

**Analysis and proposals  
of Catalonian women  
lawyers to promote  
gender equality  
in the legal sector**

**FINAL REPORT**



**The Law Society**  
of England and Wales

**21<sup>st</sup> April 2022**



**The Law Society**  
of England and Wales

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# Acknowledgments

# Acknowledgments

“ This is the first research project and the first report of its kind to look at the experiences, challenges, and solutions of Catalonia women lawyers with the aim of advancing gender equality in the practice of law. This project was successfully implemented despite the extraordinary circumstances created by the pandemic.

The Law Society and the Comissió de Dones Advocades of the Barcelona Bar Association (ICAB) are grateful to the 297 respondents, who participated in our survey conducted between February - March 2021, for sharing their views. We extend our appreciation to all the individuals, organisations and networks that shared and disseminated our survey, for their invaluable contribution.

We also acknowledge and recognise the willingness and openness of 35 women lawyers from different organisations, including firms (national and international), companies (national and multinational), and governmental organisations, who participated in 4 roundtables that took place during the months of September and October 2021 at the ICAB headquarters in Barcelona.

We also express our thanks to Professor Sara Chandler QC (Hons.) and María Palomares (Partner, Hansen Palomares) for their contributions to the Spanish version. The leadership of ICAB Dean Emeritus María Eugenia Gay has also been invaluable as well as the vital support of ICAB staff.

The Law Society also owes a debt of gratitude to lawyer Andrea Accuosto, member of the Committee of Women Lawyers of the ICAB, who personally took on the responsibility of implementing the activities of the project in Catalonia, with the significant support and contribution of lawyer Georgina Dell' Acqua, as well as the members of the Comissió de Dones Advocades.

Finally, we acknowledge the contribution of Lizzette Robleto de Howarth, International Programmes Manager at the Law Society, for designing the methodology, leading the research, and authoring the final report.

*The lack of promotion of female middle managers impedes the upward flow of women into senior positions in organisations. (Anonymised comment)*

*There is an unconscious bias within the profession that prevents the selection or recruitment of those who do not fit a certain image. (Anonymised comment)*

*Doing flexible work is not a gender issue: anyone could do it without having to justify it and without being disadvantaged by it. (Anonymised comment)*”

# Messages Authorities

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## Message from the Law Society President

“ The Law Society is proud to have supported the second country-specific research project\*, and the first in Catalonia, together with the Comissió de Dones Advocades of the Barcelona Bar Association (ICAB).

This report is ground-breaking in that it captures and frames the experiences, challenges, and solutions of women lawyers in Catalonia. The Law Society together with ICAB, as well as the survey respondents and roundtables participants, worked hand in hand for the successful completion of this project, in spite of the extraordinary circumstances created by the pandemic, demonstrating a shared commitment to achieving real gender equality.

We have been privileged to hear from a wide range of women lawyers, at all stages of their careers, all united by a shared desire to overcome the outmoded barriers that threaten to stand in the way of their futures. We cannot allow the progress we have made to be rolled back. We must continue moving forward and support other women lawyers around the world to break the glass ceiling, so that they can practice law and live their lives without fear of stigma, exclusion, or violence.

This report provides a snapshot of the experiences of women lawyers in Catalonia in the hope that there is a clear and forward-looking pathway for a successful future. Many of the report's findings reflect previous research we have done in this area, including challenges that obstruct and prevent access to opportunities for women in the legal sector. The legal profession must act more assertively and lead by example, taking serious steps to bring about transformative change. We all have a role to play in advancing this important work.

*I. Stephanie Boyce  
President  
The Law Society*”

\*Note: The first country-specific research project is Guatemala, which was published in March 2022

# Message from the Dean of the Barcelona Bar Association (ICAB), Jesús M<sup>a</sup> Sánchez García

“ For the Barcelona Bar Association, it is a source of great pride that ICAB’s Women Lawyers’ Commission has pushed forward, together with the Law Society of England and Wales, the research project “Analysis and proposals of Catalonian women lawyers to promote gender equality in the legal sector”, gathering and drawing on the experiences and reflections of hundreds of fellow women lawyers, to make proposals that would undoubtedly contribute to the improvement of the practice of the profession.

Equality is one of the key thematic pillars of the current ICAB Governing Board and convinced, as we are, that we seek to promote this issue at all levels because it is directly linked to the dignity of people and human rights.

For that reason, the development of research projects, such as the one led by our colleagues, stimulates our interest, support, and admiration, as could not be otherwise, given the rigour of their content, the ambition of their objectives, and the originality with which the project has been implemented by their promoters.

Since its creation in 1984, ICAB’s Women Lawyers’ Committee has always been characterised for leading actions in favour of gender equality, the fight against discrimination in all its forms, and the visibility of female talent in the world of Law and Justice. As an example of perseverance and tenacity, ICAB’s Women Lawyers’ Committee has become a point of reference to which legislative bodies, public administrations, and entities of various kinds, turn for an expert opinion on issues related to the protection, promotion, and defence of women’s rights.

A report on the situation of women in the practice of law in Catalonia, such as the one presented here, also reflects the result of several months of commendable work, derived from a great personal and collective effort. Having had the support of both the Dean Emeritus, M<sup>a</sup> Eugènia Gay, and the staff of the ICAB, I can only express my sincere congratulations.

”

# Message from the former Dean of the Barcelona Bar Association (ICAB), María Eugenia Gay Rosell

“ During the two terms that I have had the privilege of leading ICAB as Dean, my priority has been to give visibility to female talent, raising the flag of real equality between women and men, a transversal component present in all the institution's activities.

In our mission to defend the dignity of the legal profession in Barcelona, and the rights of the men and women who practise it, we have always been acutely aware of the need to introduce real changes, which facilitate the practice of the profession under equal conditions for both men and women.

This was reflected both in the parity composition of the Governing Board, and in the innumerable events, including the editions of the "Women Business & Justice European Forum", where we had the opportunity to award distinctions to exemplary women in the legal world, such as the late Justice Ruth Baden Ginsburg, among others, and the countless events, courses, cooperation agreements, and actions carried out at local, national and international level. These actions, added to the changes in internal policies for the organisation of events, consider the co-responsible exercise of the family obligations of members; always with a gender equality perspective, with a view to making the ICAB a benchmark in the defence of real equality.

For this reason, when the ICAB was invited by the Law Society of England and Wales to participate in the International Symposium "The Power of Gender Equality to Transform the Business of Law", which took place in June 2019 in London, led by the then president of the Law Society Christina Blacklaws, we thought it was the right time to address and lead this area of action for the legal profession in Catalonia as well.

In this context, our colleague Andrea Accuosto, member of ICAB's Committee of Women Lawyers - whom I greatly thank for her dedication, commitment and desire for real equality, and whom I congratulate for the brilliant work she has carried out - was delighted to accept the proposal of the International Programmes Manager of the Law Society of England and Wales, our friend Lizzette Robleto de Howarth, creator of the working methodology and research model, to participate in this transformative research project with the women lawyers in Catalonia. The path of the research, which suffered the interruptions and delays caused by the COVID 19 pandemic, has been a truly exciting challenge that opens multiple challenges to be confronted; and which had the solid institutional support of ICAB's Dean's Office that I held at that time, and which will undoubtedly continue with the current Dean, with whom we share policy and vision in this regard.”

# Message from the Honourable Ms. Tània Verge Mestre, Minister for Equality and Feminism of the Government of Catalonia

“ Despite the progress achieved in more than two centuries of women's collective organisation, sexism is still very present in all professional fields, with multiple manifestations of inequality, discrimination, and violence that have had serious consequences for women, both on a personal and collective level. The legal profession is no exception.

The law and its application by the justice system have historically been one of the most powerful instruments for determining gender power relations and maintaining women's oppression. Through social mobilisation, feminism has achieved major legislative changes to recognise women's rights, both in our country and internationally. However, these changes alone are not enough to eradicate the patriarchal norms and practices entrenched in the justice system, as evidenced by judgments and court decisions, which do not have a gender equality perspective and reproduce stereotypes or re-victimise women suffering gender-based violence.

The role of women judges and lawyers is crucial in ensuring that, the rights recognised in law, are effective rights in practice. Given that many women lawyers are also, in much of the world, human rights defenders, it is necessary to defend female human rights defenders. Discrimination and violence against women lawyers not only constitute violations of their rights, but also have an impact on the right to access to justice for all people, especially women and other historically discriminated groups.

For this reason, studies like this one are essential. In order to progress feminist policies, it is necessary, first of all, to know the reality of women in all areas, and it is precisely the women who live in these spaces, who must express in their own voices the reality they live in and what their demands are.

We also welcome the fact that this study is the result of collaborative work between the Law Society of England and Wales and ICAB's Women Lawyers' Commission, demonstrating once more the significance of alliances as a key component of feminist policies.

From the Department of Equality and Feminisms, we are grateful for and celebrate the voices collected in this study. Because women lawyers, who always give voice to other people's demands for justice, also demand justice and equality for themselves. Because feminist transformation begins with identifying and making visible injustices and their consequences. It is the first step to eradicating them. We have rights and we want them now.”

# 01.

## Executive Summary

### I.- Project Objectives

The project focuses on field research work, carried out in two phases. The first phase consisted of a survey answered by 297 women lawyers from all over Catalonia, and the second phase consisted of 4 face-to-face roundtables, where 35 women lawyers, for the first time, focused on expressing their experiences and discussing their needs. The main objective was to identify and understand the inequalities and difficulties faced by women lawyers because they are women, think of possible solutions or propose changes, make them visible, and bring about improvements for the future of the profession.

### II.- Solutions and Proposals

The report explains the main factors that motivated this research: (1) Creating a more inclusive profession that benefits new generations; (2) Making visible the differences in treatment between men and women in the practice of the profession; (3) Evidencing that gender inequality in the legal sector exists and represents a problem for the profession; (4) The negative impact of the lack of work-life balance; (5) The imbalance of the value system within the profession; and (6) Lack of sisterhood and exchanges among women lawyers and the legal sector in general.

The report explores three aspects identified as obstacles to gender equality in the profession in Catalonia: bias (conscious and unconscious); the lack of flexible working; and the pay gap. Among the most common proposals are the need to give women lawyers a voice and create forums for them to talk about themselves and their experiences, their needs and projects as professional women, as to improve their situation in their professional practice.

It also highlights the need to implement advocacy or mediation mechanisms, propose good practices, and promote the monitoring of real equality in the legal sector. The need to promote coaching, mentoring, and other forms of intergenerational support among women lawyers were also cited. Special emphasis was placed on promoting women's association, and the participation and mobilisation of women lawyers as a model of women's empowerment. Finally, it is essential to include men in the equality debate, and to involve them in changing the social model.

### III.- Conclusions

The report presents a series of solutions, ranging from multiple interventions in education, legislative changes, awareness-raising campaigns, and social movements that seek changes in individual and social mindsets. The main contribution is to open a new space for debate and action, with commitment and conviction, despite the challenge of "looking inwards" may bring including tensions and resistance inherent to change. There is an imperative for gender equality as to lead to a more diverse, inclusive, and successful profession for all its members, with the conviction that it is necessary to improve the working conditions for the practice of law now and for the future.

# 02.

## Project background and methodology

The Law Society is a professional body representing over 180,000 solicitors in England and Wales. Its aims include defending the independence of the legal profession, the rule of law, and human rights in the United Kingdom and around the world. The Law Society was established by Royal Charter in 1845 and has had consultative status with the Economic and Social Council (ECOSOC) of the United Nations since 2014. Its activities are established by statute: the Solicitors Act 1974, the Courts and Legal Services Act 1990, the Access to Justice Act 1999 and the Legal Services Act 2007.

The Law Society's international women in law programme aims to increase the level of gender equality in the legal sector. Combined with initiatives such as trainings, events, policy submissions, joint research, roundtables, and action plans, we aim to create the conditions for long-term change and progress towards gender equality in the sector.

In June 2019, the Law Society published its global report *“Advocating for change: Transforming the future of the legal profession through gender equality”*. One of the key challenges highlighted by the report is the lack of data (qualitative and quantitative) on the experiences of women lawyers in the profession. For that reason, the Law Society initiated a series of research projects in various jurisdictions with the support from a range of local stakeholders - law societies and bar associations, law firms, women lawyers working in institutions - with the intention of strengthening the position of women in the law.

This project is an effort between the Law Society and the Comissió de Dones Advocades of the Barcelona Bar Association (ICAB):

1. A first phase conducted between 1 February - 30 March 2021, which consisted of a survey in Catalonia that obtained 305 responses with 8 surveys omitted to reduce the margin of error; thus only 297 responses were considered.
2. A second phase consisting of 4 roundtables, organised between September and October 2021, with 35 women lawyers from the private, public, NGO, and civil society sectors. The roundtable discussions were implemented under Chatham House rules. This meant that participants could use the information received, but without identifying and/or attributing the identity or affiliation of the participants, as to encourage the free expression of all participants. The roundtables discussed the survey findings and explored specific questions to identify creative solutions in a safe and non-judgmental environment. All participants were of equal status, regardless of hierarchy.
3. A third final phase consisting of this final report containing recommendations, which will include a socialisation of the results.

# 03.

## Definitions

### 1. Self-Care

The [World Health Organisation](#) defines self-care as "the ability of individuals, families and communities to promote, maintain health, prevent disease and cope with illness with or without the support of a health care provider".

### 2. Individual, familiar, and professional, and family conciliation

Plan Óptima defines it as the balanced participation of women and men in family life and in the labour market, achieved through the restructuring and reorganisation of the labour, education, and social resource, with the purpose of introducing equal employment opportunities, change traditional roles and stereotypes, and covering the needs and care for dependent.

### 3. Quotas

The percentage allocated for women's participation, implemented through legislation and/or as part of internal policies in an organisation, mean that women must constitute a certain number or percentage of the workforce and/or in leadership positions, which puts the emphasis on the recruitment process. Most quotas aim to increase the representation of women in staff and/or leadership positions, due to the under-representation of women. This is particularly relevant as women generally constitute 50% of the population in any given country. These are temporary measures until gender equity is achieved.

### 4. Gender Pay Gap

The gender pay gap is a metric that measures the difference in wage (or salary or income) between women and men. It is a metric of inequality between men and women and captures a concept that is broader than equal pay for equal work. "Equal pay" refers to rates and/or methods of remuneration established without discrimination on the basis of sex. The gender pay gap measures the difference between the average earnings of men and women in an organisation or in the labour market.

### 5. Psychological manipulation or gaslighting

It is a form of psychological abuse that consists of manipulating another person's perception of reality. The individual and/or group that psychologically abuses manipulates, consciously and/or unconsciously, a victim as to make him/her doubt of his/her own judgement through strategies such as denying something that happened, sowing doubt in the victim, who no longer knows what to believe and this causes anxiety, anguish, confusion, low self-esteem, lack of confidence, etc.

### 6. Micro-machismos

The term was coined by Spanish psychotherapist Luis Bonino Méndez in 1991 to typify practices that other specialists call "Petty tyrannies", "intimate terrorism" or "soft violence". The phenomenon includes ideas, gestures, attitudes, and everyday behaviours, internalised and justified as natural, which condition women's daily lives. Micro-machismos have a pernicious effect on an individual and collective level. Micro-machismos, or better known as 'everyday

# 03.

## Definicions

'machismos', are behaviours, gestures, comments, and actions that we have to live with, which have become structurally normal, and whose purpose is to place men above women.

### 7. Microaggressions

They are every day, nuanced, low-intensity, brief, sexist remarks that denigrate or belittle women, as well as actions that are negatively directed towards women. A microaggression can be intentional or accidental. It is a form of discrimination. People who use microaggressions may not do so with malicious intent; but the slow accumulation of microaggressions can lead to low self-esteem, feelings of alienation and, eventually, mental health problems. They also contribute to a toxic work environment. Psychologist Derald Wing Sue defined three types of microaggressions:

- Micro-attacks: when a person intentionally behaves in a discriminatory way, even if it is not intended to be offensive. An example of a micro-attack is a person telling a racist joke and then saying, "I'm just joking".
- Micro-insults: a comment or action that is accidentally discriminatory. For example, a person who says to a doctor or other professional from an ethnic minority background: "Your people should be proud".
- Micro-invalidations: when a person's comments invalidate or belittles the experiences of a certain group of people. For example, a man telling a woman that "machismo does not exist in today's society".

### 8. Conscious/unconscious bias

It refers to attitudes or stereotypes - both positive and negative - that affect our understanding, decisions, or actions towards an individual or group of individuals. This bias can be conscious and/or unconscious. This bias becomes a double-edged sword that, coupled with the limited forms of leadership in place, directly affects women. The first Gender Social Norms Index analysed data from 75 countries, which together are home to more than 80% of the world's population. The analysis reveals that despite decades of progress in closing the gender equality gap, nearly 90% of both men and women hold some form of bias against women, providing new clues to the invisible barriers' women face in order to achieve equality.

### 9. Flexible and agile work

It often means that, while the actual number of working hours remains the same, there is flexibility in organising start and end times, as well as the option to work remotely. According to the [World Economic Forum](#), flexible working is one of the major work trends of the future and a more humane way of understanding work that is committed to making structures more flexible, applying technology and adapting to the specific needs of individuals and companies.

# 04.

## **Brief background on Gender Equality in Spain**

Women's participation in different spheres of political power has increased notably in Spain in recent years. The Organic Law 3/2007 ('Ley Orgánica'), for the effective equality of women and men of 22 March 2007, devotes special attention to the promotion of the principle of balanced presence or composition, understood as the presence of women and men in bodies and positions of responsibility, so that the number of persons of each sex does not exceed 60% and is not less than 40%.

According to UN Women, Spain has 91.7% of legal frameworks that promote, enforce, and monitor gender equality, with a focus on violence against women. In February 2021, 44% of seats in parliament were held by women. However, there is still work to be done in Spain to achieve gender equality.

In December 2020, only 50% of the indicators needed to monitor the Sustainable Development Goals (SDGs) from a gender perspective were available. In addition, many areas, such as gender and poverty, physical and sexual harassment, women's access to assets (including land), and gender and the environment, lack comparable methodologies for regular monitoring. Closing these gender data gaps is critical to achieving the gender-related SDG commitments in Spain.

With regard to the participation of women in government, it should be noted that, following the general elections of 10 November 2020, a new coalition government of the Spanish Socialist Workers' Party and Unidas Podemos has been formed, in which 11 ministries and vice-presidencies are occupied by women out of a total of 23 members of the Council of Ministers, which represents a female presence in the Council of Ministers of 47.8%.

In Spain in 2014, the gender gap (male-female) in the employment rates of the population aged 16 and over, reached a value of 10.3 points. In the period 2014 – 2019, it increased by 1.2 points reaching a value of 11.5 points in 2019. This increase in the gender gap was significantly influenced by the higher employment rate of men compared to the increase in the employment rate of women during this period. UN Women data indicates that women and girls over the age of 20 spend 19% of their time on unpaid care and domestic work, compared to 8.6% for men.

Concerning housework and family care, according to INE data from 2016 on the uses of time, Spanish women spend approximately four and a half hours a day on housework and caring for minors, the elderly or dependent family members, as opposed to men, who spend two and a half hours of their time on these tasks. According to the information provided by the sub-sample of the EPA (Labour Force Survey) of the INE, in 2019, 329,900 employed persons worked part-time to have more time to care for dependents, which was 7.9% less than in the previous year. The majority of those who worked part-time in order to be able to work as carers at the same time (91.3%) were women (301,200 persons).

# 04.

## Brief background on Gender Equality in Spain

52.1% of them considered that there are no adequate services for the care of dependent persons (children, adults, sick, disabled, etc.) or that they cannot afford them.

On the other hand, gender-based violence persists in Spain. In 2019, 55 women died at the hands of their partners or ex-partners. This figure represents an increase compared to the previous year when there were 51 fatalities. Only 11 of the fatal victims (20% of the total) had reported their aggressor and only 4 fatal victims (7.27% of the total) had protection measures in place at the time of the incident. According to the relationship between the victim and the aggressor, in 40 cases they were partners (spouses, partners or boyfriends) and in 15 cases they were ex-partners or in the process of breaking up. The percentages of one and the other circumstance represent, respectively, 72.7% and 27.3%. The victim and the perpetrator were living together at the time of the homicide in 36 cases (65.5% of the total) and were not living together in 12 cases (37.3%). In 7 of the cases, it is not recorded whether they were living together or not. According to age group, 11 fatalities occurred among those aged 30 and under (20% of the total), 41 among those aged between 31 and 70 (74.54%) and 3 among those aged 70 and over (5.5%). Of the 55 fatalities recorded during 2019, 33 (60%) were Spanish nationals and 22 (40%) were foreign nationals.

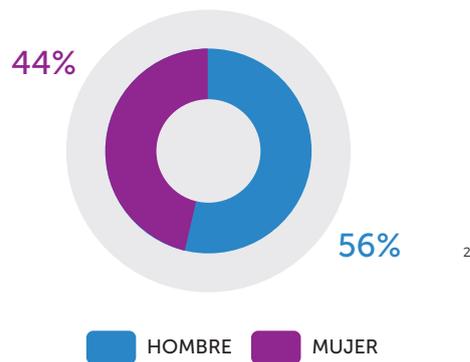
On the other hand, the Women in business<sup>1</sup> report indicates that the presence of women in management positions has increased, but even so, the percentage of Spanish female managers is only 27%. In the legal sector, according to the General Council of Spanish Lawyers, as of 1 March 2020, there were 149,779 practising lawyers, of which 83,987 (56.08%) were men and 65,792 (43.92%) were women. However, in the 30-35 age group, women account for 56% of those registered. In other words, more women than men are currently entering the profession. However, according to the ICAB's equality indicators, in Barcelona only 33.4% of partners in professional practices are women.

As far as the judicial sector is concerned, women occupy 54.8% of the positions in the judicial career, although only 16 women are judges in the Supreme Court, compared to 57 men. In Catalonia, 55.9% of female judges are women, compared to 44.1% of men. In the High Court of Justice of Catalonia there are 19 female Magistrates, compared to 33 male Magistrates, according to the report on the structure of the Judicial Career of 2021, issued by the General Council of the Spanish Judiciary. This means that in the Administration of Justice, both at state and autonomous level, there is also a majority female presence in the profession, with a striking under-representation in the hierarchically superior bodies.

# 04.

## Brief background on Gender Equality in Spain

DISTRIBUCIÓN POR GÉNERO



<sup>1</sup> The URL for this webpage is not working: [error 404 - Grant Thornton](#).

<sup>2</sup> Graph: "Distribution by Gender. Women: 44% and Men 56%."

Finally, in the academic sphere, the panorama of inequality in positions of high responsibility is repeated, or even aggravated, with an overwhelming minority of women occupying professorships, in the seven Catalonian public universities, ranging from 8.37% of women professors at the Universitat Politècnica de Catalunya to 28.87% of women professors at the Universitat Pere Vigil de Tarragona. In Barcelona, they range from 24.71% at the Universitat Autònoma de Barcelona to 19.68% at the Universitat Pompeu Fabra.

# 05.

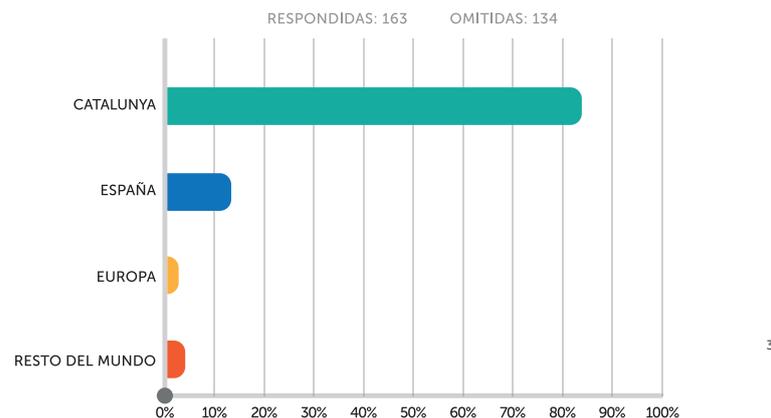
## Opinion survey and proposals relating to the challenges to equality in the legal sector

### General Data from Phase I (the Survey)

The survey was based on pre-selected topics, following the patterns of similar surveys conducted by the Law Society of England and Wales, in collaboration with organisations of lawyers. The purpose was to generate data on the state of gender equality in law with the aim of encouraging positive change in this area.

### About the respondents

84.05% of respondents work in Catalonia compared to 11.66% in the rest of Spain; 1.84% in Europe and 2.45% in the rest of the world.



Regarding the years of professional practice of the respondents, the result was:

YEARS OF PROFESSIONAL PRACTICE (RANGE)	NUMBER
1-9	40
10-19	42
20-29	57
30-39	15
40-49	4
50+	2
OMITTED	137
TOTAL	297

<sup>3</sup> "Answered: 163. Omitted: 134."

# 06.

## **Main factors that motivated the participation in this research**

### **1. Creating a more inclusive profession that benefits new generations**

Participants said to be motivated to advance gender equality in the legal sector in order to promote the realisation of the full potential of women lawyers, as to create a more inclusive profession that will benefit the next generation.

### **2. Eliminate differences in the treatment between men and women in the profession**

Participants agreed that, after motherhood, they became acutely aware of the difference in treatment between men and women in the sector and what it meant for women to practice law while simultaneously experiencing motherhood. They expressed that, in many instances, motherhood had become an obstacle to progressing in their careers. Other participants expressed their motivation to get involved and find preventative solutions before they become pregnant, as they are aware of this issue through other professional colleagues.

### **3. Gender inequality exists and is a problem for the profession**

Participants concluded that, despite the fact that we are in the 21st century, the problems of gender discrimination still persist, and the employment issues presented illustrated serious difficulties with work-life balance. It is also notable that, due to the patriarchal system, the legal expertise and academic qualifications of women lawyers are not fully considered and/or reflected in their salaries, nor in their opportunities for professional growth. In addition, women lawyers feel constrained by the lack of job opportunities and promotion, as the existing structures perpetuate inequality. For these reasons, participants emphasised their dissatisfaction with equality in the legal sector.

### **4. The negative impact of the lack of reconciliation**

Several participants emphasised that when they decided to become mothers, it became more difficult to reconcile work and family life, for several reasons: (i) the effect of generating income for their firms (which may prevent future recruitment); (ii) women are "delayed" in continuing to advance their professional and academic training as a result of motherhood; (iii) lack of gender awareness on the issue of work-life balance, for both men and women, where family responsibilities commonly fall on women's shoulders.

# 06.

## Main factors that motivated the participation in this research

### 5. The value system within the profession is imbalanced

Participants warned that the sector has created a vicious circle with a culture that values long working hours, which does not translate into greater productivity in the sector. This culture creates serious physical and mental health problems for both men and women, but especially penalises women, who have to combine their professional life with caring responsibilities. This situation must change for a healthier and more balanced profession.

### 6. Lack of sisterhood and exchanges among women lawyers

Participants recognised the need to learn and support each other, as there are a number of conscious and unconscious biases that are still socially tolerated, which affect women lawyers, women in general in society as a whole. The participants said they were motivated to form a forum to discuss and advance gender issues, as equality is a common struggle and a right.

# **The roundtables and the challenges identified as obstacles to progress on equality in the legal sector**

# 07.

## Challenges in relation to conscious/unconscious biases

### 1. Motherhood as a conscious and unconscious obstacle

*"For me, motherhood was the moment of awakening to what the profession meant to me, as it penalised me in two ways: I lost an opportunity for promotion, and I lost my bonuses." (Anonymised comment).*

The vast majority of participants reported having experienced inequality and a marked difference in treatment between men and women, both within the family and in the professional sphere, which became more evident when they became mothers. In a patriarchal society, motherhood has become an obstacle to personal and professional development, as after having children, most of the participants say that they were not treated equally, and this made it difficult for them to enjoy a dignified motherhood.

*"I was pregnant, about to have my baby, and they adjourned a trial that was knowingly scheduled, even though I had asked for another date, for when I would be with my newborn baby. They did not want to adjourn it for a later date. I had to go to the trial with my new-born baby's pram and my parents had to stay with the child in the hallway of the court. This is unheard of in the 21st century."(Anonymised comment).*

Some participants reported being forced to hide their motherhood and/or the fact that they were mothers to avoid putting at risk their career advancement. One participant commented that during her pregnancy she had to work, and in her last month, she had to go to court, as neither the judge nor the opposing counsel wanted to postpone the trial. She then had to take the baby to court and ask for a breastfeeding break, which was not easy as there were no available or appropriate baby changing rooms. In these instances, participants were forced to make the decision to resign, instead of demanding change, as confronting stereotypical models of law firm management would have caused them problems. One participant received a comment from an office colleague who told her that now that she was of childbearing age, she would have fewer opportunities to go out of town to handle cases outside the city.

Some were afraid to take maternity leave because of the assumption that "if you are a mother, you don't have the same level of commitment to work". Participants emphasised that the messages relating to motherhood must change so that women lawyers can have a dignified motherhood. Motherhood should be seen as an element of empowerment, not as an obstacle, because motherhood can create new skills, which are useful for a person's professional development.

*"As a lawyer, because you are a mother, you get a label. So, I decided to hide the fact that I was a mother. That's why I did video conferences in the bathroom so the children couldn't be*

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*seen. At one point I asked to leave at six o'clock in the evening, but the important meetings were from seven o'clock onwards. As a "consolation prize" I was offered to be secretary of the board, but I wanted to stay on the front line. So, I resigned."(Anonymised comment).*

### 2. Family conciliation

*"In terms of family conciliation, what I have been achieving has been through negotiations, discussions and by standing firm. I believe that women must make their life partners understand the need for co-responsibility. Neither men nor women should sacrifice family for work, nor vice versa."(Anonymised comment).*

Participants shared that the family and dependent caring responsibility falls almost exclusively on women, resulting in work overload. Gender discrimination is culturally justified, even though it has a negative impact, both economically and in terms of rights. The double burden is due to women's traditional role in society, because men with children do not seem to have the same workload. In addition, with professional and family double burden, it is very difficult to establish a personal balance, which directly affects the well-being of women lawyers. Work-life balance is still a point of tension and of contention between couples.

*"Motherhood robs us of years of training, as in the meantime, male colleagues can devote more hours to their professional development because they do not have to do unpaid work at home."(Anonymised comment).*

### 3. The obstacles of being a woman and an immigrant

Participants acknowledged that they must work twice as hard to obtain equal treatment within the profession, and this effort is tripled if they are migrant women; and quadrupled if they come from ethnic minority groups.

Often these groups of women lawyers are forced to set up their own law firms, independent projects, consultancies, and other businesses because they lack flexible working, the right remuneration, and proper treatment in private law firms.

### 4. Lack of sorority among women

Bias has no gender. Participants expressed that often women express themselves in a discriminatory way towards other women. Some participants shared that they had received discriminatory criticism from other women, where they were identified as 'bad mothers' for dedicating time to their careers or for wanting to improve their academic qualifications. Participants recognised that, despite their differences, women need to work on common problems to help and empower each other. Some begin to gain greater

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awareness when they become pregnant, when they lose a job, or when they experience obstacles to progress their careers. Safe spaces for discussion must be created to learn to see each other as allies rather than competitors.

Several participants reported positive experiences with women bosses, where women partners provided support and advocated for them to have more opportunities and take on significant cases very early on in their professional practice in the firm. By contrast, other participants also reported encountering women in senior positions, who acted like a 'queen bee' – this was described as whenever senior women in positions of authority treat other women, working in hierarchically subordinate positions, in a discriminatory manner compared to their male counterparts. In these cases, women tend to exhibit 'masculinised' leadership traits, where they take on negative and demeaning attitudes against their own gender in order to continue advancing individually.

### 5. Micro-machismos and microaggressions

*"When I was young, as an intern in a prestigious law firm, my boss would break the tension at the beginning of meetings with clients by making sexist jokes. I have also seen male lawyers disrespecting female judges. Even now that I am a partner in my current firm, and the climate is very correct, when there is a lack of supplies, partners still say: "Can a female partner go and buy?"."(Anonymised comment).*

Participants agreed that they are often unaware of their own biases, micro-machismos, and/or microaggressions, as these behaviours have become normalised (even if they are not normal), and especially in the workplace. Participants expressed that initially they had not noticed these behaviours, until they underwent a process of empowerment. One participant commented that, when she confronted a case of micro-machismo in her workplace, the colleague raised his hand aggressively, but instead of confronting it, she decided to quit her job, as she was not sure that she would be listened to or questioned.

*"When I was practising, I heard comments among lawyers and with the judge that were absolutely sexist. Now as a head-hunter, I have had clients who ask us to select staff to fill positions in their offices, saying things like: 'no women', 'they will get pregnant', or they ask, 'that they are hot'. In one case, a client wanted a female candidate for partner, to "clean up the firm's image and show that we are committed to women."(Anonymised comment).*

It has been noted that, on occasions, both male lawyers and judges have made sexist and inappropriate comments, addressing female lawyers as "babe", "pretty" and try to justify and normalise this behaviour by calling them 'exaggerated' when they are exposed or criticised. Micro-machismos and microaggressions generate problems with self-esteem, as women who speak out are invalidated by other comments, such as: 'you are too sensitive', 'you have no sense of humour', or 'it was a joke'. In one of the cases reported, the participant

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stated that she quit her job because she saw no prospect of change. In another case, the participant was led to believe that it was her own fault and that she did not have a good memory, leading her to doubt herself. These can be examples of emotional manipulation, i.e., when someone does or says something abusive and then denies that it has happened or tries to convince the offended person that it is their fault, that they have no sense of humour or that they are too sensitive.

*"There is a normalisation of inequality and there is paternalism. Even in the office they call me 'the girl', in my 40s. You have to fight for your position all the time. I also work with foreign women, whose husbands isolate them, and when they leave them, they find themselves alone, without knowledge of their rights, and without links to the society where they live. In many cases, women still need their husband's presence to be acknowledged."(Anonymised comment).*

### 6. Intergenerational Dialogue

Several older women lawyers said to be surprised that, despite the evident progress, the discussions indicated that the new generation is encountering the same challenges and difficulties that they had to contend with decades ago. This means that either the progress is not being consolidated, or that changes have not been deep enough.

*"Before going to a meeting with a partner, he told me: "make sure you don't wear trousers, but a skirt". And so, I did. At the time I was unaware of the surreptitious message he was giving me. By contrast, my teenage daughter went to school in shorts, and I didn't want to let her go like that myself. Because we have an unconscious tendency to suppress each other, and ourselves, and to judge ourselves by appearances." (Anonymised comment).*

One participant shared that through discussions with her daughter, she realised that she was biased (conscious and unconscious), particularly in relation to clothing. She was confronted with having to break this cycle, as it was not only causing her problems with her daughter, but also with herself. Participants recognised that re-education to eliminate biases starts with themselves.

Several participants were concerned that abusive and macho relationships are re-emerging among younger people and adolescents due to the high sexualisation of the female image, the music they listen to, and through social networks. These are new versions of machismo that, directly or indirectly, undermine women's aspirations. Some participants pointed out to the new problems created by social media, where women's career options are sometimes limited, often proposing limited aspirations for women; for example, job offers for women as "social media influencers" without requiring academic training, which promote an objectified female image.

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### 7. The role of men

*"There are male colleagues who discredit us in front of clients to justify their own bad professional performance. And I can't report it because I have no proof and they will usually deny it."(Anonymised comment).*

There is very little understanding of women's issues among some men. They are often not interested in solving the problem, because the family burden does not fall on them equally.

*"I have experienced cases of male colleagues who get angry if you do the trial better and, at the end of the trial, they don't even say hello to you. In divorce cases, it is common for lawyers to identify the female client with the female lawyer."(Anonymised comment).*

On the other hand, some male lawyers wanting to change traditional views encounter multiple criticisms when they decide to take full paternity leave, sometimes from other men as well as from some women. This prevents a more equitable work-life balance and inhibits them from enjoying a dignified fatherhood.

### 8. The role of men as agents of change

*"The national solution should come from the government; for example, paternity leave should be legally obligatory for its full duration for men, as fathers should take at least 50% of the burden of the house and children so that women can concentrate on their careers as well."(Comment from a respondent).*

All participants agreed that the role of men is vital to generate transformative changes speeds up gender equality, where personal and professional successes are shared, as well as sharing learning in family and professional conciliation. Similarly, paternity is also something that should be valued. Paternity and maternity leave should both be compulsory for the whole period, as a mechanism to promote equality.

*"It is outrageous when young lawyers taking paternity leave are criticised because of traditional roles. That's why I want to do my bit. There is a lot of stigmas attached to flexible working. And bias has no gender."(Anonymised comment).*

Gender inequality affects both men and women, in different ways and with different intensities, so it is to the benefit of the whole profession to be trained in gender equality.

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### 9. Some clients prefer to receive legal support from male lawyers

*"I have been in practice for 28 years. When I was young, I suffered discrimination because, being a woman and young, did not inspire confidence with clients. Then, I went through maternity and, three days after a caesarean section, I had to go back to court. The ICAB did not support me on this occasion. Male colleagues don't have the same problems and they don't understand the problems of women lawyers either."(Anonymised comment).*

Some participants highlighted that some clients may prefer to receive legal support from male lawyers, due to conscious and/or unconscious bias formed by the first impression of a being female lawyer, who is perceived as less professional. Furthermore, some participants have received comments from clients about their personal appearance and looks, which illustrates that clients are valuing non-professional factors. In the judicial system, women magistrates do not notice this issue as much because of the level of authority conferred by the robe. But they do note that women have to work doubly hard to achieve their goals, especially when they are young, as they are perceived a priori as not being prepared, or not having sufficient knowledge or experience.

*"I am a lawyer and economist working in a family business. I have noticed mistrust from clients and colleagues - professional mistrust because I am a woman. Some clients have gone to other firms because they want to listen to a male partner. On the other hand, in relation to equality plans, in my opinion, most firms only do it for 'appearance' as there have been no major changes."(Anonymised comment).*

### 10. Bias during job interviews

In the context of job interviews, inappropriate questions such as whether you have a husband/boyfriend and whether you plan to become pregnant soon still persist.

### 11. Lower-skilled or subordinate tasks assigned to women who are equally qualified as their male counterparts, for stereotypical reasons only

*"I am young and, from the first day of my internship before finishing my degree, I was left with service tasks in the office (opening the door, serving coffee). I have been stunned to be a young woman. I had to "dress up" in the office to "fit" the parameters and the stereotype of "submission so as not to be penalised."(Anonymised comment).*

There is an assumption that women have to play a subordinate role; for example, in one law firm, male colleagues unconsciously assume that women have to buy everyday office supplies, even though these resources are for collective use. Several participants emphasised that, in their companies, certain roles are expected of women, such as serving coffee and tolerating inappropriate comments.

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### 12. Education on gender equality must start at home

*"I came back two months ago from maternity leave, and I have not reduced my working hours. I travelled. I worked overtime to make sure I was at the top of my game. Even so, a colleague of 27 years told me 'what a pity you are going to travel, now that you are a mother'. Furthermore, when I was pregnant, I saw how they selected your colours: blue, if it's a boy; pink, if it's a girl. All to maintain a tradition that is detrimental to women. As solutions, I think it is necessary for men and women to educate ourselves on gender equality from our homes."(Anonymised comment).*

All participants agreed that gender equality must start at home with the education of children, and the elimination of attitudes and behaviours that perpetuate the division of roles to the detriment of women.

### 13. Demystifying Meritocracy

*"At the beginning, I believed in meritocracy and fairness in the system, until I realised that male colleagues with less merit than me progressed before me. Many colleagues went golfing with the firm's partners, where they had the opportunity to discuss cases, decisions were made, and bonds were strengthened between them. I discovered this by pure chance, when I was looking for my boss in the office to hand over a job. This showed me the disadvantages of my situation in a patriarchal society."(Anonymised comment).*

Several participants expressed that society teaches that the myth that meritocracy exists, but the reality is very different, as in the labour market there are many subtleties completely unrelated to professional merit, which encourage or impede a person's professional growth. These distinctions are related to bias, education, social class, professional networks, and a firm culture or 'corporate culture' - the existence of a set of values, habits and customs that characterise some law firms - that make it difficult or impossible for women to advance professionally.

*"In the legal sector, the men talk 'over cigar to brandy', and that's how male professional networks are built, which means that there are no spaces for networking where women can participate."(Anonymised comment).*

Some participants emphasised that, in certain law firms, differences in treatment between men and women are evident to the detriment of women; and these obstacles are also reflected in the conditions required to access more senior positions. Gender equality policies still do not exist in most law firms, and many women lawyers do not have the support of people within their firms to provide mentoring, coaching and/or coaching to help increase women's professional potential and talent. In addition, professional networking opportunities usually take place through social activities, during

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the evenings or weekends, resulting in a large number of women being excluded or unable to participate. These are just some of the obstacles that prevent meritocracy from being the real driver of professional growth.

### 14. Lack of internal policies and/or initiatives in companies and law firms on gender equality and/or training

When asked about the existence of internal gender equality policies or initiatives, 43.70% of the respondents answered that there are no gender equality policies or initiatives in their companies, compared to 27.22% who answered positively and only 14.79% said that they have diversity and inclusion policies in their offices. In those cases where equality policies already exist, the most common option is the flexible working policy. Out of 176 women who responded to this question, 85 consider that there are no internal gender equality policies or initiatives in place, 59 consider that they are strictly formal and have no real consequences. Only 32 women say that equality policies are fully and effectively enforced in their organisations.

Some participants believe that many companies have equality protocols, but they are there for publicity purposes, as they pretend to be righteous about equality. However, these values are not implemented in practice with concrete measures. These companies also claim that quotas may be the best mechanism to achieve equality, but there is still no substantial progress in this direction.

### 15. Biases by personal appearance and voice tone

*"When you practice law as a woman, you are expected to be more pleasant, not to question the boss, they look at the way you dress. I remember myself adapting to that perspective."(Anonymised comment).*

Several participants said that just because they are soft-spoken and not noticeably aggressive, it is assumed by clients that they are not efficient, or not sufficiently committed to the expected outcome of their work. However, they argue that one does not need to be loud or aggressive to get good results as a lawyer as there are other ways of working that are equally productive and efficient. Paradoxically, they express women are also expected to be pleasant, non-aggressive, unquestioning, submissive, and obedient.

*"We have adjusted to that situation; so, we have to recognise when it happens, and give ourselves permission to dress as we want; regardless of the patterns. We have to counter formalisms that don't help women to break cultural patterns."(Anonymised comment).*

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### 16. Sexual harassment as an intimidating component

Even today, sexual harassment cases endure in the legal profession, and victims fail to report these situations for fear of reprisals. 61.54% of the respondents answered that there are no procedures in place to protect workers in some law firms from abusive and unwanted conduct that violates the dignity of individuals or creates an intimidating, hostile, degrading, humiliating or offensive environment in their organisations. On the other hand, only 13.02% answered that measures do exist, but that their enforcement is strictly formal, with no real consequences. Only 25.44% responded that measures exist and that their enforcement is full and effective.

Regarding the existence of a policy to address sexual harassment and/or bullying in the workplace, 68.05% responded that there is none, compared to 31.95% who responded positively. Several respondents highlighted that they were not aware of any procedures in their workplaces and have to carry forward their own sexual harassment cases. Some respondents reported that they have suffered psychological abuse and belittling for reporting harassment. Another group responded that as they are self-employed, so this is not a problem for them.

It was evident from the roundtables that several participants decided not to report cases of sexual or gender-based harassment for fear of the consequences and because of the perceived complicity that exist between male colleagues and some women. Furthermore, they commented that reporting would have had negative repercussions for them, as there is still the stigma of blaming the victim for provocation and the risk of not being believed. There is also no clear and safe channels through which such complaints can be made. In addition, the lack of solidarity among colleagues, both men and women in the legal sector, does not help women to feel supported in these reporting processes.

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*"Male co-responsibility for caring tasks should be considerably increased, through the adoption of flexible working measures that are also available to men."  
(Anonymised comment).*

Presenteeism (until the start of the pandemic) continues to be one of the biggest challenges to the consolidation of flexible working. Presenteeism refers to attending and being present at the workplace, but dedicating part of the working day to other functions that are not part of the job. The 5th Adecco Report on Presenteeism at Work states that, during the ten years that have elapsed since the beginning of the financial crisis, there has been a trend towards an increase in presenteeism in Spain since 2008. The organisation of working time and the lack of flexibility among Spanish companies (only 39% apply flexible working measures for more than 25% of the workforce), encourage both presenteeism and absenteeism, even though it can be seen that SMEs are increasing more flexibility to their workers.

In the survey conducted by ICAB, participants overwhelmingly agreed that a flexible working culture is fundamental to increasing diversity in the legal profession, with 76.92% responding positively compared to only 14.36% responding negatively and 8.72% indifferent. On the other hand, out of 224 responses received, 184 women considered that flexible working is mostly taken up by women. Similarly, roundtable participants agreed that flexible working hours - related to varying ordinary working hours, as well as variations in work location for the provision of services in general - can contribute to balancing personal and professional life. By contrast, some participants expressed that flexible working has made them feel isolated and without the possibility of more personal relationships. Some also pointed to difficulties with having the necessary work infrastructure, as not all had the advantage of a home office.

*"Men, women, companies and society in general need to be made aware that flexible working is an absolutely positive thing that benefits everyone."(Anonymised comment).*

In the survey, responses were overwhelmingly in favour of flexible working, emphasising that if flexible working were more widely accepted, i.e., if the stigma were removed, this would lead to a better work-life balance for women. On the other hand, roundtable participants responded that the stigma of flexible working must be removed, because professionals with flexible working arrangements are wrongly perceived as less committed to their professional lives. However, the pandemic has made flexible working more normalised, as it has been proven that remote working is possible, and the advantages are obvious, especially for those who have commuting problems due to heavy traffic and those with family shared or unshared responsibilities. Furthermore, they expressed that a flexible working should be adopted without discrimination, in

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order to avoid exacerbating the differences between men and women and promoting co-responsibility between both sexes. Flexible working can facilitate the distribution of care and family tasks between men and women on an equal basis. However, it is important to consider those groups, such as junior lawyers or recent graduates, who need comprehensive training and for whom teleworking may lead to a lack of close references.

### 1. Clarity in the definition of flexible work

One participant commented that in her work the working hours are very flexible, since male partners have become parents, they have recognised and understand the problem. However, clarity on the meaning of flexible working is necessary to prevent it from becoming a synonym with unlimited working hours. Some participants commented that, when they had been offered part-time work, they ended up working full-time, so as not to give the impression that they lacked commitment to the job. Flexible working hours can be a medium-term solution, especially in terms of adapting the working day to the needs of the worker in agreement with the employer. Flexible working can also raise awareness of the need for a more equitable family conciliation. One participant said that she has a flexible working arrangement where she schedules early evening meetings to facilitate picking up her children from school and then continues to work at home. However, it was acknowledged that, in smaller firms, smaller resources can make a flexible working model more difficult, compared to international, or larger, firms.

### 2. Long working hours do not reflect high productivity

*"In firms, there is a serious lack of flexibility in terms of working hours. Just because you are in the office more hours, it doesn't mean you are more productive."*  
(Anonymised comment).

Long working hours in the legal sector neither reflect high productivity, nor do they lead to personal and professional well-being. Work flexibility is important because it facilitates professional development, if combined with improvements in time management and prioritisation.

### 3. Conciliation of family and work as well as co-responsibility are key to gender equality

*"Building a culture of co-parenting through education to change mindsets deeply rooted in society is imperative, so that the perceived risks of recruiting a woman or a man are the same."*(Anonymised comment).

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Both survey respondents and roundtable participants acknowledged that equal effort and dedication of both partners to household and family responsibilities are essential to maintain optimal personal and professional development for the benefit of the whole family. Otherwise, it is assumed that women are predestined to assume a series of traditional and obsolete roles because of their gender.

### 4. Changing the mindset in the profession to integrate collaborative work

Participants agreed that the profession must learn to operate in a collaborative and project-based manner, working collectively and in groups. These new practices, combined with diverse forms of conflict resolution, can potentially avoid excessive judicialization and high costs for clients, optimising working time.

# 09.

## Challenges in the context of the gender pay gap

When addressing the gender pay gap, 24.26% of the respondents answered that there is a pay gap that disadvantages women lawyers; 34.91% answered that the existence of such a gap is only relevant to a certain extent; 21.89% said that there is no pay gap; and 18.94% did not answer this question. On the issue of transparency in the pay system, 37.75% responded that there is transparency in the pay structures in their organisations; with 31.79% stating that there is some transparency, but to some extent; and 30.46% stating that there is no pay transparency.

### 1. No availability of information or transparency on the pay gap

*"I have even tolerated inappropriate comments in order not to lose the firm's client. At one point, I was given responsibility for a senior position that became vacant, but without a salary increase, even though the person who created the vacancy was paid three times as much as me. In the end, I left without complaining."(Anonymised comment).*

Culturally, pay is not discussed among colleagues and there is no obligation or incentive for firms with fewer than 50 employees (which are the vast majority of law firms) to report on the pay gap. This means that it may or may not exist in the workplace. However, it was of concern that a number of survey respondents, as well as some roundtable participants, commented that this issue has not been addressed in the sector, nor have women raised it, for fear of losing their jobs.

In addition, several people expressed that there is often a pay difference between male and female lawyers of the same rank within law firms, due to distinction in the negotiation of working conditions between the two sexes, which may contribute to increasing or perpetuating the pay gap.

### 2. Lack of work-life balance and the gender pay gap

*"The problem of the pay gap is cultural and social. Until men are as involved in the family as women are, companies will continue to see women as good professionals until they have a family. When they have children, if these women don't have the support of their partners, they are forced to slow down and that has consequences compared to men, whose lives don't necessarily change."(Anonymised comment).*

Participants recognised that leaves of absence and permissions related to child and/or family care has a direct impact on the careers of women lawyers, as continuing to take on these unpaid tasks leads to a gap in career development and income for women professionals, which will perpetuate the gap, harming women's economic independence and life.

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## Challenges in the context of the gender pay gap

### 3. Lack of assertiveness in wage bargaining

*"In one office, when I went to ask for a salary increase, the manager told me that "you are of childbearing age". That sentence prompted me to leave and go out on my own sometime later."(Anonymised comment).*

Some participants acknowledged that they sometimes have difficulties in raising their demands for better pay, adopting a more passive and less assertive behaviour, due to the lack of self-esteem, fear of rejection or reprisals, or being labelled. In addition, they do not compare their pay with that of their colleagues to assess if they are receiving a fair wage. Furthermore, for many women lawyers, asking for a pay rise can be problematic in communicating with their bosses (many of whom are men), or a source of conflict or tension, which discourages them from pursuing such a demand. Some participants acknowledged that their male colleagues are more assertive in their salary negotiation and in demanding career progress, even though in some cases they may be less qualified and less experienced – these male colleagues may have more chances of being promoted to partner quicker than their female colleagues. One participant commented that her low self-esteem stop her from asking for a salary increase, and instead of claiming what she was entitled to, she decided to resign.

*"I am not fully aware of biases, but I have experienced it. I have had biases against myself. For example, I have thought: "I can't be a partner, because I need x for invoicing, and I don't have the time"; or told myself: "I'm not a good negotiator". That's why in my office I have proposed support such as mentoring, sponsorship and coaching for women lawyers to develop their self-esteem and eliminate the impostor syndrome."(Comments anonymised).*

### 4. Establish their own offices, work autonomously, or select their workplace well as coping mechanisms

Several participants commented that they have been compelled to be self-employed, either as consultants or forming their own firms, to have better work-life balance. Other participants shared that they have selected their workplaces using a set of indicators to avoid firms without a good reputation on gender equality. For example, they check websites, look for workplaces where there are gender equality policies, where there are equal numbers of men and women, where there is a majority of women, and where there are women partners.

# **Proposals and possible solutions suggested by the participants**

# 10.

## Proposals and possible solutions related to conscious and/or unconscious biases

*"Institutions have a responsibility to ensure the integrity of those who work in them. However, in the courts, there is still a lack of day care facilities and breastfeeding rooms. If necessary, we have to breastfeed in the courtroom. We don't need the man's 'like' to be validated."(Anonymised comment).*

There is a clear link between gender inequality, biases, and stereotypes that lead to discrimination, which requires multiple interventions, ranging from education, awareness campaigns, legislative changes that promote a change in individual and social mindsets. It also requires investment to change the work culture, where efficiency, performance, productivity, and quality of work are valued. The results of phase 1 (the survey) highlighted 5 important measures that law firms should implement to support more women to reach leadership roles.

In the opinion of the survey respondents, the support of partners in the implementation of these measures is essential to avoid the brain drain of female talent. Other initiatives include:

- (a) Implementing quotas in middle and senior management to achieve parity;
- (b) Adopting legislation and policies such as Law 3/2007;
- (c) Training and dissemination initiatives in the ICAB on the need and benefits of law firms adopting equality policies for lawyers;
- (d) Introducing intensive working hours without discrimination;
- (e) Publicising women's role models in the legal and/or judicial profession;
- (f) Encouraging new working models such as cooperatives and/or collective projects;
- (g) Mandatory equality plans and incorporating gender criteria in all recruitment and promotions within law firms;
- (h) Equal participation in meetings, panels, conferences, presidential tables, etc. where the gender perspective is also included;
- (i) Solidarity and support among women lawyers through conferences and roundtables on common issues that affect them;
- (j) Supporting school canteens, nurseries, or incorporating these in companies; as well as extracurricular activities for carers so that they can continue with their vocational training at convenient times.

In the long term, working towards the implementation of early years' educational projects is key to ensure that children are educated in gender equality, as education starts from a young age.

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## Proposals and possible solutions related to conscious and/or unconscious biases

*“Co-responsibility in parenting would have a lesser impact on women’s professional careers and this education should start at school, in the family, in relationships so that everything revolves around the person and their abilities and efforts, not around gender. It is a cultural issue, therefore, it must go to the base: to the formation as people that we see when we are born, at school, in cartoons, in films, in parents’ relationships with each other, promoting respect for the human being, for life, for dignity.”(Anonymised comment).*

### 1. Rethinking the myth of meritocracy to look for new strategies

Participants expressed the need for meritocracy to exist as a true criterion for professional growth. It is important to recognise that women’s careers are as important as men’s, and to encourage the development of new values, including equal sharing of tasks in the home, as well as equal access to career development opportunities for all people on equal terms.

### 2. Positioning gender equality on the ICAB’s agenda. Complaints channels

Law Societies and Bar associations play a vital role in the professional development and representation of their members. ICAB needs to adopt more assertive positions in relation to gender inequality, especially in support of women lawyers. Institutional support and leadership are very important to cement changes and eliminate practices that hinder the development of women in the profession. ICAB can also create guidelines, practice guides, and research to consolidate the advancement of gender equality within the legal profession.

Several participants suggested the creation of a ‘whistleblowing channel’ for reporting discriminatory behaviour, biases attitudes, micro-bullying, micro machismos, and microaggressions within ICAB. This evidence will serve to generate a clearer picture of the problem, sending a message to all members that such behaviour will not be tolerated, and helping to avoid the “anonymity” of harassment.

To address this problem, cultural and mindset changes were suggested; clear and user-friendly procedures; and the creation of an ethics commission and an anonymised whistle-blower mailbox to ensure compliance.

Current regulations require all firms to have anti-harassment policies in place and provide that, in extreme situations, there should be a proportionate sanction, or even in the most serious cases of misconduct, dismissal is possible, often after an investigation process that should be transparent. However, it is concerning that a good number of respondents expressed that they did not know if such rules existed in their firm, or that

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they did not exist at all, nor were measures taken to prevent employees or partners themselves from making deliberately offensive comments.

Information was provided about the legal remedies currently available. These channels facilitate reporting, but several respondents expressed that, in practice, no one dares to use these channels for fear of reprisals.

In some firms, it is recognised that protocols exist and are used correctly, and if a case of harassment occurs, the client, supplier or employee is dismissed. However, a good number of respondents expressed that, in their organisations, there are no channels for making complaints. Therefore, to avoid reprisal or stigmatisation within their own office, or discredit in the professional environment, they have to be patient and not take any action.

### 3. Guidelines for action

*"It would be good to have a club for women lawyers and to have a set of responses ready for cases of sexist incidents that affect us in the exercise of our profession. A little support would make us feel very different and feel "understood." (Anonymised comment).*

It was suggested to draw up guides or standard responses to reply to questions or situations that are frequently out of place, or to inappropriate phrases. Inappropriate comments are addressed to women lawyers in the exercise of their profession because they are women, and sometimes arise unexpectedly, and in circumstances where they are not always prepared or have the quick reflexes to give an adequate response that sets the limits or curbs them.

### 4. Continue creating safe spaces for sisterhood for reflection and dialogue, so that we can continue to learn from shared experiences

It is essential to share experiences between women, by creating safe spaces for debate to discuss issues that affect them to seek joint solutions and generate solidarity. Similarly, participants remarked that the experiences of exemplary and pioneering women must be shared and highlighted, as to generate new social models where women are reflected. To prevent divergence, building consensus and finding areas of common interest among women lawyers is crucial. Some participants raised the possibility of creating a trade union for women lawyers and/or an independent institution dedicated to women lawyers in the sector.

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Other recommendations to improve sorority:

- Do not criticise other women for the way they dress or their physical appearance, as it reinforces the patriarchal idea that women must have a certain image.
- Protect women in vulnerable situations and do not judge them in order to avoid shifting the blame from the aggressor to the victim.
- Do not allow sexist insults or disqualifications that stops women's freedom of action.
- Be inclusive and welcome all ethnicities and social classes, which empowers women because it makes them part of the wider community and feel supported.
- Create safe spaces of sisterhood and support networks where experiences, solutions, and best practices can be shared. This will also help increasing social awareness, which may result in becoming actively involved in organisations and/or foundations.
- Learn to validate the work undertaken by other women, instead of just expecting to receive this validation from male colleagues.
- Find ways to recognise women who have excelled as a way of generating aspirations and role models among women.
- Raise awareness among women on the fact that biases and/or stereotypes are harmful to individuals, to society, and to gender equality.

### **5. Zero tolerance for stereotyping, micro-machismos, and microaggressions in a structured, systematic way**

*"Every day I try to make gestures of "non-acceptance" to prevent the normalisation of differences and discrimination."(Anonymised comment).*

All participants agreed that dismantling the patriarchal system is imperative to continue moving towards gender equality in the practice of law, which requires addressing stereotypes, micro machismos and microaggressions in a unified and mutually supportive way. This means changing the narrative and preventing the normalisation of harmful and pernicious behaviours such as biases (conscious or unconscious), micro machismos and microaggressions. Participants are committed to develop constructive oppositions and

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sharing strategies to counteract micro-machismos and microaggressions. In addition, other initiatives could be:

- Do not laugh if inappropriate and/or humiliating comments are made about women. Taking this stance does not mean lacking a sense of humour; and ensures that change is undertaken based on mutual respect; where belittling, stereotyping and discrimination are not tolerated. Seeking strength in unity can make this collective confrontation more effective and would be even better if male colleagues are also supportive.
- Raise awareness among male colleagues, through key messages and case studies, so that they view gender equality as adding value and bringing positive benefits into their lives.
- Encourage men to make full use of their paternity leave, which would give them an opportunity to enjoy quality time with their families as well as improve their physical and mental health. Both men and women must be involved in strategies for change.
- Micro-machismos and microaggressions can be eliminated. Recording examples of micro-machismos and microaggressions will help identify them clearly, and prevent falling into the trap of self-doubt or manipulation; as these behaviours should not be tolerated, they are not "natural or normal".
- Support women with self-protection tools as micro machismos and microaggressions undermine self-esteem. Educate women to demand respect for their rights, not to let their guard down, and build solidarity with other colleagues in the office. Promote the practice that if a woman is mistreated or a victim of an unfair situation, she is given support so that she does not feel alone or isolated.
- Confront sexist comments through humour with a gender equality perspective and respect. Humour is a very powerful tool, capable of turning the most complex problems, the deepest wounds or the most uncomfortable situations into a laugh and a moment of complicity. By using humour to counteract micro-machismos and microaggressions, we highlight the ridiculousness of sexist or offensive comments.
- Do not tolerate violence, manipulation, or efforts to silence women's voices in the profession. This includes not allowing sexist or derogatory language used against women in the courts.
- Conduct awareness-raising campaigns on the need for dignified parenting.

*"It is the responsibility of everyone, both men and women, to be aware of the offensive comments made to try to correct these actions."(Anonymous comment).*

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### 6. Working towards cultural change within the profession

*"It is not sustainable, reasonable, or productive to be available 24-hours a day as it affects the physical and mental well-being of everyone in the profession." (Anonymised comment).*

All participants agreed that it is imperative to create a culture revolution within the profession, as certain practices - such as long working hours and organising professional events during inaccessible working hours - are neither healthy, nor sustainable in the long term. Participants highlighted the need for flexible working hours; avoid justifying long working hours; integrate mandatory equality plans throughout the legal sector; promote positive female role models within the profession; and encourage women's leadership to foster the professional development of women lawyers.

Furthermore, promoting campaigns to change the negative image of motherhood and fatherhood can help eliminate stereotypes and discrimination towards professional mothers. This cultural shift should be expanded to clients through frank discussions and setting boundaries, especially in situations of disrespect or overstepping the professional space. The latter requires institutional leadership and support.

Awareness raising among male and female judges of the inevitable pressures brought by maternity and breastfeeding, so that these are considered during court sessions; and if necessary, allowing for a necessary break during lengthy hearings, not as a privilege, but as a right.

### 7. Promote self-care for members

Self-care is recognising that wellbeing also extends to the family and community and goes beyond meeting basic needs. Self-care activities that protect mental, physical and emotional health are very important for a more balanced personal and professional life, help recharge our batteries and contributing to better harmony in the professional community.

Investing time in promoting self-care, for both women and men in the legal profession, can also allow time to reflect on the impact of micro-machismo and microaggressions, which can engender a process of empowerment that facilitates the adoption of strategies and the development of emotional intelligence.

It is necessary to share and generate self-care plans to avoid burnout (burnout manifests itself through a state of physical and mental exhaustion that is prolonged over time and can alter the personality and self-esteem of the worker). Self-care includes working on the 'imposter syndrome' - a situation where a woman may have the belief that she does

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not deserve her success and which she attributes to luck or chance, never to her own merits.

### **8. Learn and share experiences on the reconciliation of personal, family and work life**

Participants concurred that learning to negotiate with the life partner is crucial to share the family workload, so that caring responsibilities does not mean the professional sacrifice of only one person, but a shared duty. The conciliation of personal, family and work guarantees:

- That fathers and mothers can enter and remain in the labour market without their family arrangements negatively affecting their opportunities of accessing employment or senior positions.
- That children can be cared for, and educated by, both parents.
- That dependent persons can be cared for by their families, if they so wish, and whenever it is possible.

Reconciling personal, family and work life makes it easier for any working person to maintain a full professional career and, at the same time, exercise their right to look after their family, to develop their character, to continue their professional development, and to enjoy their leisure / free time.

Who should be involved in reconciling work, family and personal life?

- Families: Men and women sharing equally the distribution of domestic and family responsibilities, thus breaking pre-established gender roles. That means co-responsibility in the distribution of their time. Equally, sons and daughters must participate in domestic and family tasks in accordance with their abilities, their level of responsibility and development.
- Companies: applying equality policies and implementing work-life balance policies among their staff.
- Public Administrations and Public and Private Institutions: supporting equal opportunities between women and men and designing public policies that benefit families.
- Workers: exercising their right to work-life balance in a responsible way.

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Learning to negotiate with life partners / spouses is essential for establishing a work-life balance that can enable to capitalise on the talents of both for the benefit of the whole family, reducing the women's double burden.

More education on the culture of co-parenting is needed, which can also contribute to eliminate fears and biases among employers when recruiting a woman. Furthermore, there must be responsibility within the legal profession to foster better work, family, and well-being balance among its members.

Similarly, the right to disconnect and digital rest are very significant. The development and universal accessibility of technology have meant that people are connected all the time. There are also firms and clients who are not always aware of the challenges and of the necessary limits.

### **9. Systematic monitoring of compliance with standards**

Although there has been progress on gender equality, the roundtable participants and the survey findings highlight the need to monitor systematically the implementation of codes of conduct and the application of legislation to eradicate discriminatory practices. Ensuring ongoing monitoring will also help built strong evidence to assess the effectiveness of the range of actions and measures implemented.

Monitoring will also indicate whether standards are truly being met and concrete actions are being taken; perhaps, exposing companies that claim to promote gender equality purely as a formality, when in practice, they tolerate bias, discrimination, and harassment. Furthermore, incentives can be adopted, through positive public recognition or awards, to encourage companies to implement actions that promote gender equality.

# 11.

## Solutions related to flexible working

*"Millennials will choose those firms offering flexible working. It is important to keep it permanently."(Anonymised comment).*

The survey results highlight 5 important measures that firms can implement to facilitate inclusion and leadership:

- a. Adopt more flexible working practices and cultures (72.31%).
- b. Change performance metrics for measuring productivity as to allow fewer hours in the office (61.03%).
- c. Hold senior lawyers accountable for retaining female talent (35.38%).
- d. Expand productivity metrics to include less prominent activities such as recruitment, coaching, mentoring (26.67%).
- e. Introduce new forms of networking that are gender neutral as to facilitate women's participation in networks (25.13%).

### 1. Introducing new key performance indicators

There are studies and proposals to evaluate lawyers' productivity under metrics that are not only based on working time and billable hours. Consequently, establishing new productivity metrics is essential, such as key performance indicators (KPIs) that consider other factors such as client satisfaction, professionalism, academic level, business development, administration and personnel management, or the ethical practice in the profession. Furthermore, other areas such as pro-bono work must be considered and can contribute to modernise work performance benchmarks in the profession, as these activities also enhance the firm's profile and standing.

Some operational principles of possible application:

- Establishing a tailor-made timetable, with each professional designing their own schedule according to their own personal needs, and taking into account their specific roles.
- Working by objectives with stipulated delivery dates and a flexible timetable based on compliance with the calendar.
- Regarding working in a specific location, make the time of arrival and departure more flexible by offering a wide range of timings to undertake the work.
- Concentrating working hours on fewer working days, for personal reasons or due to peak in workloads on certain days of the week.
- Extending working hours from Monday to Thursday to finish the working day on Friday at midday.
- In the case of shift work, establishing agreements that facilitate personal and professional conciliation without affecting the work.
- Flexibility in taking breaks during the working day.

# 12.

## Gender pay gap solutions

*"Although there are equal pay protocols, I believe that the pay gap still exists, as men tend to be paid more than women. My own experience is that a man, doing the same or even less work than me, was paid more than me, and I had more responsibility than him. We women always have to prove our worth more to be valued, professionally and financially."(Anonymised comment).*

To end gender pay gap, the development of equality plans and pay transparency measures in law firms should be fostered, irrespective of the number of employees.

### 1. Changing the stereotypical mindset about women

Changing stereotypical mindsets on the role of women in society will contribute, for example, to ensure that motherhood is not seen as an obstacle and/or a justification for non-employment. This is a structural educational issue must be addressed in a cross-cutting manner and from all social sectors.

### 2. Establishment of transparent and equitable pay grades irrespective of gender

Remuneration should be based by job type, regardless of gender, as the legal obligation is equal pay for equal work. Equal working conditions regarding maternity and paternity leave must also be included to prevent the risk of not being hired if a lawyer is of childbearing age.

Actual work experience, academic merit, and other objective elements are requirements that must be applied inclusively without any gender bias. Promotion, salary allocation, bonuses, and other forms of rewards must be awarded in a transparent manner. In addition, significant penalties for recidivous offenders, or public naming and shaming of non-compliers, are necessary to close pay gaps where non-compliance occurs. Institutional leadership is essential to promote these changes and to ensure commitment to these policies.

### 3. Possible practical measures related to closing the gender pay gap

- Increase and invest in building your professional and personal networking.
- Write CVs in line with the job description for which you are applying.
- More research on the issue of the pay gap and promote equality plans adapted to the complexity of each organisation, but with a minimum requirement for the whole sector, regardless of the number of people in the firm.
- Adoption of transparent salary policies with clear remuneration scales and job descriptions.
- Establish clear parameters when deciding to promote a new member based on academic background, work experience, and professional quality.
- Training on how to negotiate better salaries and improve assertiveness.

# Summary of key concrete proposed actions

# 13.

## Recommendations and synthesis of possible concrete actions for different actors:

PERSONAL	INSTITUTIONAL (ICAB)
<ul style="list-style-type: none"><li>• Promote healthy habits and simple measures to promote self-care and the wellbeing.</li><li>• Prioritise continuous professional development for further professional growth, especially those activities fitting with personal life and caring responsibilities (at times and in formats that are accessible to everyone).</li><li>• Promote and participate in activities and social events for female empowerment within the sector.</li><li>• Share personal experiences that can facilitate the resolution of abuse cases or sexist actions.</li><li>• Assess your specific training needs before a pay negotiation to undertake it using a gender equality lens.</li><li>• Utilise the available complaint mechanisms to prevent the spread and impunity of harassment and discrimination.</li><li>• Apply and demand family co-responsibility.</li><li>• Be individual agents of change in your own workplaces or social sphere.</li></ul>	<ul style="list-style-type: none"><li>• Create mechanisms to increase visibility and promote inclusiveness, fair pay policies and flexible working in firms.</li><li>• Promote law firm management training with a gender equality perspective.</li><li>• Promote professional networks to facilitate access for women lawyers to grow professional circles.</li><li>• Promote partner quotas in law firms.</li><li>• Promote new, multiple, and fair professional performance metrics, to prevent professional careers depending only on individual income generation and billable hours.</li><li>• Create a whistleblowing channel for denouncing possible cases of abuse, discrimination or harassment, and disseminate zero-tolerance policies on harassment.</li><li>• Train all lawyers on relationships based on mutual respect and on the value of diversity in professional practice.</li><li>• Monitor the state of real equality in law firms and to create equality awards.</li><li>• Promote pay transparency and the elimination of gender pay gap in law firms.</li></ul>

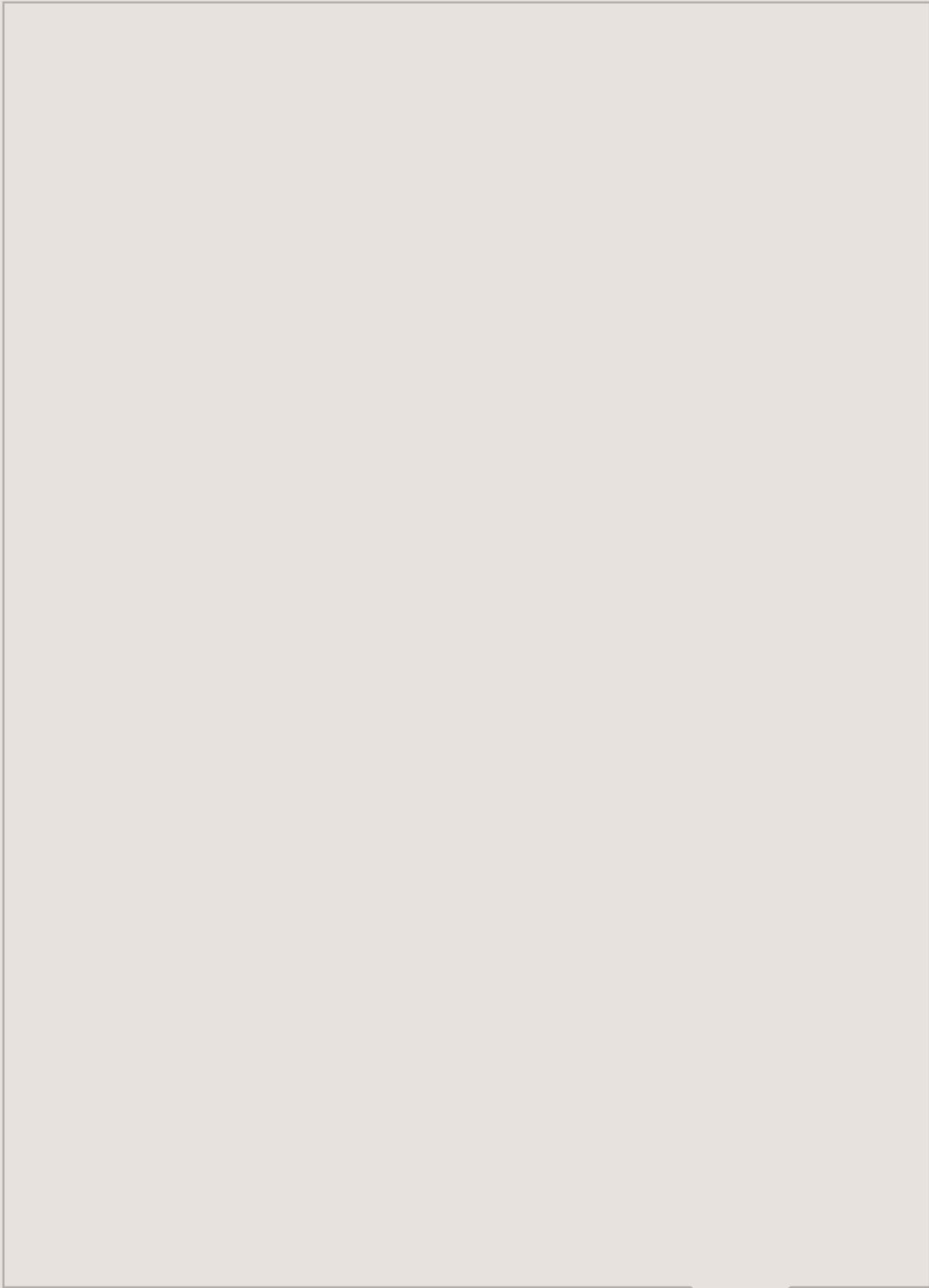
# 13.

## Recommendations and synthesis of possible concrete actions for different actors:

COMPANIES FIRMS	EDUCATIONAL/LEGISLATIVE/SOCIAL
<ul style="list-style-type: none"> <li>· Value motherhood, not as an obstacle, but as a collective social duty that is contributing to society's future. Ensure that women lawyers can exercise a dignified maternity (including encouraging the exercise of full paternity leave).</li> <li>· Promote new forms of internal collaborative and project-based work through coaching and mentoring, which would allow for the development and retention of female talent.</li> <li>· Make meritocracy and transparency in assessment rules the real criteria for recruitment and professional promotion.</li> <li>· Promote a culture of equal sharing of administrative tasks within the firm.</li> <li>· Reducing working hours and providing equal access to promotion and continuing professional development opportunities.</li> <li>· Zero tolerance for harassment among members of the firm and third parties, including clients.</li> <li>· Pay transparency and elimination of the gender pay gap.</li> <li>· Develop a complaint mechanism that is anonymous, outsourced, and efficient.</li> <li>· Develop and apply professional performance metrics to measure development that are not based solely on income generation and presenteeism, and incorporate new criteria such as commitment to the firm, personal effort, client loyalty, promotion of the firm's profile, or professional practice, committed to high levels of ethics and compliance.</li> <li>· Apply good practices against discrimination and inequality.</li> </ul>	<ul style="list-style-type: none"> <li>· Establish agreements with universities and training centres for new lawyers to foster new values, including ethical training, gender equality, and co-responsibility.</li> <li>· Deepening strategic alliances with other organisations and sectors to build a unified, cross-cutting movement (companies, courts, and professional associations) to facilitate real equality in the legal sector.</li> <li>· Engaging male lawyers in programmes relating to new masculinities; making them aware of micro-machismos and gender biases in the profession and the collective harm it generates and the loss of female talent in organisations.</li> <li>· Open mechanisms that allow women lawyers to have a representative voice at all levels.</li> <li>· Advocate for zero tolerance of sexual harassment in the legal profession.</li> <li>· Promote the women role models in the practice of law and the struggle for equality.</li> <li>· Change the narrative on meritocracy to make it inclusive.</li> <li>· Promote equitable continuing education for men and women with accessible and flexible formats and proposals.</li> <li>· Promote family co-responsibility.</li> <li>· Offer support for school canteens, nurseries, extracurricular activities, and for professionals with single-parent households, or incorporate these offers in companies.</li> <li>· Draw up good practice plans.</li> </ul>







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