



# On the Path to Equity for Women in Law

Report on the April 29, 2022 Roundtable hosted by:

The Law Society of British Columbia

The Canadian Bar Association, BC Branch

International Association of Women Judges

*This document is intended to summarize and highlight the discussions that took place amongst participants to the “On the Path to Equity for Women in Law” roundtable event on April 29, 2022. The views expressed in this document are not necessarily those of the event co-hosts.*



International Association of Women Judges  
Advancing Human Rights and Equal Justice for All



THE CANADIAN  
BAR ASSOCIATION  
British Columbia Branch

The Law Society  
of British Columbia



# Introduction

On April 29, 2022, the Canadian Chapter of the International Association of Women Judges, the Canadian Bar Association, BC Branch, and the Law Society of British Columbia co-hosted a roundtable discussion on the advancement of gender equity in the legal profession: **On the Path to Equity for Women in Law**.

Like women in many sectors of our society, women lawyers have made significant strides towards equity in the profession over the past decades. However much more needs to be done to achieve gender equity, especially in the areas of pay equity, progression to leadership roles, and the retention of experienced women lawyers in private practice. Towards this goal, the roundtable sought input from lawyers, judges, and students on these and other important topics. The event gave participants an opportunity to build community by sharing their experiences, and provided a venue for brainstorming possible solutions to the common problems faced by women in our profession.

This document highlights the themes and key takeaways we heard from roundtable participants, and lists ideas for moving forward towards a truly equitable legal profession for women and people of all genders.

# Participant Demographics

Over 125 participants logged in to participate in the roundtable. The majority of participants joined from the Lower Mainland, with many participants also joining from across the province, including from Northern and Interior BC, and Vancouver Island.

Participants came from all stages of practice, from articling students to lawyers with over 40 years of practice experience, as well as from a range of practice areas, including small and large firms, in-house, and government settings. Most of the participants self-identified as women, although some self-identified men also attended.

# Retention and Representation

**What we know:** Women have made progress towards proportionate representation in the legal profession generally. As of 2020, the gender ratio for practicing lawyers in British Columbia up to 15 years of call is near parity (approximately 49% men and 51% women). Despite these encouraging statistics, we still have a long way to go to keep women in the profession long term; more women than men leave practice when they enter their 30s, and the percentage of women lawyers begins to decrease for 15 to 19-year calls (approximately 57% men to 43% women).

## What we heard:

Roundtable participants expressed the need for tangible practices that can be implemented in firms to help with the retention of women in law, and in particular practices that can support the retention of women lawyers with intersecting marginalized identities, such as Indigenous and BIPOC lawyers, LGBTQ+ lawyers, and lawyers living with disabilities.

Many participants emphasized the importance of effective mentorship on the retention of women lawyers:

*“Connecting with women lawyers who are more senior and who have developed their practices is something I’ve done to help me find a path in this profession. The Women Lawyers Forum is a great resource to talk to women who are not from my firm.”*

*“I’m looking for a place where I can feel comfortable having casual conversations. Being the only visible minority in my practice group makes it harder to see where I fit in the firm.”*

To respond to the challenges of private practice, some women lawyers – including some of the roundtable participants – have started their own firms, founded on their own values and priorities, or have gone into practice on their own as sole practitioners. Participants expressed hope that the creation of all-women and boutique firms with women leadership would encourage more women lawyers to stay in private practice, and push bigger and more established firms to update their practices in order to remain competitive.

Roundtable participants suggested that programs could be developed to **incentivize and support women lawyers who want to open their own firms**, including developing a robust mentorship program, providing practice management reviews, and even developing a low-interest loan program to help with the initial overhead costs.

Participants from rural jurisdictions expressed difficulty recruiting and retaining women lawyers in small towns, and that it was hard to provide enough mentorship to lawyers due to the challenges of rural practice. More programming aimed towards new lawyers in smaller practice jurisdictions could help in this area.



# Pay Equity and Career Progression

**The Issue:** Women lawyers are not immune to the gender pay gap. Although Canadian data is limited, what reports exist paint a dim picture: women equity partners appear to be paid significantly less than men equity partners, and women working in-house appear to be paid less than men holding the same position, with the gap becoming greater as women reach more senior levels.

## **What we heard:**

Some participants agreed that associate salaries tended to be more standardized in Vancouver, but there is pay discrepancy at the partner level and a differential with regards to career progression.

Multiple participants expressed their concern that the billable hour framework fails to take into account non-billable activities like client development, marketing efforts, and contributions to the firm culture and organization. Participants suggested that, because women often do more of the non-billable work, they are compensated less fairly because non-billable activities are not sufficiently recognized or taken into account.

Participants want firm compensation committees to consider equity and diversity when considering pay and promotion.

***“The billable hour doesn’t reward efficiency: many women are very efficient because they are juggling so many competing demands, can’t stay late at work due to family responsibilities and so on, and that is not rewarded or reflected in the billable hour framework.”***

Some participants acknowledged that delaying partnership due to maternity leave is a complex issue: from the associate side, one participant felt they were delayed for partnership because they took a leave and felt bothered by this, but as a partner now, she sees the issue as more nuanced, particularly in a small firm where maternity leaves put a lot of stress on the remaining lawyers, both work-wise and financially.

Participants had concerns about the transparency of compensation decisions. Many expressed frustrations that there were no open discussions about pay or bonuses at their firms, and no way to access information about compensation policies, which made it difficult to know whether firms were compensating men and women equally.



# Sexual Harassment and Discrimination

**The Issue:** Many women have experienced, are experiencing, or will experience sexual harassment and/or sex discrimination in the course of their legal careers. Despite the significant progress that has been made in the last thirty plus years, the statistics remain troubling; 35% of women lawyers in British Columbia (in all years of call), responding to a 2016 survey, said they had experienced gender-based or sexual harassment in the legal profession. Sex discrimination and harassment remains a serious barrier to the retention and advancement of women in the legal profession.

## What we heard:

Participants emphasized the need for the development of more training on sexual harassment targeted to the legal profession. There was also discussion about whether such training could be made mandatory.

Participants were concerned about the barriers to reporting sexual harassment in the workplace. They expressed the importance of communicating clearly with the profession about how sexual harassment complaints are dealt with, and how complainants are protected from reprisals.

One participant wanted employers to be reminded of their obligation to maintain a safe work environment, including where the harasser is a client who acts inappropriately.

***“It is important that we don’t hesitate to call people on their behaviour where possible, share our own stories, make ourselves as available as we can, and invite people to talk about their experiences. That is the way we can develop strong relationships and make it clear that this behaviour is no longer tolerated in the profession.” – Senior practitioner***

Participants discussed the importance of talking about personal experiences with sexual harassment and discrimination, in order to shine a light on the problem.

Multiple women lawyers told stories about being asked inappropriate questions related to their family status and plans for children at job interviews. A recently-called lawyer said that, during her articling interviews, one firm made it clear that it would be a problem if she became pregnant and took maternity leave. Participants suggested that more education should be provided to firms to ensure that they know that these kinds of questions are unacceptable.

We also heard that it is not just the serious or extreme cases of harassment that are a problem. Many women lawyers also experience micro aggressions and every-day negative comments targeting their identity as women and other traits, which can add up and make women lawyers uncomfortable in the profession. ***“I have often felt that the legal profession is not a place for me.”***

# Caregiving

**The Issue:** Women lawyers continue to bear more responsibility for childcare and eldercare than men lawyers do. In British Columbia we do not have clear statistics regarding the percentage of women that leave the practice due to family commitments. What we do know is that women in BC aged 20-49 who go non-practising are slightly less likely than men in that age-range to return to practice. Data from Ontario and the United States also supports that the careers of women lawyers is negatively impacted by the extent of their caretaking commitments.

## What we heard:

Participants felt that mothers are often thought of as “Class B” job candidates, and there is stigma in the profession to being a mother or of wanting to be a mother. Great efforts are needed to counteract biases against mothers and against parents in general in the profession.

We need a new positive view of family obligations – we need to get away from feeling apologetic or guilty for wanting a family. We need to normalize parental leave and educate the profession about alternative practice models that can support employees and associates with families.

***“Parenthood should be built into firm practices and normalized within the legal profession. We need to see kids in law firms.”***

Participants described steps taken by some firms to change the narrative and support colleagues with caregiving obligations:

- At one firm childcare and personal schedules were incorporated into workplace shared calendars.
- Some larger firms are starting to offer childcare options.

One lawyer noted that at a firm she worked at the male associates could participate on the firm’s sport teams but as a mother she didn’t have time to be out until 11 pm on a week night. She said that she wishes there had been different ways to connect in the firm than just through sports in the evenings when she needed to be home to tend to her child.

***“I look for women my age with young families and a thriving practice. I made a lateral move to get to the type of firm where that was commonplace. Seeing senior lawyers leave at 5:30 or 6 pm to be with their families makes it so that I can also leave to be with my family.”***



# Flexible and Remote Work

**The Issue:** Women lawyers have long-expressed the desire for increased options for flexible and remote work, and a career that will fit their individual circumstances, priorities, and aspirations. A 2016 survey of women in BC reported that “increased flexibility,” “changes in work culture” and “the possibility of part-time work” were the three top issues within private practice that respondents felt warranted change.

## What we heard:

***“COVID has been a good reflection of what is possible, because we’re seeing so many women challenge the bias in the profession and show what they are truly capable of in terms of both family and career.”***

Participants were adamant that there is no single way to practice law, and that flexibility is key in supporting the retention of women lawyers in private practice. Many participants expressed that remote working is a huge benefit for and has allowed them to better juggle competing responsibilities.

***“I’ve seen women with family responsibilities leave when big firms cannot accommodate them and I truly believe that the success of women in leadership positions today is a direct result of the successes of work-from-home and the flexible work arrangements that the pandemic has pushed us to develop.”***

Some participants suggested the development of education or seminars about alternative practice models. The big firm is one model of success, but there are other possibilities where a lawyer can have a rewarding career that permits more flexibility.

One lawyer worked in an office with a mixed model: ***“My office has moved to a ‘connection model’ where the office is for connection work, not for solo-work. ... We have found that one-to-one meetings with leaders, learning sessions and strategy sessions are more effective in person. When having those meetings, we encourage going into the office. If the rest of the time you are more effective working remotely, then you stay at home for that.”***

From a mentorship perspective, one lawyer emphasized the pros and cons of remote work: ***“On one hand, the pandemic has made it easier to attend virtual events where I can meet, and reach out, to women that I admire for mentorship. On the other hand, there are some informal networking moments that no longer occur, such as when you are waiting in court to be heard.”***

# Common Themes

1. A common view among participants was the need for a **culture shift** within the legal profession and within larger more established firms in particular, in order to destigmatize parenthood and allow lawyers to better balance family and work commitments.
2. Firm leadership and committees need more women and minority representation, including on finance committees and partnership committees, to ensure minority views and priorities are taken into account.
3. Participants want men to hear these messages too. Women already know what the problems are and what needs to change. We need education that reaches and informs men.
4. The shift to remote work during the pandemic has benefitted women, by providing them the opportunity to prove that they can excel with more flexible schedules and working from home.
5. The traditional billable fee model can have unjust results, when it fails to compensate lawyers – often women lawyers – for non-billable work.



# Acknowledgements

We'd like to thank all of the individuals that took the time to participate in the roundtable discussions. Your suggestions will be carefully considered and will help guide our efforts.

We are also grateful for the many volunteers who made the gathering a success, including:

- Co-Chairs: Lisa Hamilton, QC, President, Law Society of British Columbia
- Clare Jennings, President, Canadian Bar Association, BC Branch
- Honourable Judge Renee Cochard, International Association of Women Judges
- Panelists: Cheryl D'Sa, Narwal Litigation and Benchers, Law Society of British Columbia
- Rose Keith, QC, Harper Grey LLP and Chair, CBABC Women Lawyers Forum
- Tamara Napoleon, Miller Titerle + Company

Together with facilitators and note-takers.