



Gender equality gap and the legal profession

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In the World Economic Forum's recently released ninth Global Gender Gap Report, Canada ranked 19th among 142 countries. The four pillars on which the report focused – economy, politics, health and education – are not heading toward equality in the surveyed countries, including Canada, whose ranking has fluctuated between 18th and 21st over the past five years.

In the past, Canada has been endorsed as the top G20 country for women; it excels in the areas of health and education, but falls behind in economic participation and political empowerment.

Studies have confirmed that an income gap between women and men results in economic inequality and poverty. It also helps perpetuate a culture of violence against women as it makes it more difficult for women to leave abusive relationships.

The goal of gender equality can only be achieved when there is a cultural shift in which people's values and beliefs change, and they deviate from rigid gender roles. This will eliminate power imbalances from both the home and the workplace.

We need to focus on policy changes to address the systemic challenges that keep the best talent away from this profession.

The gender gap also exists in the legal profession. As lawyers practising in Canada, this report should prompt us to do some soul searching and to assess: how wide is the gender gap in the profession; what efforts are being made to close this gap; what the reasons are for the gap; and where to focus in developing the right strategies to close this gender gap and achieve equality amongst professionals.

The reports prepared by the Law Society of Upper Canada through the Justicia Project (2009), designed to retain and advance women lawyers in private practice, and the report Racialization and Gender of Lawyers in Ontario (2010) provides a glimpse into these issues:

- Although women enter the legal profession at a greater rate than men, fewer women than men join private practice as associates or employees of law firms. Women represent 46 per cent of associates and employees in law firms and 20 per cent of partners.
- Women and racialized persons are more likely to be law firm associates and employees and less likely to be partners in law firms. Women and racialized persons are also more likely to work in government.
- There are more significant gender differences at the partnership level. For all firm sizes the number of women partners is significantly lower than men, with 18 per cent women partners in firms of two to five lawyers; 16 per cent in firms of six to 25; 20 per cent in firms of 26 to 100; and 23 per cent in firms of over 100 lawyers.
- Women and especially visible minority lawyers earn less than their white male counterparts. At the start of their careers the earnings of women and men are very similar, but a gender gap opens up at the age of 30 and its size increases with age.
- In 2005, the median earnings of women aged 35 to 39 were 15 per cent below the median for men that age, and the mean was 20 per cent lower; for lawyers 45 to 49 the median earnings for women were 16 per cent lower and the mean was 28 per cent lower.

Beyond the gender wage gap, there are other systemic issues which create a hierarchy of power within the legal profession. Work-life balance is widely cited as a challenge in retaining women in the profession. This indicates the need to tackle hiring, promotion, and compensation practices within the profession. We need to focus on policy changes to address the systemic challenges that keep the best talent away from this profession. It will not happen without changing the mindsets of those that view such policy changes as an unfair bias in favour of women. The advancement of technology and changing pace of the profession should allow much-needed flexibility in the traditional working hours. The barriers for re-entering into the practice of law should be easily overcome. Supportive and collaborative working environments would offer chances for women to stay and excel in the profession.

To achieve the goal of equality, the gender and racial diversities in the profession need to be identified and supported. This will require identifying and removing systemic barriers faced by aboriginals, people of colour, different ethnicities, religions, sexual orientation, and persons with disabilities, to name a few.

We need to see our social diversity reflected better on the bench and in judicial appointments. This would ultimately bring many different perspectives to the administration of justice. Closing the gender gap with such efforts will not only improve the Canadian economy and lives of women lawyers, but will also achieve a more just society.

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