

Gendered discrimination and disrespect 'all too common' in legal profession, Australian report shows

October 5 2023



Credit: Pixabay/CC0 Public Domain

A new report, *Designing Gender Equality into the Future of The Law* examines the experience of women in the law including discrimination, harassment and overwork.

Women outnumber men in the legal profession across Australia but remain subject to persistent discrimination and harassment and are increasingly vulnerable to tech-enabled overwork and the automation of legal tasks, according to new research from the University of Sydney Business School and Australian National University.

The report, [Designing Gender Equality into the Future of The Law](#), is the culmination of a three-phase research project designed to investigate how lawyers of all genders understand and experience the changing nature of work.

It was developed through in-depth interviews with 33 senior stakeholders in the legal profession, an [online survey](#) of 766 practicing solicitors in NSW, and seven online focus groups with 30 early- and mid-career lawyers.

"Our research found [women](#) and men agree that significant gendered inequalities exist in the legal profession, and they see this playing out across multiple dimensions, including in relation to sexual harassment, bullying, access to prestigious cases and projects, treatment from clients, promotion opportunities, and support for [work-life balance](#)," said lead author Dr. Meraiah Foley from the University of Sydney Business School.

"New technologies, the uptake of which was accelerated by the COVID-19 pandemic, have been beneficial in the improvement of support for flexibility at work. But these technologies may also be contributing to an increase in unsustainable working hours. For many lawyers, the ability to work anywhere at any time has morphed into an expectation that they will work everywhere, all the time," Dr. Foley said.

"Furthermore, advances in [artificial intelligence](#) are putting certain sectors of the legal profession at risk. These are the sectors where women lawyers are over-represented, adding a gender dimension to automation risk that has not previously been recognized."

Progress made, but discrimination remains

While the number of female solicitors relative to male solicitors has been increasing steadily since 2011, and women have comprised more than half of all solicitors in Australia since 2018, women remain markedly under-represented in senior leadership roles.

More than three-quarters (78 percent) of women and just over half (53 percent) of men surveyed agreed that sexual harassment is a problem in the legal profession, and a mere 16 percent of women and 33 percent of men agreed it is being adequately addressed.

"These results suggest that recent advocacy around the issue of sexual harassment may have increased awareness of the problem. The fact that women were more likely than men to say that sexual harassment was a problem, and not being adequately addressed, likely reflects women's relatively greater understanding and experience of harassing behaviors at work," Dr. Foley said.

Access to flexible working was seen as a crucial factor in progressing gender equality in the legal profession, allowing lawyers greater

flexibility around where and when they work.

However, study participants were concerned that without appropriate policies and safeguards in place, the same technologies that enable this flexibility may exacerbate the legal profession's existing culture of ultralong hours and overwork.

Future of disruption and opportunity

The automation of legal tasks and the proliferation of new technologies were identified as key factors reshaping the profession and industry.

"There is widespread agreement that technology and automation are revolutionizing the formerly 'bread-and-butter' or 'core' legal services, such as document review, due diligence, e-discovery, and conveyancing—with both positive and negative impacts," Dr. Foley said.

"There's a perception that technology is dividing the industry between lower-value, generalized 'legal work' that could be easily automated, and higher-value, tailored '[legal advice](#)'—and there is a disproportionate concentration of women in practice areas and specializations more likely to be affected."

Respondents said the technological-driven loss of junior roles would disrupt the traditional career pathway, making it harder for junior lawyers to gain the skills necessary to progress in their careers.

They also predicted that with the automation of core functions of legal service delivery, 'soft skills' such as empathy and communication would become more important.

The President of the Law Society of NSW Cassandra Banks said the report contained valuable insights which can assist the profession to

better reflect gender equity in its workplaces:

"This timely release of the results of this research follows the publication last month by the Law Society of NSW of guidance to legal practice leaders on addressing the gender pay gap and other workplace issues, including flexible working arrangements and allocation of work.

"Many firms and legal practices are already focused on gender equity and know the benefits of supporting all their talent. As I have previously acknowledged, the entire profession has a part to play in creating fairer workplaces."

Justine Anderson, President of the Women Lawyers' Association said, "The Designing Gender Equality into the Future of the Law report raises a number of issues for women in the law including potential biases experienced by caregivers who are unable to engage in ultralong hours or the culture of presenteeism; the impacts of technology on women lawyers, equal remuneration, promotional opportunities, [sexual harassment](#) and bullying. The latter being something that still remains a work in progress for the industry.

"As this report demonstrates, technology has been both a blessing and a curse for lawyers and further guidance and governance would be assistive. The Women Lawyers' Association of NSW will use this research to take action to advocate for women in the [legal profession](#) regarding these critical issues. We would like to thank our partner, the Law Society of NSW for contributing to this research project and to the researchers who have contributed to this ground-breaking and timely report."

Provided by University of Sydney

Citation: Gendered discrimination and disrespect 'all too common' in legal profession, Australian report shows (2023, October 5) retrieved 11 May 2024 from <https://phys.org/news/2023-10-gendered-discrimination-disrespect-common-legal.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.