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Good morning, I have been asked to talk about barriers that continue to confront women in the profession.

There is no question, I think everyone here knows, that the situation for women in the profession has improved dramatically in the past few decades, but there continue to be problems. I know this from my role as Discrimination and Harassment Counsel, where I receive complaints from women lawyers about experiences of discrimination and harassment that they are having, usually in the workplace, although it's not always in the workplace -- sometimes it's complaints about opposing counsel or other lawyers that they encounter in their practice. I know that discrimination and harassment remain a problem for women lawyers and I can tell you that 50% of the complaints that I have received every year for the last 7 years have involved "sex" as one of the grounds of discrimination. Overwhelmingly those are women who are complaining about some form of sex discrimination and that includes trans-sexual women complaining about discrimination based on their gender identity.

So there are on-going problems, but I don't actually want to regale you with stories of disappointing and unpleasant experiences that women have had. Rather I'd like to focus on some of the important initiatives that have recently been undertaken by the Law Society and some of the initiatives that the OBA can take to try to address these issues.

I know from my role as Discrimination and Harassment Counsel that women in all areas of practice confront barriers, whether they are working in-house, or working in Government or private practice. But based on considerable research that has been done in recent years, there is no doubt that there is a particular problem with women who are in private practice. As a result of that, the Law Society has undertaken in recent years a fairly major project with respect to the retention of women in private practice. I would encourage you, if you are not familiar with it already, to go to the Law Society website and look at some of the documentation that is available in terms of research that was done and also some of the initiatives and pilot projects that are now underway to address the problems confronting women lawyers.

Based on that research, it is well established that one of the major and perhaps most immediate challenges confronting women (and this is derived from women's self report, women lawyers who have been surveyed and have provided information in terms of why they are leaving private practice) -- the most immediate barriers arise from child birth and parenting. So whether a woman takes pregnancy-related leave or adopts a child and takes a parental leave, child birth and parenting have created the greatest barriers for women in private practice. In response to problems that have been identified by women lawyers, the Law Society, as many of you probably know, has undertaken a number of recent pilot projects. I want to talk about them a little bit, in part because not everyone is aware of them and it is important for you to know that they are there, that you can access them and promote them. Also, I want to talk about what is missing and what's not yet being done.

One of the pilot projects is the Parental Leave Assistance Program for lawyers. It's a pilot project that the Law Society has undertaken. It's available to sole practitioners and any lawyers who work in a firm of 5 or less lawyers. This includes women and men; it is not only available to women but also to men who want to take a parental leave from their firm. It offers, from a fund at the Law Society, up to \$3,000 per month for up to 3 months to cover expenses while on pregnancy, parental or adoption leave. This fund provides very needed support, financial support to individuals who are working in really small practices and who need to take some time off related to child birth or parenting. It also encourages men to take leaves as well. This is something I am going to come back to a little bit later in my comments.

We know from research that has been done across Ontario and indeed across Canada, that very few firms have paid parental leave programs. Many of them have paid pregnancy leave programs, but they typically do not have paid parental leave programs. This is a disadvantage for women who take extended leaves beyond just a few number of weeks with respect to their pregnancy. But it is also a disadvantage for men who are parenting and who would like to take a leave; they don't have the financial assistance at their firms to do that. I firmly believe that, until we reach a place in society where men are equally responsible for child care (and we know that in our society, generally speaking, women still bear the overwhelming burden of child care) -- until men take equal responsibility for it, we are not going to address some of the gender barriers

that confront women in all workplaces, not just in the legal profession. One of the ways to do that is to facilitate leaves for men, as well as for women, and to ensure there are paid parental leaves for both of them.

In addition to the Law Society's project, which deals with sole practitioners and various employers in very small firms, I would encourage all of you to ensure that your firms adopt paid parental leave programs that are available to both female and male lawyers.

There is also, coming out of the Law Society's project on the retention of women in private practice, a pilot project with respect to locums. Again this is something that will be available to male and female lawyers and it is not strictly limited to those who are taking pregnancy, parental, or adoption leave. It can be used by lawyers who want to take any type of leave, whether it is an extended leave, sabbatical leave, perhaps you have an elder parent who needs care and you therefore need to withdraw from your practice for a period of time. Under those circumstances it is awfully difficult, particularly for people who work in rural communities or very small practices, and for sole practitioners, to have someone cover their practice -- someone who is competent and able, who can come in and look after their clients' interests. Doctors have done this for many years. There is a well established locum system for doctors. I think we need to develop the same thing and we are on the way to doing that for lawyers in Ontario.

The locum program is also, in my view a really useful opportunity for women lawyers who may have been out of practice for a number of years, because of childcare obligations. If women have removed themselves from practicing law for a number of years and now want to re-enter the practice, they can offer their services as locums. It's a good way for them to reintegrate back into practice. It is also an excellent opportunity for women or men who want to work part-time hours and have some flexibility and control over the number of hours that they work. They can take on short-term locums for defined periods of time and then still have other extended periods of time when they are not working or are not working full-time. I view that as a very important initiative, which hopefully is going to address some of the barriers confronting women in the profession.

Finally, another initiative that the Law Society has undertaken -- you have probably seen some promotional literature with respect to this recently-- is the *Justicia* project. This is a major initiative of the Law Society. To date, 55 firms have signed on. These are all firms with more than 25 lawyers. The firms have provided a commitment to the Law Society to participate in this project, which involves gathering important data with respect to the lawyers in their firms (focusing specifically on gender issues) and also implementing policies and programs that will promote the retention of women. This includes progressive paid parental and pregnancy leave policies, flex time policies, mentoring programs for women, and so on. Also the participating firms have committed to sharing information amongst the group. The Law Society will eventually disseminate information coming out of this project. The hope is to encourage firms generally to adopt more progressive workplace policies.

Just briefly, I did give some thought as to what the OBA can do. We were asked to talk about strategies for addressing identified barriers. Obviously, the OBA can work in collaboration, or rather *continue* to work in collaboration, with the Law Society on all of these projects. Also, please promote these projects. Let your colleagues know that these programs are available, that the projects are underway. Encourage firms to participate in the *Justicia* project. Make sure that people who are in small practices and sole practitioners are aware of the parental leave assistance program.

My view -- I think this is probably a shared view -- is that many of the barriers that confront women in practice are very systemic barriers. The only thing that is going to change them is a real cultural shift within the firms. This is true, not just in terms of gender barriers confronting women, but also in terms of other barriers confronting racialized lawyers, lawyers with disabilities, gay and lesbian lawyers, transgender lawyers, and so on. These are institutional problems that often require a significant organizational change and cultural change. In terms of implementing that kind of cultural change or being a catalyst for that kind of cultural change, I think the OBA and its members can do a lot to support and promote important initiatives.

Within individual firms, the OBA and its members should advocate for things like flexible work arrangements and part-time work arrangements. One thing that we virtually never see across the

country in law firms is part-time partnership arrangements. We know that there are issues about women and equity in terms of accessing partnerships. Many women associates leave the practice of law or private practice before they become a partner within their firms. One of the problems is that there is virtually no opportunity for part-time partnership. Also, as I mentioned previously, paid parental leave programs are needed.

I think there also needs to be an attitudinal shift. It is important for the OBA, in its activities, to try to promote the kind of attitudinal shift that is required. Many of the lawyers that take temporary leave from their practice related to childcare or parenting -- this includes men, although overwhelmingly, it is women -- many of these lawyers are then viewed by their peers as not really seriously committed to the advancement of their career. I hear this all the time from lawyers. I hear it from women in Government as well, who come back to their practice after having taken a maternity leave and find themselves in what they call "the mommy track". They are no longer on the partnership track or they are no longer on the promotional track to become head of their department (in whatever government area they work). They are viewed as still employable because they do good work, but they don't get the best work anymore and they are not viewed as potential leaders within their organizations.

There is an attitudinal change that therefore needs to take place. Part of that change involves improving policies within firms to facilitate taking leave, improving policies for lawyers' reintegration into the practice when they come back, making sure that there is a fair distribution of work when they come back, but also fair expectations of how much they can accomplish when they first return to the practice. Firms need concrete plans for assisting people who are taking these leaves in winding down their practice and ramping back up when they return. This is not something that most firms do. Only a few firms currently have policies in place to help people do this.

I personally don't have any children, but I have taken 2 lengthy sabbatical leaves from my work in the 15 years that I have been practicing law. My leaves were taken without the complication of having to care for children, but I did twice leave my practice for an extended period of time. It is not an easy thing to do, to wind down your practice and then be able to ramp it back up

again, and not fear that your colleagues are going to steal your clients, or that your clients are going to leave and go to another firm, or that the practice that you have worked hard to build is going to fall apart. I was able to succeed in taking my leaves because of the support I experienced at my firm.

In order to support people who are taking these leaves, firms have to have policies and programs in place. As I mentioned earlier, I believe that we have to encourage more men to take parental leaves as well; if men start interrupting their careers to do child care work, that will contribute significantly to the necessary attitudinal change. People will start to realize that taking a leave does not mean that you are not committed to being a leader within your firm or within your organization, or that you are not serious about advancing your career. It is simply a temporary interruption of your practice.

Finally, the research that was done by the Law Society also identified 3 things that women lawyers say would assist them: (1) the importance of networking, by which I mean networking broadly and also networking amongst women specifically, (2) mentoring (broad-based mentoring in terms of different areas of practice, but also specifically mentoring junior women by more senior women in the practice) and (3) professional development opportunities (broad professional opportunities, as well as those specifically designed for women). Things like client development seminars for women, specifically taking into account some of the gender issues that women confront in their practice, would be of assistance. These are things that the OBA has already done and should continue to do.