression. Most participants felt that it was unfair for female lawyers to be constantly on their guard to appropriately deal with unconscious bias and inappropriate behaviours.

Some participants said that some clients and employers have a distorted idea of what a trial lawyer should look like and are under the mistaken impression that men are better suited for the job. As with the African participants, roundtable attendees in the Americas shared their experiences of how the suitability of women in litigation is questioned. A participant recalled that earlier in her career she applied for a job and thought that everything was going well, until she was asked by a partner: "Do you think you're too soft for a litigator?" She also realised that the partner had an old-fashioned impression of a litigator's traits (e.g. being aggressive, headstrong). Another participant had once been responsible for recruitment and was told by a senior male colleague to hire a male advocate because the client wanted a male litigator.

Participants concurred that there is an inbuilt bias in measuring performance with women being treated more harshly than men, which creates problems in terms of career progression, promotions, and remuneration. There is also confusion within the profession about what is required to retain female talent and many institutions complain about the rate of attrition for women in law, without questioning the root causes.

Many female lawyers have been routinely mistaken as paralegals, secretaries, clerks, typists, and many black and ethnic minority lawyers have even experienced being confused as defendants. Some women are responsible for perpetuating this bias and several participants had been asked by other senior female lawyers which judge they were shadowing or working for. One participant working in corporate law said that her clients had initially assumed

she was not a lawyer because she was a woman. Another participant shared how, after she was promoted, her manager told her that he was happy she got the position, but he was concerned that the all-male team would 'outrageously flirt' with her and 'eat her alive'.

Participants shared how women are often heavily judged for what they wear, and one recalled a male judge who would not let a female lawyer conduct a case because she was wearing trousers. More senior women lawyers felt the need to advise younger female lawyers on what clothing was appropriate, knowing the choice of clothing would impact on their careers. Another participant shared how a female colleague felt that she had to wear a skirt suit in front of certain male judges because she knew that they would prefer it. A 'progressive' law school was reported to be advising female law students to wear make-up, high heels, and 'not talk about boyfriends' during interviews. Other judgments on appearances included: 'she is too fat,' 'she is pregnant,' 'she doesn't look great,' as if these were factors preventing women from being good lawyers.

Another participant commented that, in many jurisdictions, big firms and multinationals are not drivers of gender equality and, in fact, are often part of the problem with many female lawyers having to push back against the prejudices from their foreign clients. Women have been compelled to start their own firms to avoid bullying, sexual harassment and lack of flexible working.

Participants drew attention to the issue of work allocation. Both senior men and women can be guilty of giving preferential treatment and choosing men over women for high quality, exciting and career developing cases. As a legal aid lawyer that also takes other paid work, one participant said how she was only assigned legal aid work since her female boss gave preferences to another male colleague for paid cases.

There was also agreement among participants that some women felt pressure and guilt for being working mothers, particularly when they received comments such as: "Your kids are lovely, you should stay at home and look after them." Women may also have their own individual challenges such as lacking confidence in their own abilities, which is preventing them from pressing ahead in their careers and ambitions.

Again, participants raised how the legal profession was still very much a 'men's club' and women are considered to be 'one of the guys,' not a 'female lawyer,' when they tick all the boxes. The most pervasive form of unconscious bias is our tendency to hire people that look like us, which means that partners regularly give cases to their friends that are often the same people that they went to school with, socialise with, go to the gym with, etc. Women lawyers still worry about how their male colleagues perceive them and can feel compelled to develop more masculine traits to be accepted. There was concern that women who speak out are perceived as aggressive or troublemakers and such labels can affect their chances of obtaining a salary increase or a promotion so, rather than risking retaliation, losing their jobs, or missing out on career progression, many chose to 'not cause a fuss'. Even senior women leaders can avoid calling out bad behaviour because this criticism will not be well-regarded or welcomed.

In evaluation systems where there is unconscious bias, women are regarded more harshly.

IWIL roundtable participant

It was widely agreed that women should be more proactive in managing bias and 'call it out when it happens'. However, there is also an onus on women to 'gently' point out bias, otherwise they are perceived as being too aggressive, opinionated, or abrasive. A participant said: "Women are frowned upon if they are seen pushing the boundaries of how a woman should behave (docile, quietly spoken). They would say: who does she think she is?"

Some participants also overheard inappropriate comments, from both men and women, about other female colleagues ("She's so difficult...she must be having her period") and have had unwanted sexual touching with men putting their hands on knees and only stopping when a strong reaction was forthcoming.

• **Stereotypes inhibiting pregnant women and women with children**

Expectations of men and women can differ hugely. Several participants had been discounted for a promotion on account of being too young or labelled as inexperienced, but these factors did not apply to their male colleagues of the same age and background. A participant said that she pushed herself out of her comfort zone to become the presidential candidate of her law society, knowing that she was the only woman with young children and without enough time to dedicate to her electoral campaign. However, she won the elections and, in one year, her association adopted a gender equality plan and a quality seal to encourage greater gender equality. She stated that, despite these achievements, it remains harder for women to achieve positions of leadership due to conscious and unconscious bias.

Unlike their male colleagues, female lawyers are often asked how they were going to manage travelling with looking after their children and their homes. A participant said that during the same period she became an equity partner, she also had a child and when she returned to work, she was the only mother in the office and realised the many challenges women lawyers face. From then on, she advocated for better policies. When another partner announced her pregnancy, she was not even congratulated by her peers and was told instead that it would have an impact on her promotion at the end of the year. She decided to leave the firm after her maternity leave: "Why would I return to a job when, instead of congratulating me, the first thing they said to me is that?"

During an interview, one of the participants was told by her interviewer that he did not want to hire a woman because they are always 'in a hurry to close at 5:00pm'. Although she got the job, she feels obliged to stay in the office until late, even though her male counterparts rarely do. Participants also said that men often seem to worry about female-only teams for fear that everyone will get pregnant at the same time. Male colleagues often do not understand that children are a shared responsibility and they could help to end this stereotype by being more engaged in caregiving.

Participants noted that there is also racial bias: “Lawyers look all white at the top and at the bottom they are all dark-skinned” said one participant. Black and minority ethnic (BAME) female lawyers complained that, if a company has an equal opportunity policy, their peers may mistakenly assume that they are ‘a token’ and do not deserve to be there. To prove them wrong, BAME lawyers have to work three times harder to showcase their talents. A participant shared her experience: “I never know whether it’s because I’m a woman, it’s my race, or it’s my age. I was born and educated in the US, but some senior lawyers tend to act in a very patronising way, saying things like: ‘How nice that you speak English so well! Were you educated in the US?’ And, I get this from both men and women, which is very frustrating because they cannot see past my colour or my ethnic background.” Another participant said: “It is quite common to hear a white lawyer say: ‘I work with a lot of women’ but when you examined the composition you realised that the grouping is made up mostly of white people.” There was a feeling among participants that law firms can use categories like black and minority ethnics as a token to look good.

Some young female lawyers said that if they went to court with an older man, they were regarded more seriously. Others were told that they were not taken seriously because they were too young and too pretty and were advised not to present themselves as too senior. Other participants constantly felt undervalued and, when they turned up in court, they were often mistaken for a court reporter or paralegal. One participant was asked: “Can you introduce me to your Director?” when she was in fact the Director. Another participant had a male colleague at the same level as her, who would always ask her to do the administrative work (e.g. schedule meetings, prepare secretarial notes). Another lawyer said that she was being paid a lot less than her male colleagues at the same level. Female interns were also asked not to do any legal work but to get the coffee, while male interns would work alongside senior lawyers.

Unconscious bias – potential solutions

All participants agreed that a systemic review of performance measures within the legal sector is urgently needed so that managers and partners can develop transparent processes that help to eliminate gender inequality and bias.

Participants emphasised that some business leaders have been very progressive in improving the rights of women but can do more to maximise this support. They urged top firms to give women a chance, since being hired by top firms can dramatically change the perception and reputation of women lawyers more widely.

Participants also agreed that women must build alliances among themselves to support each other and build each other up. They mentioned the ‘MeToo’ movement as an example that has exposed sexual harassment and shown that it is possible to push for changes in different industries. One of the participants, together with some female colleagues, started a ‘rising star’ programme in her company, which offers mentorships, networking lunches, and learning opportunities on a wide range of issues (e.g. salary and promotions). They have also pushed for better internal equality policies from a business perspective, instead of just a diversity and inclusion angle.

Other potential solutions may include:

- Ensuring that women are getting the same opportunities as male associates.
- Offering unconscious bias training.
- Refining recruitment processes so that they are not gender biased.
- Encouraging gender neutrality in committees.
- Promoting role modelling initiatives.
- Introducing parental leave instead of maternity / paternity leave.

All participants concurred that the senior leadership of firms or companies must be fully on board so that changes are sustainable and taken seriously by all staff including management.

Having male champions is important given that men make up most business leaders and board members – a participant shared that a male equity partner was the catalyst for the introduction of paternity leave at the firm because he wanted to spend more time with his new-born baby.

Participants shared positive feedback about the IWIL roundtable methodology because it is applicable across jurisdictions and enabled them to share their experiences with other women, rather than feeling isolated as ‘if it is only happening to them’.

Gender and equal pay – barriers

Many participants agreed that lack of transparency and disclosure regarding remuneration and bonuses are real issues. Participants said that, in their experience, most law firms may believe that they are compensating staff fairly but there is no clarity on how that assumption is tested.

In some jurisdictions, it appears female lawyers tend to compromise more on salary compared to men and might be already getting paid less for the same job. Women are often perceived to be less confident and more apologetic when negotiating salary increases, bonuses, and promotions. Participants felt this may be because women experience ‘imposter syndrome’ and do not realise what they are worth. One participant asked a former employer if she was being paid fairly compared to her male colleagues and was fired shortly after without explanation.

Participants said that anecdotal evidence shows women at the bottom of the pay scale, which is reflective of the power imbalance between men and women where women are paid less for the same work. Some participants reported their human resource departments assuming

their female employees would not complain about the pay gap or ask for a pay rise. A participant shared her experience of having to work reduced hours, which meant that she was automatically given a reduced salary. However, although she billed 2,000 hours, more than many full-time employees were billing, her company refused to increase her salary. Some participants raised the point that some large law firms often have a ‘show pony’ as a token to show that they offer flexible working when in fact women are often working full hours and billing the most but only get a lower percentage for reduced hours.

Women are at the bottom of the pay scale, it's a power imbalance like everything else.

IWIL roundtable participant

There was a shared sentiment among participants that gender-stereotypes play a role when awarding salary, bonuses and promotion. Participants felt that men are assumed to be the breadwinners and need higher salaries to look after their families, so their requests for salary increases are more readily accepted. Senior male lawyers have told participants that female lawyers do not need a salary increase or a bonus because they have a husband or boyfriend that can support them. Decisions relating to salary increase, promotions, and/or bonuses are not necessarily based on performance or talent and are tainted with gender stereotypes.

Another participant said that her CEO assumed that working mothers would not perform as well as men because women have to look after the family and the household. Many participants said that it is precisely because of those assumptions that, when they return from maternity leave, they work harder to dispel any myth that the company is ‘doing them a favour’.

When male decision makers say they have a family to take care of and so need more money, this is accepted.

IWIL roundtable participant

Some participants also shared their experiences of unpaid internships where male interns were more regularly offered paid roles following their internship compared to female interns.

Gender and equal pay – potential solutions

A participant noted that, in a previous role, her company undertook a survey on the gender pay gap and subsequently equalised pay. Although employees were not privy to how the survey was conducted or the methodology, she regarded the initiative as having worked well.

Another female lawyer recalled her experience at a law firm that in her view provided the same remuneration to everyone, which she felt fostered greater collaboration and a healthier working environment. A senior participant shared that, when she is considering changing jobs, she seeks advice from another trusted senior female lawyer on the level of salary she should be asking for.

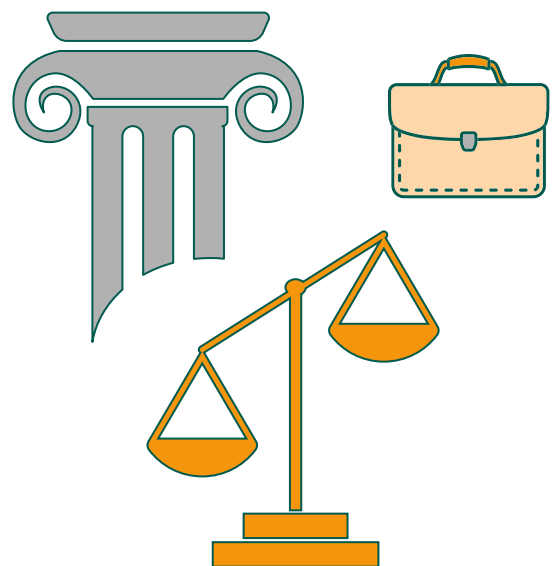
In many jurisdictions, the existing remuneration system based on billable hours does not work and should be reviewed in order to see legal work in a more integrated manner and one that includes all efforts in looking after the interest of the clients. Moreover, a performance-based remuneration system should be developed, including clear and objective criteria, which depends on the level of expertise, seniority, talent, qualifications, and customer satisfaction.

Flexible working – barriers

Participants perceived that women often dislike asking for flexible working because those requesting it are judged as less committed to their jobs. A participant shared that her firm had adopted flexible working a long time ago and, according to the policy, staff were expected to work 60% from home.

Participants commented that there is a correlation between flexible working and unconscious bias since people are less tolerant if you say you are leaving early to pick up your children, instead of pretending that you have an external meeting. Men lawyers may say they are leaving early to play golf with a client in order to build the business, which is something that women may not commonly do.

One participant had six female friends who had gone into private practice and, when some started having children, they were all essentially refused flexible working. One was told she could work flexibly so long as she worked on Saturdays to make up for lost time – all but one of the six friends ended up leaving the law.



Flexible working – potential solutions

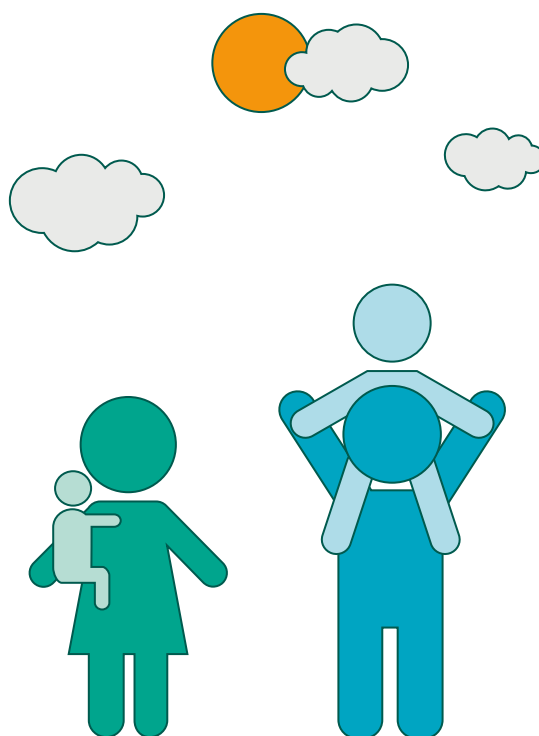
Flexible working requires a change of the traditional office-based mindset so that the legal sector can better accommodate women. Some participants created their own law firms in response to the lack of flexible working at traditional firms. More male and female lawyers want a better work-life balance, which can have an impact on firms and companies and their ability to retain staff and attract new talent. Flexible working can be an attractive proposition if it is applied to both men and women without discrimination.

Senior partners must lead by example by adopting flexible working so that staff feel more confident in requesting flexible working and the practice is mainstreamed. Male champions and senior leaders are pivotal to make the case for flexible working, especially those who want to take advantage of parental leave. A participant said: “When partners and senior leaders say: ‘I cannot make the meeting because I have to attend my daughter’s ballet presentation’, clients are more accepting of this, which gives way to a more equitable interaction.”

Male champions are important to help us make the case and it is important that they role model good behaviours – there is also a possibility of engaging more with dads who are struggling.

IWIL roundtable participant

According to participants, flexible working improves work-life balance, makes staff happier, more committed, and loyal to the business. Technology can facilitate flexible working and employers should ensure that they provide the appropriate technology so that employees are able to work remotely and ensure that robust policies are in place to safeguard staff wellbeing.



Asia / Middle East



Asia / Middle East IWIL roundtables:

Number	Country	City	# of IWIL roundtables	# of attendees
1	India	Mumbai	1	18
		New Delhi	2	35
2	Malaysia	Kuala Lumpur	1	20
3	Singapore	Singapore	2	45
4	Middle Eastern delegation	London	1	15
Total	4	5	7	133

Unconscious bias – barriers

- **Gender traditional roles and stereotypical attitudes directly affecting women**

All participants had encountered some form of conscious or unconscious bias in the workplace (e.g. job interviews, work practices, leadership meetings) at different hierarchical levels and at varying degrees in private practice, in court, or in-house roles. Participants agreed that women lawyers can be perceived as a ‘threat’ by their male colleagues, including judges. It was stated that, in some jurisdictions, judges would decide in favour of a male advocate if the opposing side was a female advocate. Moreover, an example was given of a female high court advocate being arrested, held in contempt of court, and having her licence suspended after she accused a judge of gender bias. A participant said that she was the first female lawyer a judge had encountered in court and was told to go home. Participants expressed that it is very hard to become a managing partner if you are a woman because clients do not take you seriously. Female lawyers working for international firms and/or companies found that, despite other challenges, the culture was more tolerant of female lawyers.

According to participants, some organisations and firms are supporting the development of diversity and equality activities. Some have even conducted gender awareness programmes, but the activities incur a level of expenditure, which continues to be problematic since there is no ‘perceived’ real value. Many participants acknowledged that, in some organisations, diversity and inclusion is tackled superficially in order ‘to tick specific boxes’ resulting in failure to address these issues.

Most participants have experienced gender bias during assignment allocation because women lawyers are presumed to be better at human rights and family law and, therefore, are assigned more human rights and family law briefs. This also disadvantages aspiring male human rights lawyers. Women, even those at partner level, are sometimes overlooked when there are specific sectors involved or security risks at stake, for example, in offshore oil and gas work.

The bias is not unconscious, rather conscious and obvious.

IWIL roundtable participant

Participants agreed that female lawyers have their own gender bias influenced by their upbringing that must also be addressed to create better workplaces for both women and men alike. They also experience more criticism and judgment from other women, compared to their male counterparts. A participant recalled a time when she had to move to another jurisdiction to restart her career under a very senior and confident female manager. After two years, the participant chose to discuss her career progression and whether she had the potential to become partner and received the following response: “I don’t think so because you really have to sacrifice everything.” Participants acknowledged that some senior women lawyers have had to make huge sacrifices to get to the top of their careers, but that they subsequently expect that only the ‘toughest’ women are worth supporting. A participant said that a senior female lawyer suggested that it is women, not the legal sector, that needs changing because the system will not change overnight or be easily overturned. Another participant recalled an instance where a female judge would not call for a break even though she was pregnant and told her instead to have a sip to drink and that the trial would continue. The same participant compared this experience to another one with a male judge, who was a lot more sympathetic about her pregnancy.

A participant, who was a senior counsel at an e-commerce start-up, shared that she was brought into the board of directors because she was Asian and, as the only woman on the board, the assumption was that she would be a backbencher and would be largely excluded from the discussions and decision-making. The male board members were accustomed to discussing women (who made up the bulk of the group's customer base) in a derogatory manner. This made her feel intimidated. It took her two years to assert herself and take a more proactive approach during meetings and succeed in stopping Board members from referring to women in a disparaging way. Due to her intervention, the CEO made everyone apologise and ensured that such remarks were no longer acceptable or tolerated. Another participant said that women are not expected to hold high positions of leadership in the corporate sector – a London-based participant experienced this bias because of the prevalent stereotype that Caucasian males commonly hold higher positions.

Some participants commented that both men and women lawyers can contribute to perpetuating negative stereotypes about the character and integrity of female colleagues who have been promoted by commenting that either she is bossy and ruthless, or questioning whether she had an affair with a senior colleague. Male colleagues might also be unaware of how hard women are having to work to reach the top and the specific barriers women encounter – a participant said that, after her firm introduced a minimum quota of 30% female Board members, her male colleagues felt the need to continuously 'test' these new female Board members to 'assess' if their appointment had been well-deserved.

Women being subjected to different standards than their male counterparts.

IWIL roundtable participant

Gender equality also depends on political will and on leadership. A participant shared her experience when she started working for a company with a manager who was opposed to having a 'Women's Charter'. At the time, hardly any women figured in the Board of Directors of any major companies. During that period, the company changed CEOs four times. The third CEO appointed the first woman to the Board of Directors and on the senior management team. At present, over a third of the Board and half of the senior management team are female and this is because the leadership focused on merit not on gender.

Participants agreed that the management of many top companies are considered an 'all-boys club' since men are often willing to recommend their male subordinates to higher positions, but not women. Moreover, men and clients tend to socialise using the same networks to secure business, work, and promotions.

• **Stereotypes inhibiting pregnant women and women with children**

Participants said that there seems to be an unwritten rule whereby all female lawyers are expected to work harder than men, especially those returning from maternity leave to compensate for their time out of the office. Some participants said that gender stereotypes and biases have an impact when women return to work after maternity leave because they are heavily judged if they extend their maternity leave, or if they request flexible working. Returning lawyers may be compelled to get back to work soon after giving birth to demonstrate 'their commitment to the law' and that they are 'just as good as a man'. For that reason, women lawyers in Asia often take very little maternity leave, sometimes only a few weeks or months, because it may hamper their chances of getting a promotion and participants shared how senior associates were terrified of telling other colleagues, or even their own managers, about being pregnant because this could negatively affect how they are perceived and their chances of promotion. According to participants, firms and companies avoid hiring pregnant lawyers – something which is still legal in some jurisdictions.

Women who become pregnant are assumed to extend their maternity leave or ask for flexible working hours. This assumption ties into the belief that women who become pregnant or deliver their children will become less efficient workers.

IWIL roundtable participant

When discussing sexual harassment, it was agreed that many women prefer not to speak up because it could cause them embarrassment or risk stigma and might be considered immodest. Participants discussed anecdotal accounts of female advocates that had been molested, intimidated, and harassed and even asked to perform sexual favours to senior lawyers in order to progress their careers. Due to the experiences from other female colleagues, many are worried that if they complain or try to raise the issue, they would not be taken seriously, would get a 'reputation' as a whistle-blower, or that it may jeopardise or end their career.

Some participants said that some partners assume that female lawyers are not serious about their careers in law because they may get married and have children. Participants shared that recruiters have openly asked about their marital status, their marriage plans, and if they had children during job interviews. Participants stated that marital status or having children are considered factors affecting women's performance as lawyers. Women lawyers are also subject to double standards because, if men take time off to take their children to school or to the doctor, they are 'good husbands and fathers'; whereas women who do the same are seen to be 'slacking at work'.

Participants also stated that women can find it more difficult to reach leadership positions because male supervisors limit their briefs as a result of misplaced assumptions about their capabilities and commitments. Several participants were told that they had not been

considered for overseas assignments because partners had assumed that they would not want to be separated from their children and were doing them a favour, despite having expressed their interest and being the best qualified for the job. In this example, participants felt penalised twice: (a) not being able to exercise their right to choose and (b) by restricting their exposure to challenging work that could advance their careers.

Unconscious bias – potential solutions

To have meaningful impact, all participants agreed that change must be driven by the leadership of the firm or organisation, must be forward looking, and transformative, rather than tokenistic. The participants also agreed that change of mindsets and attitudes are paramount to tackle conscious and unconscious bias and the involvement of men in senior positions is crucial to address specific difficulties arising from this including the adopting of relevant policies such as parental leave and flexible working. Parental leave for both men and women would also help to share the load of bringing up children.

Participants agreed that cross-learning is very important given that some jurisdictions already have legislation in place to prevent discrimination. The adoption of anti-discrimination legislation will send a strong message that gender discrimination is not to be tolerated. Participants also agreed that legislation per se will not change attitudes and mindsets so these should be accompanied by other efforts including adopting the right type of policies like flexible working.

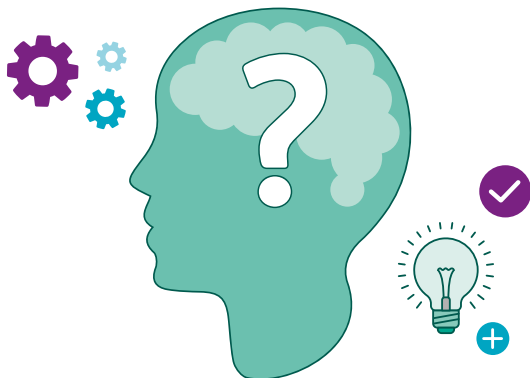
All participants fundamentally agreed that women must not be complacent and should take charge of their own careers given that the attitude of individual female lawyers can make a great difference in changing perception. A participant was very appreciative of her female boss because she gave her opportunities to work on tough cases and prove herself pushing her to be proactive: "Just say it! Put yourself out there, make noises." However, some participants also acknowledged that it is not every woman's ambition to become partner and that there are many other factors influencing career progression.

Research has shown that having women in senior positions can also help to implement real changes in corporate culture. Several participants have battled with the negative perception that female leadership styles do not fit corporate culture. However, a participant gave an example of a multinational corporation whose female CEO had spearheaded significant changes in corporate culture by increasing the number of women working in her team and by publicly announcing that recruitment was to be focused on young, local female talent. In that way, she monitored the latest promotions and kept track on the diversity ratio at each level as well.

Role modelling was recognised as very important so that women lawyers have female mentors to look up to. For this to happen, it is necessary to increase the visibility of female leaders to ensure that their achievements are acknowledged and to take advantage of the existing avenues such as social media, newspapers, radio, and TV.

More efforts should be made to get men to join the debate on flexible working to ensure long-term sustainable changes in traditional mindsets. For immediate results, male leaders must be made aware of these issues and must be persuaded to champion gender equality. A start could be to include male colleagues in outside of work activities, which can help to build better bonds between men and women in a respectful environment.

Participants concurred that women lawyers should not only create safe spaces to discuss these issues but should also conduct roundtables to continue raising awareness around career barriers that are typically faced by them.



Gender pay gap – barriers

The gender pay gap is a global problem and, when it comes to money, women tend to be more reluctant to demand salary increases and bonuses and, as a result, they end up being short-changed. Women returning from maternity leave might get penalised, risk having their pay downgraded, and/or are expected to make up the hours that they 'lost'. Many women end up working much harder after having children to ensure they are still perceived as relevant and useful to their business.

Ways of working can differ because of earlier life experiences, for example, men are encouraged from an early age to be part of team sports, where they learn the value of teamwork and working together for a common goal. By contrast, many women may not have been engaged in team sports at school, which could result in women being more individualistic in their decision making. The result is that men are often surrounded by a team that they have personally recommended or sponsored, whereas women who are climbing the ladder do not have as many people endorsing them.

Attitudes are changing. Managers are now realising that just because a male lawyer has been in the firm for a long time does not mean that they are the best candidate for a promotion, especially if there is a female lawyer more capable of handling the challenges of being a partner. Many participants stated that one of the biggest challenges for any female lawyer is getting the recognition for all the invisible work undertaken by them that adds value to the relationship with clients. Several participants also remarked that men are better at marketing themselves, which is due to the difference on how both sexes are brought up, while women are often more modest about their accomplishments, which reflect societal expectations of young women and girls. A participant gave an example where a major bank opened a new office and many of the male candidates wanting to join claimed they were fit for the roles despite not having any experience. By contrast, many of the women who had more senior roles and better experience did not believe that they could do the job. This gives a mistaken impression that men are more capable of adapting to new positions than women.

Participants also concurred that gender stereotypes play a role in how women are perceived, for example, when women are confident or assertive, they are often disliked and labelled ‘bossy’; whereas men rarely get that label for the same kind of behaviour.

Some participants suggested that women spend less time in out-of-work activities due to their household responsibilities. Several participants also emphasised that women are perceived to prioritise (rightly or wrongly) looking after the family over their career ambitions and, by contrast, men would prioritise their business activities, including out of office activities, even if they have a family at home. This has an impact on the networking opportunities and business development between men and women.

Some participants agreed that women are paid less because they are not considered the breadwinners, which means that men would be able to negotiate a higher salary than women. If a woman is married to a wealthy man, questions are raised as to why she needs a higher salary because her income is seen as secondary. Male clients also justify negotiating a lower fee for female lawyers because they assume that women can afford to be paid a lower fee as they are not the breadwinners.

When it comes to money, women tend to be reluctant to ask for pay increases, bonuses and one-off payments and, therefore, they end up getting left behind men. The gender pay gap is an international issue.

IWIL roundtable participant

There were mixed opinions on whether governments should be pushing for gender pay legislation. Supporters of government legislation say that this would ensure a more transparent environment where firms and companies are accountable for their remuneration practices along gender lines. Others were reluctant to support government intervention for fear that men may perceive that women are only paid more because of legislation and not through merit. Participants also observed that most organisations would provide a range of salaries, which makes it difficult to identify whether there is a pay gap. Several other factors that could come into play include distance from workplace, working hours, profile, etc.

It was also agreed that women often fail to assert themselves as emphatically as their male counterparts and such tendency was counterproductive in bridging pay gaps. Participants concurred that women tend to be more passive when it comes to their appraisals and are willing to leave the assessment to their assessors, unlike men who would often put forward their achievements, salary and bonus expectations. However, it was felt that the younger generation of women lawyers are more likely to stand up since they are more attuned with existing market trends, more upfront about tabling their remuneration expectations and more confident in their abilities.

Gender pay gap – solutions

Participants agreed that conclusive views on pay practices is difficult due to the lack of evidence and data on this issue, which might be difficult to obtain because there is no legislation that compels pay gap disclosure and there are no surveys focused on this area.

While humility is a positive trait, participants concurred that it does nothing in terms of getting the right remuneration, so they must be prepared to be assertive and champion their capabilities and achievements when appraised. Participants also agreed that women should be more prepared to discuss their remuneration and must equip themselves with the right salary benchmark data before negotiating. Negotiating pay rises using the industry’s benchmark is a better method to achieve a higher rise than using the company’s average.

A participant remarked that many young women are not pushed, mentored, and/or advised about their career paths whilst men have been receiving such instruction from an early age. Her firm began addressing this issue by identifying internal female talent and finding the right people at the top to progress those individuals.

Government intervention (e.g. soft law, legislation) and publicising gender diversity of companies can create a more organic culture change without necessarily imposing any strict quota. On the other hand, without strict rules, business leaders may not make the necessary changes as they may not think it necessary for their investments or share prices. The participants ultimately agreed that legislation would at least compel companies to ensure fair remuneration regardless of gender.

Finally, participants agreed that mentoring, sponsorship, networking, business development training, team building exercises such as playing a sport, and awareness advocacy would go a long way in strengthening women's partnerships.

Flexible working – barriers

Participants remarked that flexible working was necessary to establish a work-life balance. Although flexible ways of working are increasingly being adopted, it is not always available to certain practice areas such as litigation. For an in-house lawyer, flexible working may also be problematic as they mainly deal with internal clients and meeting them requires a presence in the office. Participants agreed that even though work-life balance may be perceived as a feminine solution, it is also beneficial for men.

The attendees were aware that flexible working could be abused. It was noted that many organisations equate productivity with billable hours, which is no longer the most appropriate measure.

One participant shared that, after the birth of her second child, she negotiated for an increase in flexible working hours. This flexibility was not available to all staff in her organisation and she appreciated her manager's efforts to provide this facility for her team. For the rest of the organisation, flexible working was not officially considered company policy. When the participant was offered an upward career move in-house, she negotiated flexible working hours so she could finish at 16:00. However, she found herself side-lined and not considered for promotions and, when she discussed the issue with her boss, he explained that she could not be promoted because she was not seen as being committed to her job. Her colleagues also felt inconvenienced because they were under the impression that all discussions and decisions should be made before she would leave the office. She felt negatively judged but, as she moved up the ranks and became more influential, she displayed dedication to her work and gained respect from her colleagues and peers. Her performance eventually changed people's perceptions of her flexible working. That is why, for real change to take place, the leadership of the organisation must lead by example so that perceptions change, and messages start trickling down.

A contrasting example was given by another participant who ended up working longer hours, even though she was working from home, because she was expected to join conference calls at any time. She said that there is also an assumption that you should be paid less if you work flexible hours. Another participant concurred saying that, when she adopted a three-day week, she was technically working for three days but effectively doing five days worth to make up for the days she was not working. Her male colleagues were working normal hours and would take their lunch and smoking breaks so, in the end, they would work less time, but they would still get a full-time salary.

Flexible hours should not be used as an excuse to downgrade salary.

IWIL roundtable participant

Participants said that female lawyers with children often employ maids to assist with the housework, but men would still expect their wives to look after the household. If any of the housework was not done, the husbands would still ask their wives to instruct the maid, which illustrates the double burden on women.

Flexible working – solutions

Participants were of the view that flexible working practices should be equally available to both men and women. This would help ease the burden on women whilst allowing them to grow in their own careers. Men, in turn, would also have help in sharing the financial burden and would enjoy more time with their children.

The government needs to legislate flexible working hours to ‘fast-track’ change so that women do not have to struggle with the weight of social and cultural expectations. Once these become standard practice, they can be passed down from generation to generation, as male role models would be employing more progressive practices.

Flexible working requests should be met with an expectation that the work should get finished and deadlines are still met. For example, a multinational company made a deliberate decision to move to agile working. The corporate group embraced flexible working in their offices in London, Singapore and Shanghai. Nobody was allocated a permanent desk and, as the company adopted activity-based practice, people could choose where they wanted to work regardless of the activity they were doing. Staff remained connected because the company had invested in technology and equipped the work spaces with the necessary tools, including Skype, and they were encouraged to switch on the video mode during conference calls to boost interaction among colleagues. Output-based working promoted better implementation of flexible working hours, which also encouraged staff to take ownership for the delivery of their activities. Team leaders were trained to manage team working remotely to ensure that

the company was getting the right outputs in a timely manner. Team leaders made it a point to communicate correctly, display and demonstrate the right attitude and behaviours so everyone was mindful of their duties and responsibilities. Agile work was also promoted as something benefiting both men and women.

A participant gave another example of a tech company where staff are leading a ‘nomad lifestyle’ through hot-desking and are output driven. The general counsel expects staff to integrate some type of work-life balance and the company has invested in good IT infrastructure to support the on-the-go work mode. When her employees request flexible working, she always asks them: “What are you trying to achieve? Are you trying to spare two hours to have dinner with your family and put the kids to bed?” In her view, this is easily solved through better time management and not through flexible working hours and, if her employees deliver the outputs on time, she is not concerned what hours they would work. However, she never discounts anyone in her team who wants that flexibility in return for a lower salary.

Work should be considered just one component of a person’s life because if you are happy as an individual with a good work-life balance, businesses will reap the desired outputs. It has been demonstrated that flexible working can work in companies with a 24-hour service schedule and could work for those located in different parts of the world and different time zones. Flexible working is not ‘a woman’s thing’ but a business imperative for a happy and productive workforce.

Europe



Europe IWIL roundtables:

Number	Country	City	# of IWIL roundtables	# of attendees
1	Belgium	Brussels	1	15
2	Croatia	Zagreb	1	25
3	Italy	Rome	2	40
4	Portugal	Porto	1	14
5	Ukraine	Kyiv	1	30
Total	5	5	6	124

Unconscious bias – barriers

- **Gender traditional roles and stereotypical attitudes directly affecting women**

Traditionally, women were discouraged from entering the law because it was perceived that a woman's job was to be a mother, so people asked: "How could she possibly do both? If she becomes a partner at a law firm, how could she manage family life? Would she be neglecting her children?" At home, she was to focus her efforts in supporting her husband, making women financially dependent on men. More recently, participants have noticed that, although there is an increase in economically independent women, the burden of household responsibility is still seen as a woman's issue, forcing women to limit their aspirations. This traditional mindset is still ingrained in society and is not confined to the legal profession.

Some participants said that unconscious bias training can reinforce biases and, if not handled properly, can make people feel criticised and become defensive, which can further entrench bias. Participants have heard some people opposing unconscious bias training because they cannot see that their behaviour is problematic or biased. Participants also said that unconscious bias training and awareness-raising activities may not be seen as having any value given that there are no financial benefits associated with it.

Participants debated how to support staff, particularly junior staff, to report issues relating to unconscious bias. It was felt that human resources departments might not be the best place to go since some senior staff are seen as untouchable. There seems to be an absence of appropriate procedures to allow staff to complain and feedback on unconscious bias, but there is also a lack of effective procedures to feedback these concerns to senior staff.

Most businesses are led by men and gender inequality and work-life imbalance are issues experienced at all levels in the workplace. Therefore, it is important having male champions for change who can provide good examples and a more progressive leadership approach. A participant said: "Our general manager put as his strategic goal that he wanted to increase the number of women in his executive leadership team. I initially thought this

was odd because it was normal for me to see men at the highest management level. However, a member at the top recognised that this was an issue and I realised how significant it is to have a top manager leading transformative changes."

Participants agreed that women can be biased towards one another. One roundtable member commented: "I noticed this bias for the first time on myself because I was educated to accept that a male authority was better than a female authority, only because it was imprinted on me from my childhood." Some participants felt that female lawyers can be very competitive and aggressive when dealing with other women – several participants said: "We can be our own worst enemies." Participants discussed whether pressure to emulate archetypally 'masculine' traits has led to this unconscious bias and there is difficulty in unlearning these behaviours.

There is a female bias towards our own sex.

IWIL roundtable participant

A participant said that lawyers often hire people like themselves, which limits diversity in the workforce – a consequence is that teams can potentially lack different ways of thinking and/or approaching problem solving. Another participant experienced negative responses from clients in certain industries (e.g. engineering) in which they were said to have doubts about her competence in that field.

Women may be less assertive when negotiating fees with clients, as shared by a participant: "I share my office with a male colleague, and I have heard how he speaks to clients – he sets out his terms and prices – but the same approach is not possible for women as clients are always trying to negotiate our fees down by playing on your emotions."

Many participants agreed that women are having to work harder just to achieve the same as men, so women need to take control of their careers, empowering one another in the process ('be the change you want to see').

Participants also agreed that female lawyers must learn to market themselves better: “I was not even aware how much work I did, and I needed to be reminded of this.”

- **Stereotypes inhibiting pregnant women and women with children**

Unconscious bias on issues such as flexible working also affects men. A participant shared that a male relative requested parental leave, but his wife and mother were shocked because there was no reason for him to take leave – they were worried about his career and how this would be affected. However, his female boss was very supportive and had no problem with granting it.

As a working mum I have experienced both pity and criticism that I have left my child at home with someone else, particularly when they are sick and I have come to work – I have even been openly called a bad mother for returning to work.

IWIL roundtable participant

Several participants said they have been compelled to go back to work shortly after giving birth to show that they were still productive, committed, and relevant – a participant said: “When I had my second child, I was told by my boss that I was no longer able to work flexibly. I tried to show that my productivity was not suffering in any way, nor the time that I was in the office.”

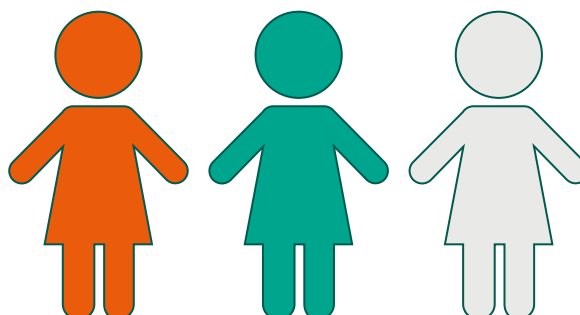
Participants remarked that women lawyers are also exposed to inappropriate comments with a participant commenting that she had been on a call with partners and someone had made the comment that she was behaving like their wives because she ‘was nagging at them’ to make a point. Some of the participants noted that during job interviews they had been asked about their marital status and if they had children, which they considered totally inappropriate.

A participant stated that it was difficult to bring in new clients as networking with clients usually happens in the evening and involves going out for drinks or dinner. Participants agreed that this put them at a disadvantage as it was easier for a male lawyer to ask a male client for drinks than for a female lawyer to take a male client out for drinks.

Unconscious bias – solutions

Participants are aware that women have been compelled to set up their own firms as a way of achieving certain flexibility and to provide an environment tailored to the needs and ambitions of women lawyers. A participant noted that her firm has mostly female partners, including her managing director, which has contributed to a female-friendly working environment and they have also managed to adopt the right policies.

Participants noted that while it is important to receive training on ‘unconscious bias,’ it is also vital to demystify ‘assumptions’ and training on these areas must be interactive so that learning can be embedded through practice. Feedback on unconscious bias needs to be anonymous and there should be systems in place to ensure any issues are effectively dealt with.



Clients have started putting pressure on firms to eliminate unconscious bias, which can help to make gender equality a 'unique selling point' (USP). For example, clients choosing to work with female lawyers are doing so on merit and vocalising this would be extremely helpful to exercise influence and generate change. Businesses seem to be more aware of gender inequality, but it is less likely that these questions are being raised in the legal profession.

Process-based improvements such as blind recruitment, balanced panels, building an inclusive culture and peer group pressure can help overcome unconscious bias. It is important that 'housework' within firms is measured to ensure that all contributions are considered.

Role modelling is very important for all participants because if you want to change specific practices you must walk the talk; for example, female leaders could leave the office early on Fridays to help others feel that they can do this too and explain why this is important.

Participants had mixed views about quotas for women. Some felt that having the system in place may risk losing the focus on talent and end up undermining women as people would question whether they got the position on talent or because of the quota. Others felt that there is no real equality or meritocracy in the legal profession so the quota system could help to balance the existing inequality and bring opportunities to redress changes in mindsets.

Small firms make up a lot of the profession, but they do not have time or resources to address these issues. How can they be supported in improving diversity and equality? Some ideas for increasing support to improve diversity and equality included the teaming up of smaller firms with larger firms to share ideas. For example, a mentoring scheme could encourage strong partnership between senior and junior women from law firms of different sizes to share experiences and exchange expertise.

Some participants felt that women-only events risked a negative reaction from male partners and add to gender tensions. However, participants also commented that up to now, the legal profession has been dominated by men and it is only relatively recently that women have started making headway. A decade ago, for example, it was common to see male-only panels and, even now, some people would say that they are finding it difficult to find female experts. Running events that allow men to discuss issues around paternity policies, flexible working and other issues is also important to achieve gender equality since this is not a woman only issue.

Gender pay gap – barriers

Reporting on the gender pay gap is a relatively new process and the basis on which reporting is done is not standardised, which can cause uncertainty on how to interpret the reports. In some jurisdictions, the information is simply unavailable. Participants concurred that, when it comes to salary and bonuses, men are perceived to be more assertive whilst women are either accused of being confrontational or are too timid to ask. Several participants said that male lawyers at associate level usually asked for a salary increase on the basis that they have a family to care for and, as a result, end up earning more than their female colleagues. Another participant noted that men were more likely to get what they asked for, which was often a salary increase or a promotion, but this was not as simple for women. A participant said that this was not an issue in her firm as her salary and bonuses depended on how much work she brought to the firm. Others thought that bonuses depended on how valuable you were to the law firm.

A participant told us: "I never had a problem with working hard, and both female and male colleagues always encouraged me to work long hours and weekends. My problem has been getting credit for the work delivered, obtaining the appropriate remuneration, and a well-deserved promotion. I also observed that women lawyers with many years of experience had a pay gap from the start, which was quite discouraging. I was also told that, when negotiating a fee with a client, a male partner would have to come with me because he would be listened to. I also remember working on a case all evening with other women, preparing the final details of a big contract to deliver it to a client in the morning, while all the guys were in the bar celebrating and eating steak!"

Gender pay gap – solutions

Participants remarked that there has been a degree of improvement and transparency in the reporting across Europe, including a general willingness for businesses to be held accountable on the gender pay gap. However, businesses can do more here to influence positive change.

According to participants, men should be included in the discussions and have been very receptive when the issue is framed in business terms. For example, a law firm has developed a ‘Women on Boards’ programme which: (i) explains to men how gender inequality is a business problem for the firm; and (ii) provides specific training for women to take up positions on the Board of Directors.

It is also important to gather the necessary evidence in order to advocate for the elimination of the gender pay gap. In some jurisdictions there is no data available and this research can be done with the involvement of the relevant law society or bar association.

Flexible working – barriers

In the past, flexible working or working from home was uncommon and partners would only relate to those people working in the office, which means that an institutional cultural shift is needed to successfully integrate this practice in the workplace. Some participants acknowledged that more needs to be done to strike a work-life balance since it is a human need to look after our family life, our physical and mental well-being, and our careers. However, there is still a stigma attached to working flexibly because it can be equated to lack of commitment or unwillingness to work hard – a participant said that: “The worst employees work from 08:00-16:00 and leave on the dot.” Some participants also commented that if you want to work flexibly, you will not get the promotion, the bonus, or the salary raise. Moreover, in some jurisdictions, legislation requires having the right security measures in place: where you are sitting, the right lighting equipment, the laptop, etc. and this could be very expensive for the employer. Some participants also said that, if there was more flexibility, maybe unconscious bias would not play such a

significant role and the gender pay gap would not be so critical. Some participants acknowledged that they have been able to work flexibly since certain employers do allow it and international companies can still make these arrangements on a discretionary basis.

A culture of presenteeism dramatically affects the ability to work flexibly.

IWIL roundtable participant

Some participants noted that the application of ‘flexible working’ was not very transparent or open for fear of encouraging others asking for the same facility even though these arrangements are rarely abused. Participants also stated that flexibility (for example: working late nights, weekends, working while on holiday) is expected by employers but is often not reciprocated. In some firms and institutions, you are still not allowed to work from home but, when you are on holiday and there is an emergency, you are having to work 24 hours with total disregard of any regulations. Some participants have been able to finish work early and have been equally flexible by staying late at the office to finish designated pieces of work. But they noticed that, if they had a school meeting or an emergency at home, they were only allowed to leave early begrudgingly. A participant became mindful of her own practice: “I was annoyed at my associate because she was working flexibly on that day and was not in the office when I needed her but everyone else was. I decided to call her, and she picked up the phone. I suddenly realised that this could be me one day and that I needed to change my own mindset to avoid treating a fellow colleague unfairly. I also realised that I needed to leave the office early so that I could have a personal life outside of work.” Another participant stated: “Although we do not have flexible working hours in my company, as a head of department, I made the decision that, if someone has a sick child, they can automatically work from home. Both men and women are so grateful for this flexibility that they want to stay with the company and the team. I also noticed that my male colleagues

have used this facility more than my female colleagues. We need to change cultural mindsets and to have better understanding of the people working in our teams.”

Another participant said that, in her experience, flexible working was usually acceptable or available if you had a female boss and was dependent on your relationship with the managing partners at the firm. Another one noted that her managing partner had given her some leeway when her mother was diagnosed with a terminal illness and had been very supportive.

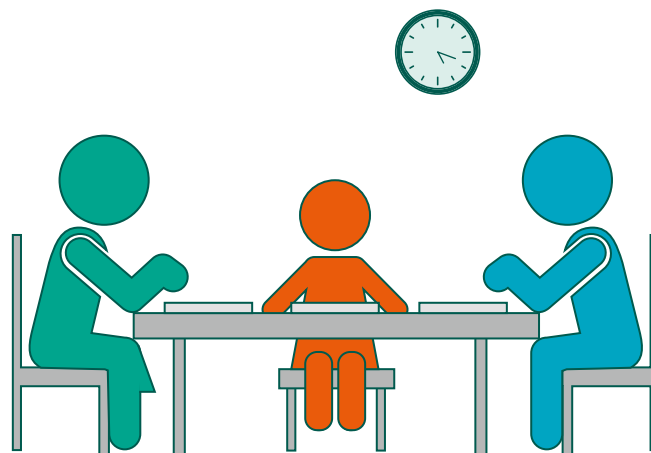
Finally, participants remarked that the hourly billing system does nothing to incentivise flexible working so this should be changed in order to accommodate, not only flexible working, but new developments in terms of technology, encourage loyalty and commitment, and to build trust and accountability.

Flexible working – solutions

Participants noted that more flexibility would lead to higher productivity levels, greater loyalty and commitment, increased trust and accountability and, most significantly, more successful female lawyers. In one jurisdiction, a firm obtained a certification, which requires firms to review the gender pay gap, flexible working policies, etc in order to be certified. The process created greater transparency and led to new policies to help work-life balance (e.g. parents of children up to 10 years of age can take their child's birthday off).

Participants also agreed that attitudes are changing because men, particularly millennials, are also changing their attitudes and want more flexible working for different reasons and dislike the idea of being in the office all the time. In some jurisdictions, women can leave the office at 17:00 to have dinner with their children before continuing to work from home. It was also emphasised that it is a choice e.g. some women prefer to work long hours from the office.

The legal sector needs to come up with new measures of productivity to be able to evaluate employees' / lawyers' work including increasing their understanding that some tasks require less disruptions and, working at home can be more productive in those instances.



Pacific



Pacific IWIL roundtables:

Number	Country	City	# of IWIL roundtables	# of attendees
1	Australia	Sydney	1	20
2	New Zealand	Auckland	1	20
		Wellington	1	20
Total	2	3	3	60

Unconscious bias – common barriers

- **Gender traditional roles and stereotypical attitudes directly affecting women**

Roundtable participants noted that there have been centuries of patriarchy, and some women have internalised this social structure and have had no choice but to conform. However, women are realising that they are not only part of the problem, but also can be part of the solution by breaking down barriers that are stopping them from fulfilling their potential. Participants felt that female lawyers should be focusing on the barriers to progression and aiming to get greater recognition of their contributions. However, there are still very serious setbacks. Some law societies and bar associations are undertaking work on gender equality and have created initiatives such as a gender charter, which is still relatively new and has yet to have its full effect.

One participant commented that her firm is a signatory to a gender equality charter but, her male partner told her that he had instructed a male barrister because: “It’s what we’ve always done.” Some practitioners had been asked by clients for a male lawyer: “I can choose to see a male doctor if I want to, why not a male lawyer?” Matters will not improve if comments made by senior counsels are patronising – a participant said that a senior counsel asked two female lawyers “If the ‘girlies’ would be able to junior him.” A participant stated: “Once I worked at a firm, which suggested hiring a male lawyer who was at the same level to an existing female partner but paying him more as he had a family to support. I was shocked.” A participant said: “I remember one time when I thought I was doing well as a barrister. Then, a junior secretary told me that whenever she put forward both my name and a male barrister’s name, the male would be selected. So, the secretary started alternating which name she put forward – mine or his. I would never have even known if it was not for this secretary, who not only told me but helped me as well.”

A practitioner shared an example of a male partner who realised that he was teaching women lawyers how to do the work, but the male lawyers to do the business. This

meant that, at the promotional interview, the man could speak confidently and at a deeper level of strategy than the woman, which exacerbated the social imbalance. In the family court, many judges and senior lawyers are women and there is a lack of men and, as a result, this is now considered ‘woman’s work.’ A participant also commented: “There are moments in the courts when I may say to the judge: I can’t do this in July as it’s school holidays; and this is considered contentious; whereas it’s not as contentious if a male says: I can’t do this in July as I’m going on a fishing holiday.”

Participants have also faced sexual harassment in the legal profession. A participant shared that a retired judge was accused of sexual harassment and assault against law students and trainees. At the time, survivors spoke to the university about this, but it was kept quiet because one of the women did not want to take this further. For decades, practitioners have grappled with how to deal with these situations when the victim does not want to take a sexual harassment case forward.

A participant shared that once she was organising a Christmas party when an events member of staff told her: “You know that we will not put any female staff in service as one of your employees has been so poorly behaved.” Another participant recalled that a male partner had told her he was concerned about hiring a young female barrister given the recent sexual harassment scandals hitting the legal sector and allegations of impropriety made against senior partners. All participants were concerned about this trend because women had found the courage to report sexual harassment, which had remained hidden for many years, and now they were at risk of losing employment opportunities.

Some men have admitted to struggling to keep up with change. One participant said: “Male lawyers have told me that they ‘do not know what is okay anymore’ when dealing with female lawyers at work. They ask me: ‘Is that okay?’ as they are unsure if they have crossed the line. Men are concerned about how to deal with inappropriate behaviours and older men are also struggling to reconcile their outdated gender models they had in place over the last sixty years.”

A participant also shared that on one occasion they were selecting who to instruct and a woman was put forward. “My male colleague said: ‘But, it would be nice to have someone with weight, on topic...’ and I said: ‘You mean a man?’” Another participant shared that, at a local government planning law conference, some men were talking about a potential female engineering expert. They said: “Sure, women are great, but there’s nothing like the real thing.”

Despite efforts to ensure equal compensation using objective criteria, the awards could be susceptible to unconscious bias or a weighting formula that favours men.

IWIL roundtable participant

Women are also continuously asked to undertake menial tasks. A practitioner shared that she told someone that their spreadsheets were not adding up and they said: “We will get the girls to do it” – the girls were his peers, fellow lawyers, not support staff. Practitioners also acknowledged that we must be conscious of other minorities. A lawyer of ethnic minority ancestry shared that she had been asked in court: if she wanted to see a lawyer, if she was a defendant, if she could start filling up the glasses. Participants commented that these comments reflect instances of unconscious bias against black and ethnic minority lawyers.

- **Stereotypes inhibiting pregnant women and women with children**

A practitioner was told that she had been side-lined for promotion when she mentioned that she was thinking of starting a family. When she raised this issue, she was told: “You won’t be a partner now, it’s too difficult” and that this decision was made in her best interest as she would be too busy. Other practitioners have never shared their personal situation (e.g. that they are married or

that they have children, or that they are trying to start a family) for fear of being left behind. During an interview about financing her practising certificate, the interviewers asked the practitioner: “How does your husband feel about this?”

Practitioners also agreed that there is a difference in perception in terms of childcare responsibilities: if a man talks about children, he is praised for being a family-focused father; if a woman talks about children, she ‘should be more focused on the job’. A partner was expecting a child and had asked that a trial be delayed by a month. This was rejected.

Drinking is also an issue in some jurisdictions where it is often a stigma not to drink, and you are viewed as an outsider if you do not. A practitioner recalled an instance when she went to dinner and a woman was not drinking, which resulted in the waiter enquiring if the woman was pregnant.

Some of the participants commented that the law is still seen as a ‘men’s club’ as often the deals are done in ‘men’s time’ such as when they are at the cricket or having a drink after work, which is restrictive for women since these are usually around school pick up time. Awareness and willingness to change is increasing but there is still a way to go and women end up missing out as this is not always their preferred way of socialising. As a generalisation, participants felt that women view business and socialising separately, whereas men tend to blur the lines – a participant commented: “There was once a situation where free tickets to the cricket were given out in the firm. Why not opera or something that I was interested in? It could help women connect with clients while having a good time.” Another participant commented: “I was put in a position where I was to meet a client outside work, but I felt the need to put boundaries around this situation as I had previously felt uncomfortable working with them. I didn’t want to walk away from an opportunity, so I went and pretended I had another meeting immediately afterwards. I feel obliged to set these kinds of boundaries and make back up plans when I do this type of out-of-hours work as it is hard for me to relax in this social situation. I am aware that my male colleagues of the same age do not feel this pressure or have the same responsibilities.”

Unconscious bias – solutions

Participants suggested training on unconscious bias alongside a series of steps that might help to deal with the problem at the screening stage of recruitment – for example, the use of software that removes identifying factors such as name, school, date of birth from work applications.

All participants agreed that the top management must show leadership by supporting efforts to achieve gender equality in their firms and institutions – a participant noted that at a conference, a senior barrister made a public comment about the lack of women speakers in the panel. He also said that it was not only a matter of gender equality but one of the top ten corporate risks, and failure to correctly deal with diversity and inclusion can create reputational damage that could harm the image of the business. Another participant shared: “Once I attended a Toastmasters for members in the finance industry and asked a senior member to be the ‘general evaluator’. He was the only man. At the time, he told me he felt ‘very humbled’ as ‘it was the only time in my life that I have been in a minority’ and, for the first time, was exposed to how women may feel.” Participants suggested that a way of dealing with the lack of women speakers is to have a rule that ensures parity of men and women on panels.

Reporting mechanisms and strong support systems must be in place to support women in the legal profession. Law societies and bar associations can play an active leadership role to achieve gender equality, making female lawyers aware of their options and opportunities. One company signed up to a gender equality charter and, within 18 months, they reached full gender equality in their tech department. Employers should also be made accountable for the policies they adopt since they can be held liable for the implementation.

One jurisdiction has adopted the ‘Charter for the Advancement of Women’ as a way of starting the discussion, and a space to influence for employers. This is ‘policed’ by holding ceremonies and awards for those who adopt and meet the requirements of the Charter, as opposed to negatively enforcing through punishment.

Gender pay gap – barriers

In one jurisdiction, an ‘Equitable Briefing Policy’ was introduced as a way of redressing imbalance regarding the allocation of cases. However, there is now a fear that this policy is now taking work away from senior male barristers and, consequently, some male lawyers have pushed back against it.

Women more often step up to do non-chargeable tasks, which could reflect poorly on billable hours.

IWIL roundtable participant

In many jurisdictions, gender pay is a very private matter including charging rates, which are not published. Some law societies and bar associations have undertaken research studies, which have found gender pay gaps across the board. Although things are starting to change, progress has been slow.

Gender pay gap – solutions

In some jurisdictions, transparency through disclosure of the gender pay gap have contributed to increased accountability and redress, especially among the magic circle firms. Similar initiatives can take place in other jurisdictions.

Initiatives also need to be put in place for the pay gap relating to maternity leave so as not to let mothers fall behind.

Flexible working – barriers

Practitioners shared that they are aware of many firms and institutions that frown upon or have refused paid parental leave for men, which does not help to share parental responsibility. Some more senior practitioners may not consider taking this facility so a review of parental leave packages must be reconsidered to provide incentives for uptake.

Unless a matter is urgent, there is no need for a rapid turn-around, which was probably only achieved by pressuring more junior colleagues to cancel their plans and stay late, and who will be disgruntled and won't be performing to their best.

IWIL roundtable participant

Those female lawyers with flexible working arrangements feel that they work more than their fixed hours in order to complete tasks, but they end up not being remunerated accordingly. Flexible working is also difficult in areas such as litigation since lawyers can't just say: "I'll file that tomorrow as today is my day off."



Flexible working – solutions

All participants agreed that a flexible working culture has the potential to transform the legal working environment for the benefit of both men and women. It is very important to distinguish between flexible working and parental leave to avoid creating confusion.

With globalisation and technology, businesses have changed their practices and the legal profession should be reflecting this change by being more flexible as well as educating clients about the need for more considerate practices. Participants said that our value as lawyers is that we take the time to research, draft and respond so sometimes it is necessary for our clients to know that it is in their best interests to reflect – sometimes the most effective way forward is not necessarily to act fast. Other comments by participants included:

- “Often clients are receptive if they know the hours involved and the reasons why.”
- “Once I was told that I couldn’t tell my clients that I was part-time because it would be detrimental to me. However, after some reflection, I told the client and I realised that we had the same interests e.g. I have school pickup at 15:00 as well.”
- “Once I heard a senior barrister tell a client: “Do you realise that this means the team will have to work over the weekend?” and “Can you please clarify the definition of ‘urgent’ as last time when we got the work to you, we received your ‘out of office...’ which was also supportive to the team assisting them.”

Some female lawyers have adopted ‘leaving loudly,’ letting people know that we are actively promoting and supporting flexible working and signing off.

Conclusions

Despite the progress made so far, it is evident from our findings that the legal profession is yet to undertake a coordinated and transformative global response that tackles the problem of gender inequality in legal services. Until then, equal opportunities are likely to continue to be an aspiration for both men and women, but particularly for women, who are directly affected at different degrees and at different levels from this imbalance. Through the global quantitative survey and qualitative data gathered, the Law Society intended to undertake an introspective snapshot of the main perceived and actual barriers to women lawyers fulfilling their potential within the legal profession. The quantitative and qualitative data confirm that many issues remain to be resolved.

Conscious and unconscious bias were themes that came up in varying degrees at roundtables across all regions. Both conscious and unconscious bias are widespread and require systemic changes in social structures, which in turn requires a strong political will through legislation and policies, training and awareness raising campaigns. Legislation and policies on their own will not change attitudes and mindsets, but they are very significant in sending the right message and establishing standards that gender biased attitudes and behaviours would no longer be tolerated.

A woman's social background, her marital status, age, and having children were reported as factors still playing a role in how women feel they are perceived within the legal profession and how their career progresses. Many women reported having to work harder to achieve the same as men, despite having the same or more qualifications, seniority, experience, and backgrounds. To fit in, some women have had no choice but to adopt masculine traits, which is unacceptable for a legal profession that is investing a great deal in increasing diversity and inclusion. In that regard, it is essential to have the senior leadership in the legal sector on board so that these changes are not only sustainable, but also taken seriously by all staff including management.

Moreover, all the regions described instances of bullying and sexual harassment, and formal reporting was very low for fear of the status of the perpetrator, fear of retaliation, fear of embarrassment and stigma. Participants emphasised that a sexual harassment complaint could end up finishing their career prospects, potential promotions, or getting a 'reputation' as a

whistle-blower, even if these incidents might be endemic in the workplace. These reports are consistent with the findings released by the IBA's Legal Policy & Research Unit (LPRU) and Acritas in their 2019 report entitled: **Us Too? Bullying and Sexual Harassment in the Legal Profession.**

It is also very concerning that women lawyers demanding fairer treatment are being routinely discriminated for speaking out and labelled as troublemakers, which directly affect women's chances of progressing in their careers. Women lawyers must begin building alliances among themselves so that they can support each other and build each other up to stand in solidarity with their fellow lawyers, creating a global sisterhood.

The legal profession is also driven by clients, who can be powerful and positive drivers for gender equality, especially businesses or in-house legal teams that place a great significance on diversity and inclusion.

Unconscious bias solutions

The legal profession will achieve gender equality when women have equal opportunities to men, which will require initiatives including training the new generation of lawyers to be aware of and to actively counter outmoded cultural norms and gender inequality. Therefore, the first step is acknowledging our own conscious and unconscious bias and undertaking the relevant training to eliminate it, which must be interactive so that learning can be embedded through practice. In addition, there should be an anonymous procedure in place for reporting unconscious bias to ensure that it is effectively and swiftly dealt with. A systemic review of how performance is measured can be beneficial for the legal sector so that all relevant parties have transparent and gender-neutral processes to assess staff performance.

To have meaningful impact, gender equality must be driven by the leadership of the firm, business, or organisation. Leaders must be forward looking and transformative, rather than tokenistic, with men joining the debate to ensure long-term sustainable changes. Changing mindsets and attitudes are imperative for eliminating conscious and unconscious bias and the involvement of men is crucial to adopt relevant policies such as parental leave and flexible working.

Furthermore, law societies and bar associations can also play a significant role in leading and supporting gender equality discussions and initiatives. For example, some jurisdictions have already set up their own 'Women's Forum' or 'Women's Division'. Law societies and bar associations can also take an active leadership by raising awareness among female lawyers aware of their options and opportunities.

Increasing the number of women in leadership positions is a significant step so that the work undertaken by women is more visibly showcased to colleagues and clients, using avenues such as social media, newspapers, radio, and TV. Having a greater number of female leaders will contribute to the availability of female role models so that women lawyers can access female mentors. Women lawyers must continue boosting their professional development and build their self-confidence by creating and/or seeking programmes that offer mentorships, networking opportunities, and learning spaces. In addition, women lawyers can team up to push for better internal policies from both a gender equality as well as a business perspective.

The adoption of anti-discrimination legislation will send a strong message that gender discrimination is not to be tolerated. Legislation per se will not change attitudes and mindsets so these should be accompanied by other efforts including adopting the right type of policies like flexible working. Although there were mixed views about quotas for women, it is important to acknowledge that there is no real equality or meritocracy in the legal profession so the quota system could help to balance the existing inequality and bring opportunities to redress changes in mindsets.

Finally, the IWIL roundtables facilitated networking opportunities for women lawyers allowing them to develop linkages with other women in the profession in a way that it is safe, productive, and confidential. A significant outcome of the IWIL roundtables has been to develop a space where women learn to champion, support, and mentor each other across jurisdictions, rather than feeling isolated as 'if it is only happening to them'.

Gender pay gap

To eliminate the gender pay gap, any type of remuneration (e.g. wages, bonuses, promotions, fees, salary) must be based on gender equality principles and on merit, applicable to both male and female lawyers without discrimination. Establishing clear criteria for calculating such remuneration will increase transparency and confidence in the decision-making process. Criteria could include qualification, performance, achievements, talent, role, customer satisfaction and level of seniority. Productivity must be output-led and new ways of assessing performance must be introduced to ensure that competence is rewarded, regardless of gender.

Research and data gathering are essential to put forward solid evidence of the existing gender pay gap. This information, together with the necessary advocacy, can help to influence changes in the medium and long term. Advocacy could include building the 'business case' alongside the 'gender equality case' for closing gender pay as well as bringing clients on board as allies, so that they can also champion these changes.

Women should allocate time preparing for their appraisal meetings and promotion discussions. Preparation could include systematising their achievements, researching for clear salary benchmarks as well as keeping their skills and knowledge up to date.

Seeking advice and support from senior trusted colleagues on level of salary and interview techniques can also be beneficial to build confidence.

Flexible working

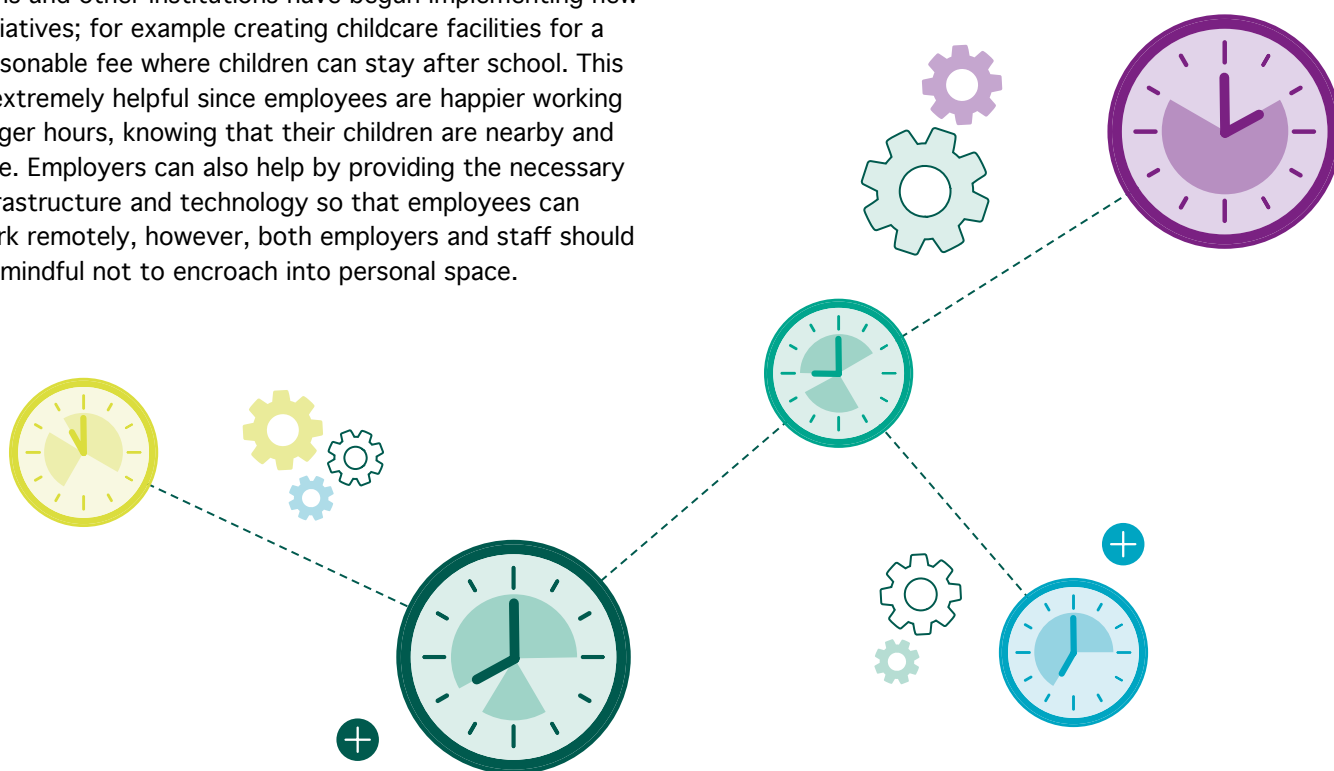
In some jurisdictions, flexible working is a relatively new concept, which requires a shift in the traditional office-based mindset, and a great deal of advocacy and influencing is still needed for this practice to become mainstreamed. A flexible working culture has the potential of transforming the legal sector for the benefit of both men and women. Notwithstanding, flexible working and parental leave must not be confused.

There are clear benefits from flexible working – it can improve productivity, increase performance, and attract new talented lawyers to the firm, business or employer. Flexible working can also increase work-life balance, making staff happier, highly committed, more motivated, and loyal to the business. This can in turn assist with staff retention and in reducing recruitment costs.

Government legislation can potentially assist to ‘fast-track’ flexible working as a new practice and, once this becomes standard, it can be passed down from generation to generation. In addition, acknowledging the efforts of employees, firms and businesses by highlighting the benefits of new initiatives and good practices can help to keep them engaged and motivated. Some law firms and other institutions have begun implementing new initiatives; for example creating childcare facilities for a reasonable fee where children can stay after school. This is extremely helpful since employees are happier working longer hours, knowing that their children are nearby and safe. Employers can also help by providing the necessary infrastructure and technology so that employees can work remotely, however, both employers and staff should be mindful not to encroach into personal space.

Moreover, encouraging men to adopt flexible working can help to mainstream these practices and would alleviate the double burden women face in caring for their careers and their families. Male champions and senior leaders are pivotal in mainstreaming flexible working, especially those who want to take advantage of parental leave, so that staff feel more confident in requesting it.

Output-based performance can help to reassure employers that, albeit flexible working arrangements, the work will get done and deadlines will be met, which in turn will encourage staff to take ownership for the delivery of activities. Encouraging collaborative working can also be a good strategy so that female lawyers can team up to cover each other’s work, especially during maternity leave, and this can encourage team building as well as greater understanding between them.



Recommendations

Understanding the global barriers limiting the career progression of women in the legal sector is a significant first step for addressing gender inequality and the wider efforts around diversity and inclusion.

Bar associations and law societies are perfectly placed to encourage their members to adopt and implement policies that tackle gender inequality, address unconscious and conscious bias and promote flexible working and improved work-life balance. Moreover, these professional organisations can play a role in catalysing changes within their own jurisdictions, training the new generation of lawyers to be aware of and to actively counter gender inequality.

The political will and commitment from all relevant stakeholders including firms, businesses, clients, bar associations and law societies are essential ingredients to ensure the successful progression of women in the legal sector. In addition, all key players should commit to begin raising women's reputation and profile so that the work undertaken by them is as visible as their male counterparts.

In this section, we suggest some practical solutions that can be applied in any jurisdiction to a greater or lesser degree, given regional variations. Moreover, different jurisdictions, firms, businesses and organisations are at different stages of their gender equality journey and progress will be dependent on political will and resources to implement best practice solutions.

Men as champions for change

The obstacles and barriers faced by women are not always well known or understood by their male colleagues, an issue which we can begin addressing by organising 'Male Champions for Change' roundtables. Most leaders in the legal sector currently (and historically) are men who can play a significant role in achieving greater gender balance. Many male leaders from across the sector, including in-house and private practice, are committed to act and lead by example, by speaking up and holding people acting their stereotypical views accountable and encouraging others to do the same. It is also essential to have visible role models, both men and women, from across all levels of the business to encourage changes in practices and to challenge bias.

In addition, encouraging men, and particularly male leaders, to be agents for change can lead to concrete, effective and measurable actions to address gender inequality. For example:

- Refusing to participate in all-male panels (e.g. at conferences, in boards) and sourcing female contributors.
- Reviewing working practices and taking actions to deter gender bias and other inappropriate behaviours.
- Ensuring that equal numbers of both male and female candidates are considered for all significant opportunities.
- Monitoring the success rates of recruitment, progression, work allocation and access to training.
- Actively countering conscious or unconscious bias, presumptions and low expectations of colleagues based on their gender.

Zero tolerance for sexual harassment

Participants shared their reluctance to speak up about their experiences because doing so would make their situation not only more difficult, but would prevent them from any chance of career progression. In most jurisdictions, sexual harassment is illegal and female lawyers are equally protected by the law. As a profession which strives to uphold justice, the legal sector needs to be at the forefront of the fight against sexism and sexual harassment in the workplace.

Women supporting other women

Roundtable participants consistently cited the problem of women not promoting and supporting each other. There is a pressing need for this to change. Although this may seem a cultural issue, businesses, firms and in-house teams can take steps to:

- Create forums and peer groups that encourage collaboration.
- Increase networking opportunities with different women from other areas and levels of the business and/or institutions.
- Organise more international women and the law roundtables to generate further understanding among women so that they can jointly look for solutions and share experiences.

Targets and quotas

A quota or target-based system could help to re-balance the existing inequality and bring changes in mindsets. Generally, targets are perceived as a positive measure, which help drive talented and capable women to senior positions when they would otherwise be overlooked.

Values-based business and development

Transparency, communication and trust are important for employees alongside the ability to speak honestly and openly within organisations for ensuring that all staff feel valued and preventing a culture of silence. Open dialogue can extend beyond diversity and day-to-day business needs; discussions can range from remuneration and promotion to work-life balance.

Leading from the top and by example

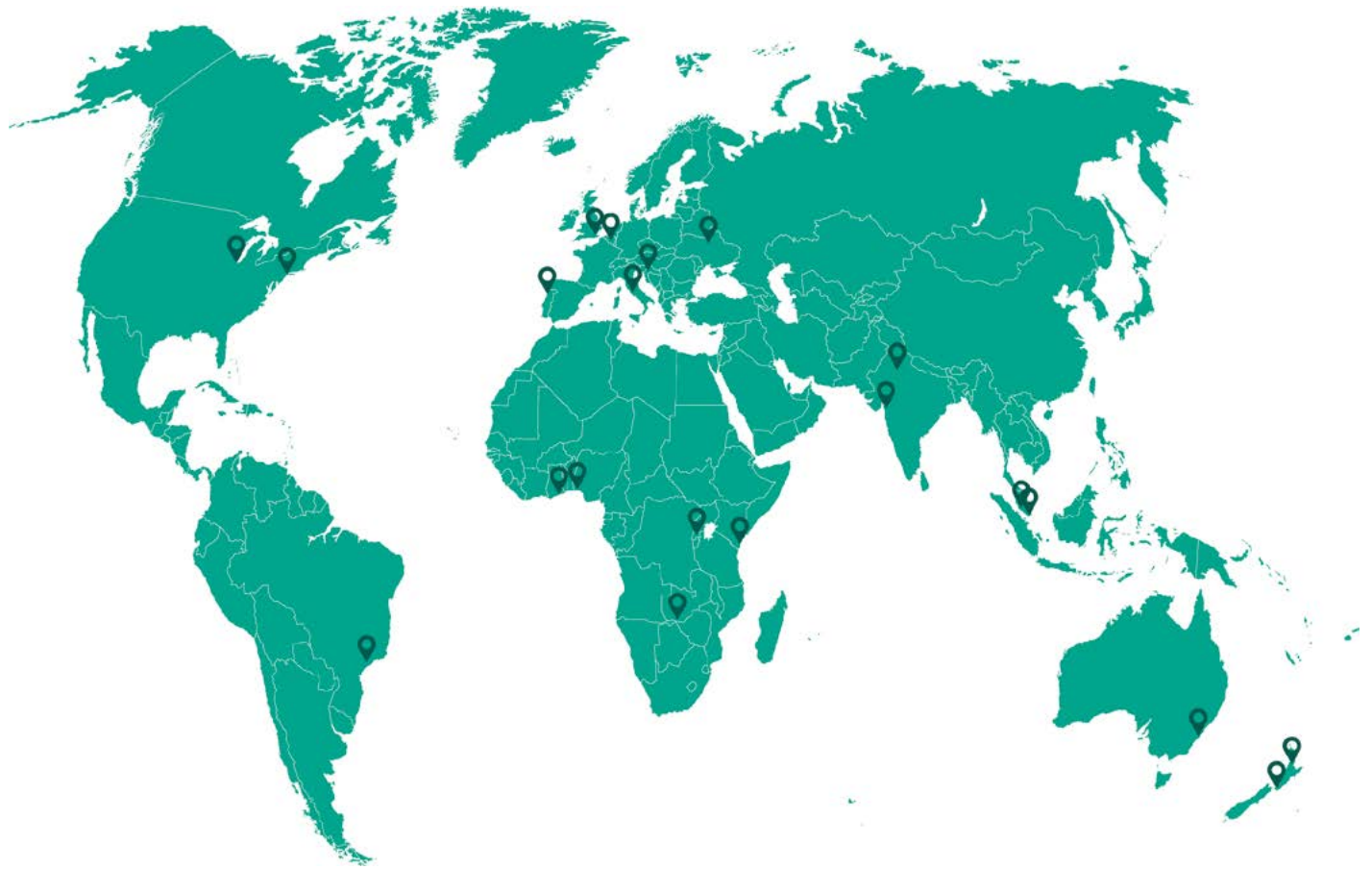
Within the legal profession, standards of professional behaviour and ethics are commonly set at the top, so it is crucial for leaders to be aware of their bias to prevent from influencing business decisions and colleagues alike. If leaders can demonstrate their support for strategies that develop inclusive workplaces, best practices will be more easily adopted including increasing accountability in the business.

Recruitment and selection processes

Law firms, business and in-house legal teams should be committed to making decisions purely on competencies, quality and attributes of the individuals involved. This should ensure that your recruitment and selection policy and practice does not adversely impact on any specific group(s) of candidates, e.g. collect and analyse data on various protected characteristics and conduct annual audits to consider recruitment success rates at each stage (applications, shortlisting, and appointment).

Annexes

Annex 1: International Women in Law Roundtable Tracker



Number	Country	City	Number of roundtables	Number of participants
1	Australia	Sydney	1	20
2	Brazil	Sao Paulo	3	93
3	Belgium	Brussels	1	15
4	Croatia	Zagreb	1	25
5	Ghana	Accra	2	35
6	India	New Delhi Mumbai	3	53
7	Italy	Rome	2	40
8	Kenya	Diani	1	32
9	Malaysia	Kuala Lumpur	1	20
10	New Zealand	Auckland Wellington	2	40
11	Nigeria	Lagos	3	41
12	Portugal	Porto	1	14
13	Rwanda	Kigali	3	63
14	Singapore	Singapore	2	45
15	UK	London	1	15
16	Ukraine	Kyiv	1	30
17	United States	Chicago New York	5	118
18	Zambia	Livingstone	1	13
Total	18	21	34	712

Annex 2: International Women in Law Roundtable Hosts and Supporters

1	Abreu Advogados	18	KLA Advogados
2	American Bar Association Commission	19	Law Society of New South Wales
3	American Bar Association International Section	20	LexisNexis
4	Apex Law Consult	21	Lagos Court of Arbitration
5	British Embassy Kiev	22	Mundie Advogados
6	British Embassy Zagreb	23	New Zealand Law Society
7	Croatian Association of Women in the Legal Profession	24	PSA Legal
8	Debevoise & Plimpton	25	Rwanda Bar Association
9	DLA Piper	26	Rwanda Bridges to Justice
10	Equity Juris Chambers	27	Stephenson Harwood
11	International Action Network for Gender Equality in the Law (IANGEL)	28	SunStream Consulting Group
12	IDEX Legal	29	The Commonwealth Lawyers Association
13	Institute for the Inclusion of the Legal Profession	30	Trilegal Law
14	International Bar Association Women Lawyers Interest Group	31	Ukrainian Bar Association
15	Inter-Pacific Bar Association's Women Business Lawyer Committee	32	Ukrainian National Bar Association
16	Kelley Drye & Warren	33	Velloza Advogados
17	Kenya Law Society	34	ZICO Law

The Law Society is extremely grateful for the support offered by the International Bar Association (IBA) Women Lawyers' Interest Group and LexisNexis on this project. We look forward to continuing to work closely to keep momentum and maximise our collective impact.



For more information about the Law Society's International Women in Law programme, please contact **Lizzette.RobletodeHowarth@LawSociety.org.uk**

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