



The Law
Society



INFLUENCING FOR IMPACT: THE NEED FOR GENDER EQUALITY IN THE LEGAL PROFESSION

WOMEN IN LEADERSHIP IN LAW REPORT
Findings from the women's roundtables

March 2019

www.lawsociety.org.uk

Contents

Foreword	4
Introduction and methodology	5
Context	5
Research	5
Unconscious bias in the profession	7
Definition	7
What does unconscious bias look like in legal services?	7
Reasons for bias	12
Solutions and recommendations	13
Remuneration, equal pay and the gender pay gap	15
Overview	15
What does unequal pay and remuneration look like in legal services?	15
Gender pay gap reporting in the UK	20
Recommendations	21
Widespread flexible and agile working	22
Overview	22
Recommendations	26
Further best practice on diversity and inclusion	28
Men as champions for change	28
Women supporting other women	29
Zero tolerance for sexual harassment	29
Placing diversity at the centre of business planning	30
Targets and quotas	30
Values-based business and development	31
Recommendations	32
Conclusion	34

Foreword



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

It is my great privilege to introduce the Law Society's latest report on gender equality in the legal profession. This report follows a previous one 'Setting the agenda for change,' conducted in 2012 as part of the International Women in Law Summit. Seven years on our research shows that across the world women lawyers continue to be significantly under-represented in positions of leadership in the sector.

In England and Wales, for example, women have made up over half of practising solicitors since 2018, but the profession continues to be led predominantly by men. Women from minority ethnic communities or who have disabilities face further barriers in their careers. Around the globe, the senior levels of law firms do not truly reflect the reality of a profession with a significant female majority at the point of entry. True equality is not achieved simply by the passing of time or by increasing the number of women in the profession. With the exception of in-house counsel roles and a few posts in private practice, women lawyers still do not uniformly occupy leadership roles commensurate with their qualifications and experience.

In our research, perceptions of unconscious bias was identified as the main barrier for career progression. Bias within an organisation is not always obvious and tangible. Sometimes it can take the form of small behaviours which make people feel excluded. This might, for example, include not acknowledging contributions equally. The inaction itself may not mean much, but the accumulation of these small behaviours reinforces and supports bias.

Disappointingly, a significant disparity in pay still exists between women lawyers and their male colleagues who perform similar roles, however, positive improvements have been made on data collection and reporting in certain jurisdictions. This has helped to shine a light on the issue and enables firms to take action to close the gender pay gap and increase transparency. Improvements can also be seen in the increased provision of flexible working arrangements.

There are many other factors at play, and the recommendations made in this report aim to shine light on them to further advance the agenda for positive change. Legal businesses need to tackle these barriers as gender balance, ensuring equal outcomes, diversity and inclusion are critical business issues that drive productivity. Having a diverse workforce and leadership makes sound economic sense, but this is dependent on the way that legal businesses manage the diversity of their workforce.

We will follow up this report with further insights from our men's roundtables, our international work and the impact assessment of all the commitments that individuals made to be activists and changemakers through using the bespoke toolkits we produced. However, we already have such a wealth of information from our women's roundtables, we wanted to share the data to provoke further discussion, consideration and, I hope, positive change.

I would like to say a special thanks to our Women in Law core group who have helped to shape the programme, the participants of our survey and the attendees of our roundtables who gave us invaluable data to produce this report.

Christina Blacklaws
President

Introduction and methodology

Context

Building on the work which the Law Society began in 2012 to understand the position of women in the legal profession, the Women in Leadership in Law project is one of the presidential priorities for 2018-19 and is led by Christina Blacklaws.

The Women in Leadership in Law project aims to provide a solid foundation of qualitative evidence about the position of women in law, raise awareness of the challenges we face in tackling inequality and promoting creative solutions, empower women to become changemakers and leaders in their organisation, and to channel the support of male champions for change. The content of this report is intended to provide insight into the lived experiences of individuals working in the law.

Our recommendations are broad enough to be used by law firms, in-house communities, courts, chambers and legal businesses, and the terms used throughout reflect this.

Research

The findings outlined in this report are based on substantial qualitative and quantitative research involving approximately 12,000 legal professionals from around the globe.

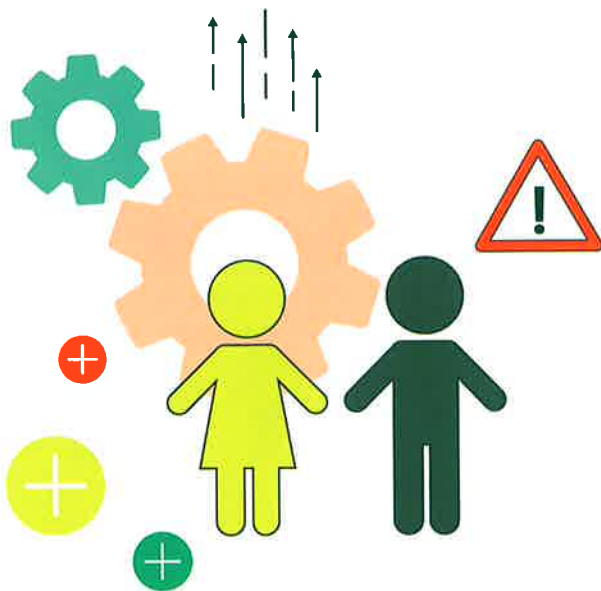
To better understand the key issues that affect women working in law, we conducted a survey which ran from November 2017 to January 2018 and captured 7,781 responses from men and women.

Using these key findings, we hosted or supported 225 roundtable discussions domestically, and in 13 jurisdictions, with women from across the legal profession including business leaders, solicitors, in-house counsel, barristers, academics and members of the judiciary.

We held approximately 40 roundtables, which were facilitated by the President of the Law Society, and the attendees were encouraged to host their own. We ensured that roundtables took place the length and breadth of England and Wales and that all roundtables were diverse. We held specific roundtables for women with intersecting protected characteristics (Black, Asian and Minority Ethnic (BAME), Lesbian, Gay, Bisexual and Transgender (LGBT+), disabled solicitors etc.) and for other groups such as judges and women parliamentarians who had been lawyers.

Roundtable participants were asked to focus on the key perceived issues that were identified in the survey – unconscious bias, the gender pay gap and flexible working – along with examples of best practice which can help to overcome the barriers to women’s progression.

All roundtables are being conducted under the Chatham House Rule which enables frank and open discussion. The women who attended our roundtables utilised our toolkit to enable them to become activists and to commit to making positive change happen in their organisations.¹ They told us they felt galvanised by the opportunity to make real change to the profession, and many went on to host their own roundtables with friends, colleagues, and peers.



¹ Toolkit available here: <https://www.lawsociety.org.uk/support-services/practice-management/diversity-inclusion/women-in-leadership-in-law/>

Across the sector, women of all ages, backgrounds and roles were brought together by a shared determination to make positive change to the current system which is perceived as not enabling them to achieve their aims and ambitions.

Men's roundtables are being held, utilising their own toolkit, and they too committed to being male champions for change and taking action.² Further roundtables will be taking place, across an additional six jurisdictions over the next few months, which will be led by the Law Society. The data from these roundtables is still being processed.

Approximately 4,000 people will have engaged in our roundtables when the process is concluded. Each has been asked to make personal commitments (utilising the toolkits) to be agents of positive change. We have asked them to report the results of their commitments and we will assess the impact of these commitments and cover this analysis and insight in the next report.

This report includes the top findings of the women's roundtables and a further report covering the international, men's and impact assessment insights will be produced later this year.

We also commissioned a comprehensive international literature review of the research available on women in leadership in law which is available on the Law Society's website. Extracts from the literature review are included in this report.

Some of the feedback received from the international roundtables has also been incorporated into our findings. Although the themes were similar to those highlighted by women in the domestic roundtables, we recognise that some of the strategies and solutions required will vary according to the different jurisdictions. A more focused report on the international women's roundtables will be produced later in the year.



² Toolkit available here: <https://www.lawsociety.org.uk/support-services/practice-management/diversity-inclusion/women-in-leadership-in-law/>

Unconscious bias in the profession

Definition

Unconscious bias refers to both positive and negative attitudes or stereotypes that affect our understanding, decisions or actions concerning an individual or group in an unconscious manner. All human beings – women and men – are biased; we are hardwired to make implicit associations. This enables quick thinking, but it is also the foundation for stereotypes, prejudice and discrimination.

Whilst it is possible to be unconsciously biased towards anyone, it is the biases that a dominant group has towards groups with protected characteristics that are most concerning, and it may result in discriminatory behaviour. In the UK, protected characteristics are defined under the Equality Act 2010 which guards against discrimination, harassment and victimisation in employment and the provision of goods and services. The Equality Act 2010 identifies gender reassignment, race, disability, age, sex, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation as protected characteristics.

What does unconscious bias look like in legal services?

Scale of the problem

In our 2017-18 survey, the presence of perceived unconscious bias in the legal profession was the most commonly cited reason why so few women reach senior positions in law firms, reported by 52% of respondents. In most roundtable discussions the majority of feedback from participants related to bias – both conscious and unconscious – and the myriad of ways negative attitudes and stereotypes can manifest and affect each stage of a career.

Key themes

Barriers to the career progression of women include:

a. Not fitting into the traditional image of a business leader

Our research found that there can be a narrow definition of what effective leadership looks like, which often favours characteristics that are traditionally ‘male’ and stereotypically associated as masculine, such as being decisive, strong and assertive. Participants of our roundtables commented that these masculine traits are often rewarded whilst feminine traits are undervalued. This approach can sideline individuals, both women and men, who do not exhibit these characteristics and fit into the narrow characterisation for a leader in law.

For example, what is considered acceptable behaviour can vary depending on a person’s gender. Compartmentalising individuals based on their gender is also compounded by the language used to describe behaviour. For example, the words ‘confident’ or ‘bossy’ elicit very different perceptions, and these linguistic differences can have a significant impact on an individual’s career.

I think as a black woman, I over-compensate. I don't want to be perceived as aggressive or a certain way...it makes it difficult to be my true authentic self.

a women’s roundtable participant

Our research also found that recruiting in one’s own image, or looking more favourably on a candidate or colleagues when their behaviour, or even appearance, reflects their own is a significant problem in the profession. This could be because they feel a ‘connection’ with an individual who may have, for example, attended the same university, or have a similar background. This bias can impact every stage, from recruitment and work allocation, to assessment and promotion, the results of which lead to a perpetual narrowing of opportunities for those who do not fit the model.

I think people unconsciously form a view based on the way I look. I come across it regularly. A recent example; we were at a conference with senior partners, associates and above. I delivered a talk and after that, at least three people came up to me and said: "Oh you sounded really confident". It came as a real surprise to people that I had the capability to stand up and speak. I don't think they meant anything by it, but I went away from it thinking hmmm, how do people see me?

a women's roundtable participant

When individuals feel that there is no scope to progress, they may choose to leave private practice to work in-house or set up their own firm. However, while the rate of attrition for female solicitors supports the premise that there are benefits to working in-house – such as development, progression and flexible working – our research suggests that the issue of perceived unconscious bias remains even when female solicitors leave the world of private practice.

When I moved in-house I didn't think I would see the same level of unconscious bias but it was so prevalent throughout and as the only woman my manager made me feel that I owed him for hiring me... you have to work twice or three times as hard as men to be valued, recognised and to make it to leadership roles.

a women's roundtable participant

Roundtable participants also cited criteria used in performance reviews – the system used to help individuals measure and demonstrate their development to get to the next level – as a significant barrier to success. Participants felt that the criteria for success were often narrow and difficult for them to meet.

When we reviewed our appraisal process, we found that significant unconscious bias came out of promotions. Each day women came out at the bottom of the matrix even though we knew they were often the stronger candidates. It became clear that the qualities of the women were not being recognised.

a women's roundtable participant

Our literature review found that perpetuated notions of women's difference to their male counterparts results in their exclusion at all stages of a single career and ultimately limits advancement to positions of senior leadership.³ Despite diversity being integral to business growth, this notion of difference is especially true for those who have more than one protected characteristic (such as BAME and/or LGBT+ women) for whom the perception of being 'different' results in double and triple barriers. Beyond gender, individuals with protected characteristics are not proportionately represented in senior parts of the profession.

³ The Law Society's academic literature review on women in leadership in law, 2019. Unconscious bias chapter referencing Thornton, 2007.

In 90% of my networking with clients and staff, people are so inappropriate about either my gender or the fact that I am gay ... I have almost burst into tears as a result. I feel like I have had an extreme bias and perhaps a diversity and equality person might help this but our one has been the culprit at least three times.

a women's roundtable participant

Representation matters, and there is a strong desire amongst women to see people in leadership who are 'like me' – women who can be related to, particularly so that more junior women feel that they have senior leadership potential. Whilst organisations can be made more inclusive, unless women from diverse backgrounds are promoted to the top tier, it signals that they are not wanted there.

There is this push for women at the top but there isn't really any push for ethnic minorities. In our firm there are so many ethnic minorities, but as you go higher and higher, the colour seems to fade.

a women's roundtable participant

Feedback from those who are in the more advanced stages of working towards gender balance and inclusion in their organisations cited how support for women must be more than a statement from the top. The targeted actions and commitment of senior leadership are crucial to dismantling barriers and reversing behaviours which favour men.

Setting the tone at the top is not enough, and securing buy-in from middle management is also required to guarantee that all parts of the business are included and

to prevent stagnation. Middle management are often the missing link in ensuring that the correct behaviours are modelled and followed throughout an entire organisation.

It is also fundamental that bias is eliminated from assessment processes, starting at recruitment and maintained throughout every stage of an individual's career up to, and including, the most senior leadership roles. Processes should be used objectively with each person to value a spectrum of contributions in a way which can be benchmarked and monitored for consistency. For example, blind and contextual recruitment, work allocation policies and gender balanced recruitment, promotion, assessment and remuneration panels will help to attract diverse female candidates. This is particularly relevant at specific career transition points including entry level, retaining and supporting women throughout their careers, developing high performers so that they feel ready, willing, and encouraged to take on senior leadership roles.

b. Assumptions, ambitions and limitations

Many women reported that assumptions made about them because of their gender have damaged their careers. Conversely, there was a perception that the reverse is true for men who are presumed to be effective and capable as a natural consequence of their gender.

Our research showed how frequently solicitors were presumed to be the 'tea-girl' or notetaker by virtue of being the only woman in the room, and when women who have been in the profession for decades are mistaken for an assistant when accompanied by a junior male colleague. For individuals who have not experienced such instances, it may be easy to underestimate the demoralising effect which the assumption of inferiority, whether it is conscious or otherwise, can have on one's career.

Women also reported that there are assumptions about what they can and cannot do. Women lawyers with disabilities felt that people make assumptions about limitations and make decisions based on these incorrect assumptions. For instance, some reported being given menial work and being told it was not necessary for them to visit courts. They felt that others made decisions for them because of their disability and gender, which affected their enjoyment at work and confidence.

It's as if disabled people are invisible, unseen and unheard; when seen, disabled people may be considered to be weaker, readily patronised and stereotyped. This can lead to unemployment, less visibility in the workforce, and being cut-off from progression and leadership.

a women's roundtable participant with disabilities

These assumptions also extend to career progression. Our research showed that men are more regularly seen as wanting to become a partner, and consequently receive support and cues to help them on that path. For women, this assumption does not seem to automatically apply. As a result, women are often left unsure about whether to discuss their ambitions for leadership at their reviews early in their career.

Our literature review found that competency-based assessments may mitigate against some unconscious biases when assessing value and worth for remuneration and promotion, although that is dependent on the development of a sophisticated competency framework against which a more nuanced assessment of merit can be made.⁴

Our research evidences that not all assumptions came from 'a bad place'. Several participants spoke of times when male (and female) line managers had made career limiting decisions about them from what was seen by the line manager as thoughtful behaviour. For instance, not being put forward for a role which involved international travel/placement abroad when an employee had young children, assuming – incorrectly – that she would not want to take up the offer. However, it is important to note that making these assumptions without malice can still be discriminatory on the grounds of gender.

c. Limited value and commitment to their organisation

The majority of roundtable participants described themselves as ambitious. In many cases, they had often taken an active role in driving the change required in their organisations to level the playing field for men and women. However, women at all stages of their career and across all areas of practice felt that the bias of others, and sometimes their own bias, limited their success.

Our research showed that women believe that they are assessed as less worthy than male counterparts because of the lens through which their contribution is viewed. Participants discussed the pressure to over-deliver in order to be recognised as an equal to their male colleagues. This included the need to visibly demonstrate their value as a solicitor and their contribution to their firm or organisation. Whilst some acknowledged that there was a similar pressure for juniors in the profession, women with significant experience felt that they were still held to higher standards than their male colleagues who, in their view, benefit from the assumption of experience, prestige, and respect.

Unconscious bias exists, and men reinforce this – but if you speak out as a woman you are not endorsed because a different standard is expected of women. The focus for men is their potential, but women are judged on what they can do.

a women's roundtable participant

Despite perceived higher expectations, because of their gender and the common presumption that they want children, many women also felt that they were likely to be considered less committed, and therefore less valuable – irrespective of their desire to be a mother or not.

⁴ The Law Society's academic literature review on women in leadership in law, 2019. Unconscious bias chapter referencing Tomlinson et al, 2013.

In contrast, our literature review found that there is a 'parenthood dividend' (benefiting fathers). Fathers who are publicly 'hands-on' in their parenting are often seen as being 'super dads', committed to both their professional career and personal life. Mothers, however, are penalised in the work place for the same activities.⁵

d. Clients as drivers of change

Participants were in agreement that clients can be a powerful and positive driver of change for gender equality. There was consensus that clients, especially businesses or in-house legal teams, place importance on diversity and inclusion as a significant criteria when selecting firms as part of their panels or during tender processes.

In pitches for clients, don't just add a woman for the sake of having a woman on the panel. Include women in pitches because they would work on the client case. Potential clients should always ask the lead partner how diverse their pitch team is. If there are no women to field – why is that? What more can be done to position the women in the team for the next pitch?

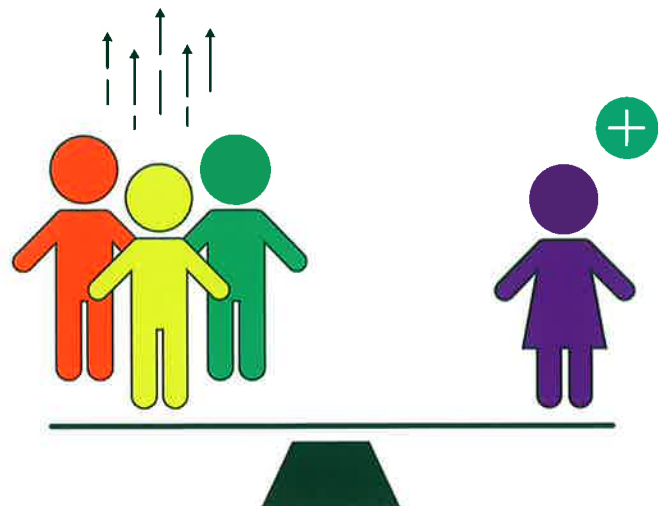
a women's roundtable participant working in-house

However, some attendees talked about the opposite, citing instances where clients were responsible for perpetrating bias. In the UK, the Solicitors Regulation Authority Code of Conduct maintains that individuals and organisations should operate in a way that encourages equality of opportunity and respect for diversity. However, examples were given where clients stated they were only prepared to work with a male, or even a white, solicitor.

What we can be clear about is that solicitors must not discriminate unlawfully against anyone on the grounds of any protected characteristic. A solicitor should refuse their client's instruction if it involves the solicitor in a breach of the law or the code of conduct. Where a solicitor realises they have breached the code of conduct they may have a duty to report themselves to the regulator.

**Christina Blacklaws,
President of the Law Society**

Roundtable attendees shared their experiences of how, when clients do not like or agree with the advice given by their lawyer, they are far more likely to challenge it and be aggressive if such advice is given by a female lawyer; whereas they are more likely to challenge it respectfully if the advice comes from a male lawyer.



⁵ The Law Society's academic literature review on women in leadership in law, 2019. Unconscious bias chapter referencing Sommerlad et al, 2013.

Reasons for bias

The findings from our roundtables, survey and literature review on gender diversity in the legal services sector show that:

- Unconscious, and sometimes conscious, biases affect the way **women are measured and consequently appointed and promoted**.
- Unconscious, and sometimes conscious, perceptions of women lead decision-makers to **see women less favourably in professional contexts** than men.
- This leads to **unequal opportunities** for women and men, with business development opportunities, access to important clients, shortlists for promotions and development opportunities being dominated by men.



There might be several reasons for these biases:

- Many decision-making groups are **relatively homogenous in terms of ethnicity and often male dominated**, hence more likely to default to similar biases about merit or excellence.
- Often, measures to assess people are **subjective**, and nothing is being done to reduce the negative impact of bias in assessment processes.
- Proxies and alternative measures to **assess performance and merit are difficult to establish as they are very complex**.



These barriers can be seen in private practice and in-house legal teams across the legal services sector, the public sector and government legal services.

Solutions and recommendations

Unless active steps are taken to challenge this thinking, and sophisticated means to collect and analyse data are developed to shape decision-making, biases will continue to be perpetuated in the legal services sector. Bias can be tackled and actively prevented through the following actions.

Leading from the top and by example

For most organisations, outlook and standards of behaviour are led from the top. It is crucial for leaders to be aware of their bias to prevent it from influencing business decisions and colleagues alike. One roundtable member shared: “The views of the Senior Partner percolate across the department, so their general views about something, whether that is positive or negative, is crucial.” If leaders demonstrate their support for strategies which develop inclusive workplaces, best practices will be adopted more easily from their teams too.

Some participants suggested establishing a working group, to ensure accountability with the business, which reports on gender balance progress to the Board or partnership on a regular basis.

Humility and acknowledgment of bias

Ensuring that individuals, and especially leaders and managers, are completely conscious of their bias and the unconscious bias that persists within the organisation. This can help underpin a culture of awareness that is the foundation for change. By acknowledging that we all have bias, and by working to eliminate it from impacting business decisions, it will be less likely that an individual’s

immutable characteristics will hinder their progress in the profession. One roundtable participant told us: “I am an Asian woman in a senior position and I failed the Law Society’s Unconscious Bias training and I was horrified with myself, it was a real eye opener”.

Raising awareness as a starting point

Respondents to our 2018 survey reported that policies to address the issue are inconsistently enforced in their organisation, with only 11% reporting training on the issue. Organisations should implement unconscious bias training for everybody within the organisation, however, this needs to be supported by the right policies that address inappropriate workplace attitudes/behaviours and the right senior leadership commitment that creates inclusive workplace cultures.

Recruitment and selection processes

Law firms and in-house legal teams should be committed to making decisions purely on competencies, quality and attributes of the individuals involved. This should cover:

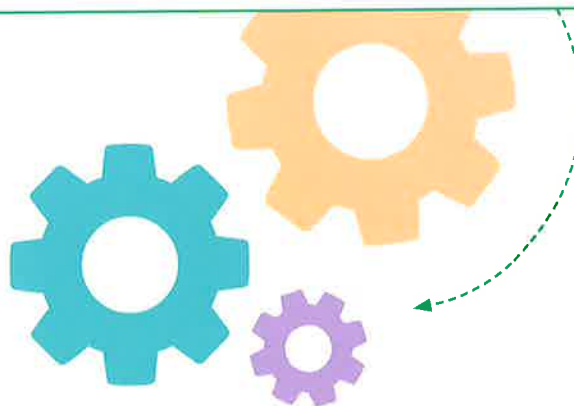
- Ensuring that your recruitment and selection policy and practice does not adversely impact on any specific group(s) of candidates, e.g. collect and analyse data on various protected characteristics and conduct annual audits to consider recruitment success rates at each stage (applications, shortlisting, and appointment).
- Using blind and/or contextual recruitment measures for all internal and external vacancies.
- Ensuring that equal numbers of male and female candidates are considered for every opportunity.

- Installing mixed boards and panels throughout the organisation when making decisions relating to recruitment, assessment, shortlists and promotions to consider gender, race, age, background and ability.
- Ensuring that recruitment/promotion panel members have undertaken equality, diversity and inclusion training and they are aware of unconscious bias and its impact on decision-making.
- Using competency-based assessments when assessing value and worth for remuneration and promotion.
- All candidates, proposals or nominations to be assessed on equal terms and graded on their merits, in accordance with the criteria and the aims and objectives set for each role or opportunity. Take into account that merit is not culturally or value-neutral when creating assessment criteria.
- Ensuring that directory submissions are diverse and inclusive to reflect the diversity of your organisation.
- In the UK, consider using the 'tie-break' positive action provision within the Equality Act 2010 to select candidates from under-represented groups.

Support during work

Supporting women in the workplace is important to prevent bias. This should include:

- Introducing work allocation policies or allocation of work being undertaken for all staff to eliminate bias.
- Conducting regular analysis to identify whether specific groups of staff are adversely impacted by current work allocation policies or practices.
- Implementing a programme of sponsorship, reverse mentoring, internal and external networking, comprehensive return to work packages and inclusive leadership training.
- Holding regular conversations with the leadership team on the impact that unconscious bias can have on appraisal/performance reviews and when opportunities or promotions are being addressed within the organisation.



Remuneration, equal pay and the gender pay gap

Overview

Our research found that equitable remuneration is a concern across the profession. The majority of attendees at our roundtables expressed concerns about remuneration in their roles. This was the case with practitioners working in-house and in private practice, nationally and internationally. Women in private practice raised more significant issues about pay than those working in-house in corporations or the public sector.

The main concerns expressed in our roundtables were that:

- Women are generally being paid less than men, even when male and female lawyers have similar qualifications and experience.
- Men are being paid more than women for doing the same or similar roles.
- The average difference between the remuneration for men and women in their organisations is wide (gender pay gap).
- This inequality is rooted in bias as well as in perceptions of a deficit of some key skills in women (for example, to effectively negotiate salary increases).

What does unequal pay and remuneration look like in legal services?

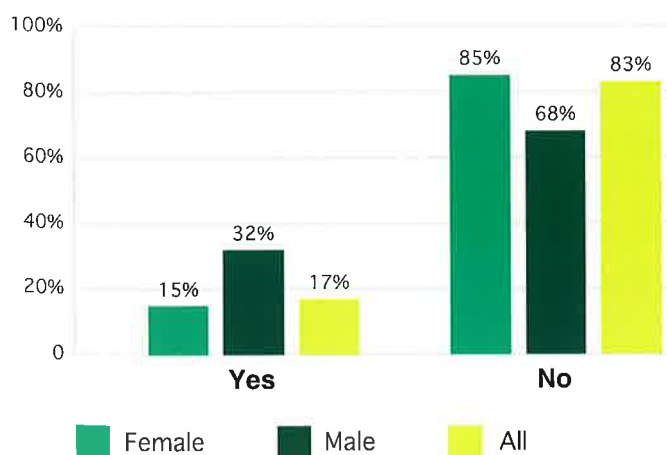
Scale of the problem

Our survey showed that:

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

Participants in our roundtables supported this. It was also broadly agreed that the gender pay gap is evidence of the barriers to progression in the profession, and that tangible steps are required to close the gaps.

Have any visible steps been taken to address the gender pay gap in your workplace? (n=3,716)



Of the 3,716 respondents giving an answer, 83% reported that no visible steps had been taken to address the gender pay gap in their workplace.

A smaller proportion of women reported steps had been taken (15%), compared to 32% of men.

Key themes

Some of the identified barriers to progression associated with remuneration include:

a. The need for greater transparency

In the roundtable discussions, many participants expressed frustration about the lack of clarity around how salary increases and bonuses are currently allocated in their firms and businesses.

If there is no visibility I don't know how I am performing relative to my peers.

a women's roundtable participant

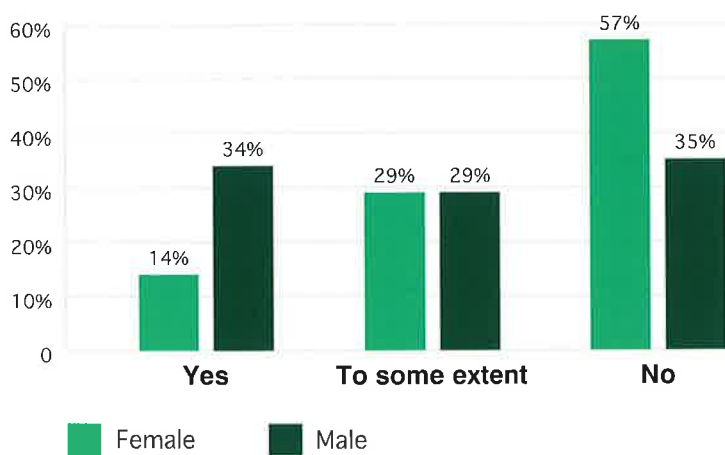
Academic studies show that workplaces which discourage, or even prohibit, discussion about remuneration between staff perpetuate the issue of pay inequality. In some jurisdictions, like the UK, terms in contracts that prevent disclosure of pay to third parties such as a trade union are unenforceable.

Our research showed that many individuals did not know, or were unsure about, what was required of them to qualify for a salary increase or a discretionary bonus. This included not knowing when discussions around salary were appropriate or permissible and, in some instances, being prohibited from discussing the topic during the appraisal process.

I manage a team of twenty-two people, but I don't know any of their salaries. It would be useful to know the bands that they fall under at least so that I can support them on their request.

a women's roundtable participant

Do you consider the pay and reward structures to be transparent? (n=6,280)



Our survey also found that over 55% of individuals felt that pay and reward systems in their organisations are not transparent.

Experiences concerning subjective and arbitrary remuneration were frequent, and a direct correlation to perceived unconscious bias was drawn by participants.

Where I work there is no structure for pay reviews or promotion – if you are performing well and your ‘face fits’ you will get the promotion.

a women’s roundtable participant

Some participants working in larger firms seemed to have a more positive experience than those in medium or small firms. A number of large law firms operate under a lockstep system where salaries are based on the level of seniority within the organisation, meaning that individuals at each level receive the same base pay irrespective of their background, experience or ability. It was suggested that this system does not guarantee fair pay all the time, but it helps to limit the impact of both conscious and unconscious bias on salary decisions.

There is more of an overt pay gap in the in-house sector.

an international women’s roundtable participant

As well as ensuring that staff feel valued, transparency around pay is also good for recruitment because equitable treatment is evident from the outset. Feedback from the roundtables brought to light a practice that some firms might be ‘bringing in cheap’ lateral hires, often from smaller firms, and then not paying them in line with their peers to save costs.

Other evidence from participants suggested the reverse could also be true with examples of men being laterally hired at a higher salary than women already employed by the firm. The common denominator seemed to be that women were often paid less than male equivalents.

When I decided to leave, I had to lie when applying for my next role and tell them I was earning a lot more so that they would see my value.

a women’s roundtable participant

b. Unequal opportunities for women to achieve greater remuneration

Participants of our roundtables expressed concerns about unequal opportunities for women to secure greater remuneration. This concern was most prominent for women working in national and international firms.

Where bonus is allocated by partner consensus, it can be difficult to advocate for women if the majority of partners are men.

an international women’s roundtable participant

Generating income is a key driver for legal businesses. This is reflected in how meeting, and exceeding, billing targets is often seen as the primary qualifier for reward and recognition for lawyers. However, participants suggested that:

- Billing figures do not necessarily reflect good lawyering – they are not evidence of productivity or quality in themselves, and do not consider other work which is necessary but not financially evidenced.

- Focusing purely on billing also drives a culture of presenteeism, encourages inefficiency and limits productivity, with longer hours worked to charge more to the client.
- By failing to look at the wider picture, other equally measurable contributions (e.g. individual support and development; team building and morale; knowledge management), which are beneficial to teams and the wider business in other ways, are overlooked or undervalued.

A significant number of attendees said that women take on much of this ‘heavy lifting’ – work that is undesirable or non-chargeable – recognising it to be ‘part of the job’ but which receives very little appreciation or acknowledgment.

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

a women’s roundtable participant

For many, the area of law in which they practice was also significant in determining the rate of pay. Family law, for instance, has a majority of female practitioners and it is challenging to get men to join this area. However, other areas such as corporate finance are male dominated with women being reluctant to practice in it as they feel that it requires a 24/7 commitment or involves extensive travel. The rate of pay in the male dominated subjects is more lucrative than the female dominated ones.

A female partner in my firm was pushed off to real estate but men go to acquisitions so that they can get the big money.

a women’s roundtable participant

c. Unequal work allocation and the need for fair distribution of work

Roundtable participants explained their frustration when allocated ‘housekeeping work’ rather than ‘glory work’ which negatively impacted on remuneration. For women who work reduced hours, this was particularly stark as they often felt overlooked when more interesting, and higher revenue-generating, work was allocated. This issue extends beyond lawyers working in firms, and in one of our roundtables a member of the judiciary shared how it is becoming obvious that women barristers are “simply not being given access to the lucrative work”.

Other than having a clear and transparent process in place, individuals felt that the gender pay gap in their organisations could be reduced with fair distribution of work. Objective work allocation processes are currently being used with great success in many firms to level the playing field by ensuring that work is allocated on the basis of capability and capacity, which leads to greater access to well-paid work and development opportunities for women; these factors were cited as fundamental to achieving positions of leadership by roundtable attendees. It was also felt that women were often not provided with the same level of administrative support as men, which limited their earning potential.

All the men in my organisation had PA support, but none of the women did. It’s not just a pay gap that disproportionately benefited the men, they were provided with extra resources too...but men are more forceful about needing to delegate and women are presumed to take it all.

a women’s roundtable participant

d. Prejudice in negotiating remuneration

Many women participants made the suggestion that there should be no question about former salary when applying for a new role – “businesses should pay what the role is worth rather than what they can get the person for” – as some had to lie about previous remuneration as they knew they were being underpaid.

Our research suggests women are often blamed for not being more vocal in seeking out or negotiating higher salaries. An explanation for this was that the profession is not immune to the pervasive societal norms about what behaviour is acceptable and expected from women.

Some roundtable participants suggested that men are more often considered to be confident and assertive when they ask for more money, which can be seen as a sign by leadership that they are taking charge of their careers. In contrast, female participants also reported that they were accused of being confrontational when discussing salary.

You don't want to sound like the petulant women by asking for more even though you know that a man doing the same would be considered forthright and decisive.

a women's roundtable participant

Our research suggests that the solution to unequal pay is not to 'fix' women but to instead devise structures and policies that ensure they are paid more fairly, according to their skills and experience, and that they are not overlooked because 'they just don't ask'.

Participants felt strongly that pay should always reflect the work that they do. For some, the risk of a negative and career-limiting response to asking for a salary increase or bonus is far too high, so they prefer not to ask. Other women said that they are so grateful for having flexible working in their firms or organisations that they will put up with the unequal pay.

I have been a lawyer for 20 years and last year was the first time that I challenged my line manager in my pay review – I think that this is because I don't place so much importance on the salary, but I don't feel that this is a reason why women should be left behind because of this.

a women's roundtable participant

However, when firms allow salary to be on the discussion agenda, e.g. as part of yearly appraisal processes, women feel able to have conversations about remuneration and a discussion with managers to explore options.

I feel that women have to work harder than the men to get to the same position, so any kind of recognition or pay rise you are grateful for and it is empowering to hear that you asked for more and you got it.

a women's roundtable participant

e. Intersectionality: other characteristics affecting remuneration

The gender pay gap provides another example of a double barrier faced by some women due to the intersection of gender with other characteristics. For example, some women lawyers with disabilities who attended our roundtables said that they were not paid less because of their condition, but that they felt they faced barriers to career progression because they are disabled.

Women lawyers from ethnic minority backgrounds also faced significant challenges due to the intersection of gender with race.

I am the only ethnic minority woman in the team. Due to an error by my boss the salary data of my department was disclosed. I was shocked to find out that not only am I the lowest paid, despite having 10 years of experience, but a white male colleague gets paid 80% more than me. We do a very similar job with almost identical responsibilities.

a roundtable participant working in-house

Gender pay gap reporting in the UK

Participants discussed the demoralising effect which awareness or suspicion of a gender pay gap had on individuals. They gave examples of when a failure to acknowledge or resolve a pay gap often leads to committed and valuable staff members perceiving this barrier as being too significant to overcome, and therefore look for alternative employment. This loss of talent can have much wider ramifications on team – and client – satisfaction and result in increased recruitment costs as well as the loss of tacit knowledge.

In 2017, the UK government introduced reporting requirements to identify the difference in average basic pay and bonus pay between all men and women within organisations with at least 250 employees in England, Wales and Scotland. Employers are now required to publish statutory calculations every year to reveal to what extent there is a gender pay gap between male and female employees and by how much.

The participants were very positive about the policy and felt that the UK government collating this data shone an important light on gender pay gap issues and reported that many of their firms which were not required to report had, for the first time, reviewed their gender pay gap. However, participants reported that there was insufficient transparency around this.

My firm doesn't have to declare their gender pay gap figures, so they won't.

a women's roundtable participant

The allocation of bonuses was a factor which stood out in the gender pay gap reporting as the most significant mean and median gaps between men and women and this was reflected by our participants. A significant number of roundtable attendees work in organisations where the criteria used by the leadership for allocating discretionary bonuses were not known. Many examples were given of the use of anecdotal evidence to justify why a participant, or their colleague, did not qualify for a discretionary bonus, including “their partner gets a high salary, so they’ll be alright and don’t need a bonus” and “well she doesn’t need that because she is married to an investment banker”. The same was used for men, but more often it was in their favour, for example it was required because they had a family to support.

My partner has been told that she is not going to have a pay rise because they know that I work for a national firm and am on a good salary.

a women's roundtable participant

Recommendations

To ensure remuneration is fair, we recommend that businesses do the following:

1. **Value the different contributions that women make and ensure that they are financially recognised, rewarded and count towards promotion.**
2. **Ensure all employees in the firm are paid equally. Guidance on the Law Society's equal pay recommendations can be found [here](#).⁶**
3. **Employ appropriate work allocation processes to ensure women and men have equal access to profitable work.**
4. **Devise an objective salary structure that is transparent and ensures that everyone is paid fairly, according to their skills and contributions and not on the basis of 'who shouts loudest'.**
5. **Create spaces for salary and remuneration to be on the agenda of discussions, e.g. as part of appraisals.**
6. **Measure ethnicity, disability, sexual orientation and socio-economic background pay gaps, which will offer a more comprehensive picture of the overall state of equality and inclusion in the organisation.**
7. **Develop a gender pay gap plan for your organisation which covers:**
 - implementation of flexible and agile working and include staff input on what would work for them
 - reviewing policies on shared parental leave, maternity leave, paternity leave and supporting working carers

- introducing initiatives focused on women returning to work
- reviewing policies and procedures for recruitment shortlists and interview panels
- reviewing your pay and reward structures, with a particular focus on performance-related bonuses, to ensure transparency and compliance with equal pay.

8. In England and Wales, and other countries where gender pay gap reporting exists:

Firms and businesses should include partner pay alongside employee pay data to give lawyers and the wider public a useful benchmark, increased confidence in pay reporting and enable an evidence-based action plan to tackle inequalities. Guidance on the Law Society's gender pay gap reporting can be found [here](#).⁷

Firms and businesses should implement the recommendations set by the House of Commons' Business, Energy and Industrial Strategy Select Committee in their published report '**Closing the gender pay gap – businesses must drive change,**' including:

- providing narrative reporting alongside your gender pay statistics and an action plan setting out how pay gaps are being, and will be, addressed
- reporting any gender pay gap even if the organisation is under the current threshold of 250 employees (the government is likely to reduce the threshold in the near future).

Other recommendations for reducing and eliminating the gender pay gap in your organisation include:

- sponsoring junior staff to support the progression of their careers
- ensuring accountability by reporting the progress of gender pay gap reduction to the leadership team.

⁶ <https://www.lawsociety.org.uk/support-services/advice/practice-notes/equal-pay/>

⁷ <https://www.lawsociety.org.uk/support-services/advice/articles/gender-pay-gap-reporting-setting-the-standard/>

Widespread flexible and agile working

Overview

Flexible working practices continue to be crucial for career progression of women working in the legal services sector. Flexible working often means that whilst the number of hours worked remain the same, there is flexibility in the start and finish times and the ability to work remotely. Agile working is slightly different and gives more autonomy to the individual being able to work where, when and how, with maximum flexibility and minimum constraints to optimise performance.

Our 2018 survey evidenced that 91% of respondents felt that a flexible working culture was critical to improving diversity in the legal profession (compared to 86% in 2012). Back in 2012 this issue was considered the number one factor in encouraging more women to reach the top and the 'most critical change to be effected'.

Scale of the issue

Our survey also found that:

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



In our roundtables it was clear that structured flexible working schemes were more prevalent in corporations and big businesses, which benefited lawyers working in-house and in the public sector. It was also clear that flexible working has improved in the past five years and that it is now embedded in some organisations.

For us it is seen as second nature. This is recent as it was previously not considered because of a prevalent culture of presenteeism.

an in-house lawyer and women's roundtable participant

Key themes

a. Widespread variation of flexible working in firms

Most of the concerns raised by the women attending our roundtables were in private practice. There was significant variation in relation to flexible working in firms, both nationally and internationally.

Our research found that for many, the meaning of working flexibly is ambiguous and unclear. Different phrases are used to describe it across the profession and it can mean different things to different people, even within a single organisation. For some it means reduced hours, working from home, hot desking, agile working, job sharing or even parental leave. Because there is no uniform practice or scope, participants reported that flexible working is not always clearly defined, which can cause confusion and frustration for staff members. Policies and guidelines are required to set expectations.

Being able to work flexibly is not a new initiative. It has been used successfully by many for years, with some roundtable attendees commenting that they have known colleagues – both women and men – who have worked flexibly for up to a decade. They also noted that this practice was not always common knowledge because the person concerned produced results and it was presumed that when they were not at their desk, they were at a meeting or with a client. Some participants commented that this assumption was more often (and perhaps only) made about men. Women are often assumed to be undertaking childcare. For senior members of the profession, and for partners in particular,

it is relatively easy to work flexibly. At the roundtables, women encouraged their junior colleagues to 'stick with it' because of how much easier the job becomes once partnership is attained and the choice of working flexibly is your own.

One of the advantages of working in high street firms is the ability to work flexibly. There is no difficulty when it is requested because it helps to retain quality people. Some difficulties lie when people are not mutually supportive, some people in the firm may feel resentful.

a high street practitioner and women's roundtable participant

Because the scope of flexible working is unclear, many feel required to justify their reason for wanting to work flexibly. For some, flexible working is culturally permissible only for those with caring responsibilities, for others it is only appropriate for mothers.

It is usually okay to work flexibly for kids' pick-ups but not for looking after elderly parents. If you are without children and want time to have a life-work balance this is not promoted or recognised by society in the same way that childcare has been – is there a protective framework we can have?

a women's roundtable participant

Roundtable participants explained that even when flexible working is available, they do not always feel able to use it, as it is sometimes incompatible with commercial

and business needs. It can be especially difficult in international firms, where there is less real 'down time' given the need to work across different time zones. Technology solutions and more team working could ease the burden in this area.

Half the problem is being consciously aware, i.e. we set meetings in the morning and at the end of the day when people might have other responsibilities like dropping off kids at school.

a men's roundtable participant

Attendees of our roundtables suggested that choosing to work flexibly can limit career progression. Too often staff who work flexibly can be made to feel that choosing to do so is 'career suicide', and in many cases men and women were told explicitly that working flexibly would prevent them from progressing.

Participants mentioned that there is a perception that people without caring responsibilities are more valuable to organisations. However, our literature review suggests that those who work flexibly or reduced hours tend to be more focused on time and more driven to complete projects on time.⁸

In my career I was told that I needed to work 'full time, or not at all', so left the profession. When I left, my male colleagues told me 'it's a shame it would have been nice to see more of you' even though I was working 40 hours a week on a 28 hour a week contract.

a women's roundtable participant

⁸ The Law Society's academic literature review on women in leadership in law, 2019. Flexible working chapter referencing Sommerlad et al, 2013.

If the business culture is based on rewarding employees for long hours outside usual business hours, flexible workers are penalised. For example, many roundtable attendees cited how they know that choosing to work condensed hours or even a four-day week resulted in no less work, but an increased pressure, neither of which would be recognised financially.

Flexible working does not lend itself to promotion opportunities. The nature of the profession is based on billable hours and the outdated matrix often used which is weighed in favour of men.

a men's roundtable participant

Even where flexible working is mainstreamed and commonplace, there are still barriers to fully adopting it. For example, if a supervisor chooses not to work flexibly or they are known to disapprove of flexible working, the likelihood of the team feeling able to do so drops significantly. Many participants were clear of the need for middle management to be appropriately incentivised and committed to supporting flexible working policies. Roundtable participants also cited the need for men to take up flexible or reduced hours working to make it more culturally acceptable and less damaging to their own careers.

b. Positive improvements in recent years

In the roundtables that we held in England and Wales, it was clear that attendees felt that flexible working had improved significantly in the past several years, and increasingly it is seen as crucial for business success and almost a 'hygiene factor'.

One of the positive improvements identified by attendees was that men are also starting to work flexibly. Some believed that this was particularly evident at the junior end of the profession, with a participant suggesting that: "it's a generational not a gender issue". Another

participant added: "the more senior you are, the more you are expected to be 'seen' so flexible working is not encouraged at this level".

However, other participants reported that senior men in firms, including partners, are also embracing this policy as the leadership of the firms sees that it is important to lead changes on ways of working from the top.

Our firm a few years ago gave everyone from partner down the option to work from home and it is still working well. They just need to know where people are, set an expectation that everyone will work one day from home. Women were applying to work flexibly and men were just doing it of their own accord which was unheard of – making the policy universal removed the issue.

a women's roundtable participant

Flexible working has improved significantly in the last five years, before then we did not have a single partner who worked part time. Now, over 90% of flexible working applications are accepted in the firm. We have a life balance that we never previously had.

a women's roundtable participant

Participants also mentioned that flexible working has started to be seen as a usual working practice rather than exceptional.

When the firm realised that it had a stigma against women with children it was mandated that all partners had to work from home once a week to make it easier for everyone to take and it is now very popular and is embedded into the culture – it has encouraged people to realise that being a partner does not mean having to work a seven-day week.

a women's roundtable participant

Some firms have core hours of work when staff have to be in the office, which was welcomed by most of the participants, as they were able to arrive late or leave early to meet other commitments. This extended beyond those with caring responsibilities, and to everyone, irrespective of their role.

Challenges with working flexibly

Women who work flexibly talked of challenges they faced with the main one being a persistent culture of presenteeism felt to be still prevalent in the legal profession. Our literature review showed that across much of the profession, working long hours is perceived as a 'badge of honour'⁹ to the extent that workaholism can be seen as a core value of professionalism.¹⁰

Other challenges include:

- Combating the perception that flexible working means open ended availability. Some attendees reported that despite making use of the flexible working policy, they felt that they had to compensate by responding to emails at unsociable hours or working extra hours in the office or remotely to meet demands.
- Combating the perception that not being available to work late at short notice, or not being available 24/7, signals a lack of commitment.

- Having and keeping high levels of trust from managers or employers when working flexibly.

We have informal flexible working – no official policy – but everyone is sensible and is trusted to do so and it makes up for working very long hours.

a women's roundtable participant

- Having the right technology and equipment to ensure that they have the capabilities to do their work. In some firms this is well set up, a lawyer said that her firm would send an IT person into her home for set up and a working from home kit. Another mentioned that "everyone in our department has mobile phones and laptops issued when they start and they all have open calendars so that we can see availability at all times".
- Missing out on opportunities. There were concerns from some attendees that those who are in the office will have a competitive advantage and those that aren't will miss out on opportunities. A participant highlighted "those not in the office may get left out if partners only use the people present".
- Feeling uncomfortable for not being in the office. It was said that there is "huge amounts of guilt attached to flexible working – it is not the panacea". It was also suggested that they were concerned about how other members of the firm perceived them in their roles for working flexibly.

The main issue of women working flexibly is the perception that they are looking after their children when they work.

a women's roundtable participant

⁹ The Law Society's academic literature review on women in leadership in law, 2019. Flexible working chapter referencing Duff L & Webby L, 2004.

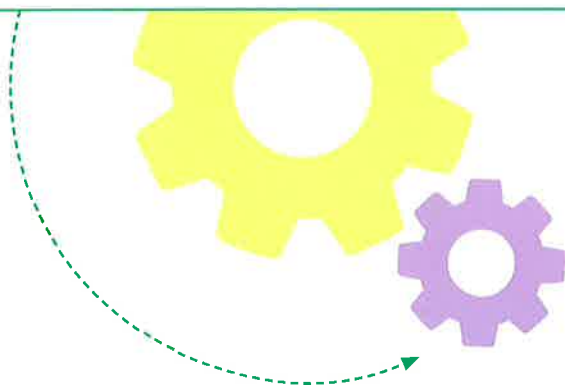
¹⁰ The Law Society's academic literature review on women in leadership in law, 2019. Flexible working chapter referencing Sommerland H, 2004.

Recommendations

To address these obstacles, we recommend:

- 1. Making flexible working available to everyone by focusing on contributions rather than time spent in the office. This includes having a clear policy on flexible working for the business which is universal and communicated to all staff members. It should be available, wherever it can be accommodated, and accessible to everyone irrespective of the purpose.**
- 2. Developing bespoke flexible working packages for individual teams that take into account resources available to deliver key outputs, including time sensitive work. For instance, making time for the team to access experience and knowledge of senior practitioners or supervisors who work core hours in the middle of the day.**
- 3. Senior leaders should lead by example and demonstrate that working flexibly can be undertaken by various colleagues at diverse levels of the organisation. This helps to make sure that it becomes culturally acceptable to work flexibly without the risk of stigma.**
- 4. Not making assumptions about what mothers, fathers, or others with caring responsibilities want or are able to do and identifying a range of flexible working solutions.**
- 5. Identifying what work can be completed from alternate locations or outside the usual office working hours timeframes.**
- 6. Creating objective performance measures so that flexible workers are not judged more/less favourably than their peers.**
- 7. Considering how the timings of meetings and social gatherings impact those with caring responsibilities and part time employees and partners.**
- 8. Encouraging flexible working to all staff regardless of caring responsibilities to support a mindful working environment.**
- 9. Ensuring the right IT, equipment and support is available to help to keep teams working flexibly. For example, forward incoming calls for seamless client experience and use internet calls and video conferencing with clients and colleagues alike.**

10. Exploring innovative options for flexible working that are led by the teams. A participant from a roundtable shared that in her workplace women were able to have different phases in their careers, 'career mode and work mode'. This allows women to be in work mode for a while but being able to choose to go into career mode too. This initiative demonstrated the merits of having a longer career arch if taking time out, without being sidelined and precluded from progressing.
11. Implementing objective performance measures so that flexible workers are not judged more or less favourably than their peers and using metrics to monitor performance evenly.
12. Ensuring that work is evenly distributed so that everyone gets a chance to do high-profile work, irrespective of their working arrangements, and holding managers accountable if this is not followed.
13. Ensuring that existing maternity, paternity, adoption and shared parental leave policies do not adversely impact upon any specific group(s) of staff by undertaking regular monitoring of uptake of these provisions before, during and after leave is/has been taken.
14. Monitoring the extent to which staff are able to transition from reduced hours to full time working and vice versa according to gender.
15. Monitoring how policies and practices for staff with caring responsibilities and the support available is proactively communicated to all employees and partners.
16. Monitoring the support available to staff returning from maternity, paternity, adoption, shared parental leave or other type of career break.
17. Encouraging men to take advantage of paternity and shared parental leave when they are entitled to it.



Further best practice on diversity and inclusion

In addition to understanding the barriers limiting career progression in the legal services sector, a significant part of our research focused on identifying best practice for gender equality as well as wider efforts around diversity and inclusion. This section captures some of those ideas identified in the roundtables, to add to the recommendations made in the previous sections of this report.

Naturally, different firms and organisations will be at different stages of their journey with diversity, inclusion and gender balance. We recognise that businesses will be dependent on their resources to implement best practice solutions, and we have addressed the solutions in a broad way so that they can be adopted to a smaller or greater extent, depending on the needs of the organisation.

Men as champions for change

We should celebrate what the men are doing on diversity and mentoring. There is some amazing hidden mentoring going on which we need to celebrate and let more junior people know it is happening.

a women's roundtable participant

Engagement and support from men is critical to achieving true diversity and inclusion in the profession. Through our roundtables we have engaged hundreds of senior men working in law who acknowledged the importance of their buy-in and leadership to drive initiatives to make their workplaces more inclusive by being champions of change. Male leaders from across the sector, including in-house and private practice, have committed to take action and lead by example, by speaking up to hold people accountable and encouraging others to join in.

The obstacles and barriers faced by women are not always well known or understood by male colleagues, an issue which was addressed in the men's roundtable

series. However, men who build awareness of barriers to women's progression can, for example, ensure that women are being more systematically and actively included in succession plans. Senior leaders can do so by systematically monitoring the outcomes of staff across a range of different organisational processes and actively including women in succession planning. This intervention ultimately results in the evolution of businesses, corporate cultures and performance models which are more efficient, sustainable and in line with the expectations of today's society (and clients).

My mentor is a senior male practitioner in the organisation. He is an excellent professional who has helped me to develop and progress. He is consistently promoting my work with the leadership team because he sees value in my work as a lawyer.

a women's roundtable participant

Recognising that the majority of leaders in the legal profession currently are, and have historically been, men, male business leaders have a significant role to play in achieving gender balance.

If firms are not willing to change, women lawyers will vote with their feet.

a men's roundtable participant

Men can also play a role in joining diversity groups and networks in the business to demonstrate that these initiatives are not just by women and for women, but for the benefit of the organisation.

Women supporting other women

Consistently, roundtable attendees – both women and men – cited the problem of women not promoting and supporting each other. There is a pressing need for this to change. Although this may seem a cultural issue, businesses, firms and in-house teams can take steps to create forums that encourage collaboration and peer groups.

Increase networking opportunities with different women from other areas and levels of the firm so that women can make the changes which the business needs and bring other people up.

a women's roundtable participant

Role modelling is also important to demonstrate support of other women. This involves relatable female leaders sharing their candid and honest experiences about how to make it to the top, including the nuts and bolts of domestic life and how it is possible to juggle professional, personal, and domestic demands. Such discussions help to evidence and reinforce culture change. For those looking to progress their careers, such initiatives can determine whether the organisation can meet their own needs, as people have visible and relatable role models to compare themselves to.

Our female managing partner has four children and a stay at home partner and she speaks about it at every opportunity... it encourages men to take full paternity leave.

a women's roundtable participant

However, as there are significantly fewer women in senior leadership, this initiative can prove challenging. It is important to have visible role models, including men, from across all levels of the business.

Zero tolerance for sexual harassment

Sexual harassment is illegal. Just as anyone is protected by the law, they should also be protected by employers – law firms and courts included. As a profession which strives to uphold justice, the legal sector needs to be at the forefront of the fight against sexism and sexual harassment in the workplace.

**Christina Blacklaws
President of the Law Society**

Sexual harassment or inappropriate behaviour in the workplace was raised throughout the roundtables. A number of participants expressed frustration at striving to be taken seriously and not to be seen as sexually attractive, relating how their choice of clothing would be a topic of discussion if it was considered too tight, too low, too high or too short. Others cited their reluctance to speak up about their experiences because doing so would make their situation much more difficult.¹¹

There was agreement from participants that the #MeToo movement had shone a light on this behaviour and helped to raise awareness of the problem, however, some attendees still felt uncomfortable in sharing their experiences.

Placing diversity at the centre of business planning

For organisations to successfully implement transformational change, it is crucial that the role of diversity, inclusion and gender balance is recognised as a business priority. It should be a core part of business strategy and prioritised in the same way as operational risk, compliance and financial monitoring.

Roundtable attendees were conscious that getting business is important but stressed that it is also necessary to look beyond profit to ethical values. The new generations of lawyers expect firms and organisations to be progressive, not least in their adoption of technology and focus on diversity and gender balance. It was recognised at roundtables that these issues perhaps matter more to younger generations than the older generation who may be more entrenched in the traditional practice of law.

When the Women in Leadership in Law project was discussed internally at a firm, junior colleagues praised the initiative:

They say that it is really important to them that a firm is addressing the issue, they were pleased that we were attending today.

a men's roundtable participant

Targets and quotas

There was no consensus from participants on whether quotas are a useful tool to drive gender balance and promote women in leadership. Some participants suggested that this was a tick-box exercise and that it did not drive meritocracy, feeling that a role acquired through quota filling would not feel that it was achieved based on talent and suitability. Others felt that to fill a quota, each person would still be required to have the right skillset and experience to fill the role, and that the appointment would be just as valid as those who were not allocated through quotas.

There have been quotas for centuries – and those quotas have been for men!

a women's roundtable participant

¹¹ Our findings are supported by other empirical data on the issue, such as the IBA's findings to their 2017 survey which found that almost 30% of female respondents were subject to sexual harassment in connection with their workplace, and The Lawyer's 2018 survey found that 42% of women working in law firms have been subjected to sexual harassment, with nearly half of the most recent occurrences taking place within the last year.

Targets seemed to be more generally accepted by attendees. Generally, targets were perceived as a positive measure which help drive talented and capable women to senior positions when they would otherwise be overlooked. The Australian approach to firms holding themselves accountable for meeting targets was cited as a positive example of how such measures can help to drive equality and diversity, even if that approach alone is not the sole solution required.

Values-based business and development

Our research found that transparency, communication and trust are important for employees. The ability to speak honestly and openly within organisations is an important engagement tool, particularly for ensuring that all staff feel valued and preventing a culture of silence. Open dialogue can extend beyond diversity and day-to-day business needs; discussions can range from remuneration, promotion and work life balance.

Organisations should communicate statistics on retention, remuneration and financial figures to help staff to understand, feel valued and part of the business. For example, processes which allocate work fairly and objectively are one way of ensuring that all practitioners have access to high quality work which contributes to their development and sense of value.

Participants from women's and men's roundtables agreed on the importance of holding open and informed internal discussions about the needs of different genders and other groups with protected characteristics. It was acknowledged that the topic of equality can cause heated debates, and some find it hard to speak freely, but that doing so is essential to understand persistent barriers and challenge them.

People don't want to upset anyone or say anything daft. It is not easy to voice honest opinions but if we don't speak up then the issue can't be tackled, and we will not make enough progress.

a men's roundtable participant

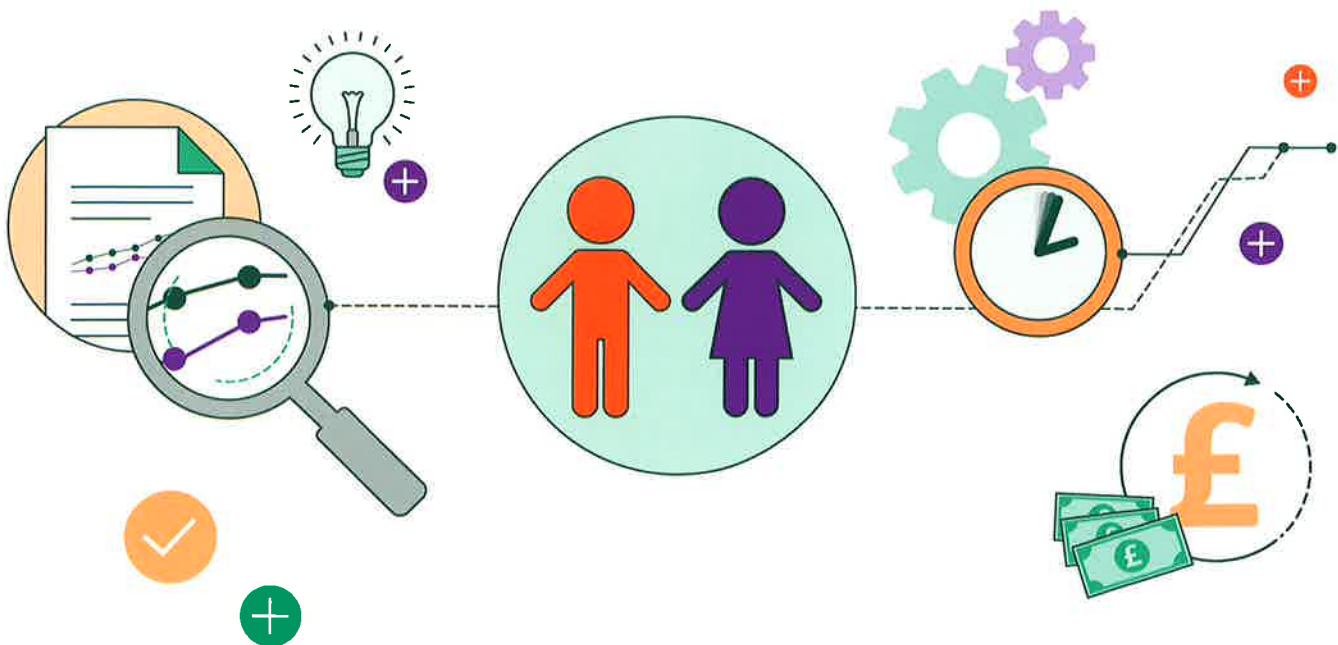
The majority of attendees at the women's roundtables said that having development opportunities was a key solution to overcome the barriers to career progression. Starting at the most junior level, up to and throughout roles in senior leadership, women want to continue to be developed and trained to meet the needs of their role and help them to reach the next stage of their careers. A comprehensive training programme to cover areas such as confidence training, which includes self-assessment, negotiation skills and beating the imposter syndrome were seen as really helpful.

Recommendations

To further embed best practice in your organisations, the following suggestions were made by roundtable participants:

- 1. Encouraging male leaders to take their own concrete, impactful and measurable action to address gender inequality, including refusing to participate in all-male panels, conferences and boards and sourcing female contributors instead.**
- 2. Actively engaging with men to get them on board, taking responsibility and accountability as agents of gender equality in the business.**
- 3. Reviewing working practices with the leadership team to deter gender bias.**
- 4. Ensuring that equal numbers of both male and female candidates are considered for all significant opportunities.**
- 5. Monitoring the success rates of recruitment, progression, work allocation and access to training.**
- 6. Sourcing an alternate female colleague/peer for participating in an otherwise non-inclusive roundtable, panel, conference or board meeting.**
- 7. Raising awareness across all staff groups of bias and its impact on decision-making. Ensure that the topic is revisited regularly to ensure it becomes routine in workforce planning.**
- 8. Actively countering unfair negative presumptions and low expectations which are expressed or inferred about colleagues on account of their gender or other characteristics.**
- 9. Ensuring that victims and witnesses of sexual harassment are able to speak up. Training on this issue should be made available to everyone.**

10. Ensuring equality, diversity and inclusion is a business priority and part of your organisation's corporate strategy. Consider how this is communicated and embedded across the organisation's policies, practices and services.
11. Encouraging leadership teams to make an explicit commitment to gender balance in governance charters to improve workplace culture and business performance and to ensure that there is accountability in reaching those targets.
12. Establishing coaching, mentoring and sponsorship initiatives in your organisation to empower women to achieve leadership roles.
13. Encouraging organisations to implement gender equality training for partners/senior leadership, managers and all staff.
14. Embedding objectives within the appraisal process to ensure that all staff take responsibility for advancing equality, diversity and inclusion in the workplace.
15. Embedding an open and honest culture where it is normal to challenge negative gender stereotypes and enable the co-creation of workplace solutions for greater diversity and inclusion.



Conclusion

From our findings, it is clear that important steps are being taken to promote equality of women in law, however, much more needs to be done. Unconscious bias, issues with remuneration and gender pay gap, and limited flexible working have been identified as the main obstacles preventing women from progressing in their careers.

By identifying barriers, we have been able to develop key recommendations and solutions to overcome these obstacles. These have been compiled through our 18-month long research on the Women in Leadership in Law project, including our survey, roundtables and academic literature review.

The determination to promote gender balance in the legal profession is also clear from our research. Men and women in the UK and in other jurisdictions, working in both legal firms and businesses, are showing real commitment to remove these obstacles, to promote gender balance and to ensure the legal profession is diverse and representative. We are pushing at an open door.

The culmination of our Women in Leadership in law programme will be at our International Symposium 'the power of gender equality to transform the business of law' to be held at the Hilton Bankside in London on 20 and 21 June 2019.

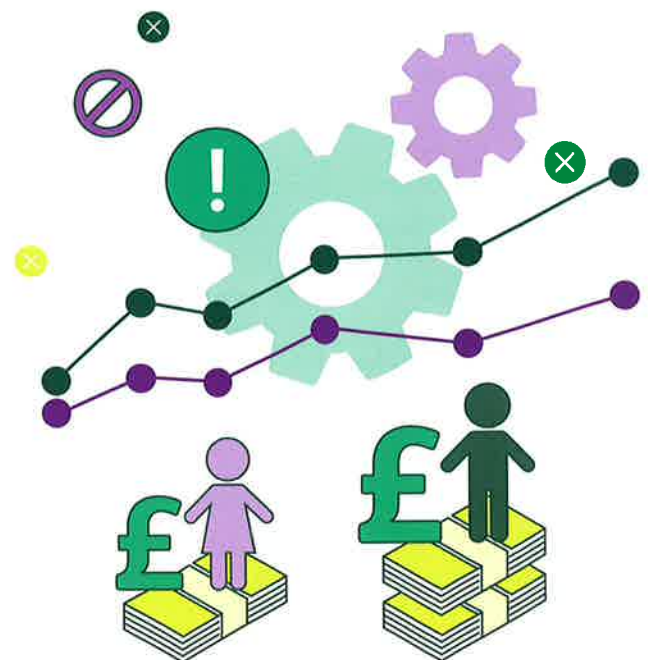
The symposium will bring together industry experts and legal professionals to take stock of the current position, explore the themes and recommendations laid out in this report and to pave the way for women being better represented in positions of power, influence and leadership.

We will be launching our next set of toolkits which form the 'how to' guide to enable businesses to adopt and embed these best practices and transform their culture.

You can find out more and book your tickets here: <https://www.lawsociety.org.uk/international-symposium-2019/> or email internationalsymposium@lawsociety.org.uk

We hope to see you there!

Christina Blacklaws
President



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

For more information about the Women in Leadership in Law project, please contact President@LawSociety.org.uk



The Law Society

113 Chancery Lane, London WC2A 1PL

Tel: 020 7242 1222

Fax: 020 7831 0344

DX: DX 56 London/Chancery Lane

www.lawsociety.org.uk

 [@TheLawSociety](https://twitter.com/TheLawSociety)

 [@LawSocDI](https://twitter.com/LawSocDI)

 [@LSInternational](https://twitter.com/LSInternational)

