



**Law Society**  
of Ontario

**Barreau**  
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**Tab 8**

## **Treasurer's Women in Law Advisory Group**

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### **Summary of Women's Roundtable Discussion**

October 28, 2021

#### **Advisory Group Members:**

Jacqueline Horvat (Chair)  
Shelina Lalji (Vice-Chair)  
Dianne Corbiere  
Cheryl Lean  
Nancy Lockhart  
Barbara Murchie  
Megan Shortreed  
Tanya Walker

#### **Authored By:**

Ada Maxwell-Alleyne  
[amaxwell@lso.ca](mailto:amaxwell@lso.ca)

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# Purpose

The Treasurer's Women in Law Advisory Group submits the "Summary Report on the Law Society of Ontario Treasurer's Roundtable on Women in Law" to Convocation for information.

# Context

1. On April 21, 2021, The Law Society of Ontario hosted the inaugural Treasurer's Roundtable on Women in Law (the "Roundtable") in collaboration with the Canadian Chapter of the International Association of Women Judges (CCIAWJ). A diverse group of over 60 women participated in the event, representing a range of backgrounds, experiences, and stages of practice. The goal was to identify barriers facing women in law and consider strategies to address those barriers.
2. In July 2021, the Treasurer appointed the Women in Law Advisory Group to consider the Roundtable report and its recommendations as well as provide general guidance and advice on how the Law Society can demonstrate leadership in supporting women in law.
3. A summary of the themes discussed at the Roundtable can be found at **Tab 8.1**.



**Law Society**  
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# **Summary Report on the Law Society of Ontario Treasurer's Roundtable on Women in Law**

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August 23, 2021

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# Background

On April 21, 2021, the Law Society of Ontario hosted the inaugural Treasurer's Roundtable on Women in Law (Roundtable) in collaboration with the Canadian Chapter of the International Association of Women Judges (CCIAWJ). The Roundtable was chaired by Treasurer Teresa Donnelly. Justice Renee Pomerance of the Superior Court of Justice and Justice Mara Greene of the Ontario Court of Justice attended as representatives of CCIAWJ.

A diverse group of over 60 women participated in the event, representing a range of backgrounds, experiences and stages of practice. This was the first in an anticipated series of provincial and national discussions. The goal was to identify challenges faced by women lawyers and paralegals and put forward meaningful ways to address these challenges. Virtually all participants said that events such as this Roundtable are a key step in addressing challenges and finding solutions and they expressed their interest in participating in further events.

## Emergent Themes

The overarching theme that arose at the Roundtable was that challenges continue to exist despite progress made by women in law. The following Issues were highlighted:

- Some workplace cultures do not support women and perpetuate stereotypes;
- Barriers to promotion, advancement and equal pay continue to exist;
- Compounded barriers related to intersectionality create unique problems for many women;
- Women may face competing work and family demands that may be incompatible with private practice
- Sexual harassment and discrimination take place in the workplace and women who have experienced it may not come forward.

## Overarching Strategies

The discussion at the Roundtable suggested the following overarching strategies should be pursued by the legal professions:

- Create a fair playing field for women where microaggressions, stereotypes and assumptions are identified and addressed.
- Recognize that equity for women in the legal professions is everyone's responsibility. This includes men, women, people at all organizational levels, clients, suppliers, legal associations and institutions.
- Aim for a culture shift that involves systemic change and intersectional approaches.
- Consider and build upon existing initiatives that are succeeding and continue the dialogue with opportunities like the Treasurer's Roundtable on Women in Law.
- Build a national working group dedicated to addressing workplace inequities for women.

The following section will discuss in more detail the professional obstacles faced by women in law as well as potential strategies to address them.

# Professional Obstacles and Strategies

## A. Cultural Norms

In Ontario, women represent half of all licensing candidates called to the bar each year and over half of all paralegal licensees. Despite considerable progress, individual women continue to face obstacles advancing in the legal professions. Roundtable participants described receiving misogynistic, sexist or racist jokes and unwelcome comments about their appearance. Some felt that they were not taken as seriously as their male colleagues. Stereotypes continue to persist, such as the assumption that women are about to have children or that their work product or quality decreases once they have children.

Strategy:

- Workplace and organizational leadership should support and promote equity and encourage unconscious bias training.
- Implement a zero-tolerance approach to harassment and discrimination.
- Promote more women to leadership positions.

## B. Promotion, Pay and Advancement

There were noted inequities regarding promotion, pay and advancement for women. First, some younger female associates receive fewer assignments which limit their ability to advance in the professions. Second, some firms do not count parental leave as tracked time, so women who take time away from work to start a family are disadvantaged. Third, women may not have access to many of the “passive” advancement opportunities that are, in fact, male-dominated social events. Golf was used as an example.

Strategies:

- Ensure transparency and fairness when it comes to file distribution, including blind work assignments.
- Benchmarks for promotions should be clear and evenly applied across the organization.
- Flexible family leave should operate in conjunction with performance tracking so that parental and maternity leave does not disadvantage parents.
- Develop recruitment and retention strategies aimed at women.

## C. Unpaid Work

Women and women of colour tend to take on work that is beneficial to the organization but is often uncompensated. For example, equity, diversity and inclusion work, women’s issues and social committees tend to rely more heavily on contributions from women.

Strategy: Organizations should ensure that individuals who contribute to this type of work are compensated and recognized in some fashion.

## D. Work and Family Demands

Many women face competing demands of taking care of themselves, their communities, and dependent family members such as elderly parents, children or other relations. When faced with these pressures, women in private practice may find it difficult to amass the volume of clients and

revenue they need to be promoted. This discourages some women from continuing in private practice.

Women who are able to take parental leave sometimes find it difficult to reclaim their files, ramp up their workload or obtain the support they need for the transition back to work. Sole practitioners are disadvantaged by the lack of co-workers who can support their clients when they are unavailable. Litigators are limited by court session hours.

Strategies:

- Implement flexible parental leave policies that reflect the range of demands on women.
- Other areas of the legal system such as courts and tribunals may need to consider options to accommodate work-life demands.
- Normalize remote work and virtual meetings in delivering legal services as these may be levers to achieving fairer workplaces.
- Establish interventions at two career points: (1) when women are starting out as new lawyers or paralegals; and (2) when women begin families and return to practice.

## **E. Mentors, Sponsors, and Allies**

Roundtable participants strongly supported the notion of women mentors, sponsors and allies. Participants noted that mentorship and sponsorships are most effective when they provide an opportunity to connect, collaborate and build relationships with those outside of their immediate network.

Participants noted that men can be allies particularly when they are aware of their own biases and are prepared to intervene when they witness inappropriate comments directed at women or observe women being excluded or undervalued at work. It was also noted that men can be excellent mentors and sponsors to women.

Strategies:

- Establish a network of women who can coach and support female lawyers and paralegals.
- Incentivize mentorship and coaching opportunities and provide resources to prospective mentors and coaches.
- Build an inclusive mentoring culture centered on knowledge sharing, collaboration and personal development.
- Engage in targeted mentorship for women whose intersectional identities make it more difficult to find mentors.

Participants applauded the launch of this Roundtable and also noted that organizations like the Women's Paralegal Association are creating safe places to share experiences and provide support.

## **F. Intersectional Identities**

Gender may intersect with other personal characteristics like race, sexual orientation, and disability and this can have a profound effect on a woman's professional experiences.

Success in the legal professions has traditionally favored men from privileged environments. Women who identify as Black, Indigenous or People of Colour (BIPOC) may lack knowledge about

the legal professions and how to succeed in them. This is also true for women from different socioeconomic backgrounds and geographies.

Strategies:

- Organizations' leadership should educate themselves about intersectionality and its potential impact on women's success.
- The notion and impact of intersectionality should be built into education, training, and mentorship/sponsorship programs.
- Education on microaggressions and unconscious bias may help to dismantle the structural discrimination facing many women lawyers and should be implemented in legal workplaces.
- Legal workplaces should have confidential support programs in place and foster a culture of acceptance and equity.

Another group of women lawyers who are frequently from racialized communities are Internationally Trained Lawyers (ITLs). Firms and legal workplaces should create domestic training opportunities for ITLs. Resources to assist recruiters and firms in equitably reviewing international resumes would be helpful.

## **G. Sexual Harassment and Discrimination**

Sexual harassment and discrimination persist in the practice of law. Roundtable participants suggested that some men do not acknowledge the problem and resist the need to be educated about it. Oppressive and sexist "humour" as well as comments about a woman's appearance are examples of workplace harassment. Women who are trans or LGBTQ2+ may experience sexual harassment and discrimination differently.

Many women find it daunting to launch complaints due to the potential personal and professional toll. While many organizations have workplace anti-discrimination and anti-harassment policies, they may be difficult to enforce given the entrenched nature of sexism in the professions. Moreover, many reporting protocols are not trauma-informed and force survivors to relive negative experiences. Investigations are seen as adversarial where complainants may be blamed. The intimidation factor is magnified for articling students who feel that using the recourses available to them will hurt their career prospects. While the Law Society funds the independent and confidential Discrimination and Harassment Counsel to provide a safe space for people to complain about conduct by a lawyer, paralegal or student member of the Law Society, awareness of the DHC program is limited.

Participants noted that particular challenges exist for sole practitioners and women in small communities.

Strategies:

- Acknowledge and address that for varied reasons many women are afraid to come forward with complaints about harassment.
- Develop more robust, proactive policies that take a trauma-informed approach.
- Create whistleblower programs where people feel safe to report issues.
- Consider providing paid leave for victims of sexual harassment.
- Enhance enforcement mechanisms.

- Raise awareness of existing resources and supports available through the Law Society, such as the Discrimination and Harassment Counsel.

## Law Society's Role

The Roundtable discussion highlighted actions that law firms, legal workplaces, employers and individuals can take to address the challenges faced by women in law. The Roundtable participants also challenged the Law Society to take a leadership role in providing profession-wide resources and tools to legal professionals and workplaces. Some of the specific recommendations targeted at the Law Society include:

- Collect data on women in the legal professions through surveys, studies and focus groups.
- Produce timely reports and recommendations to help law firms and legal employers address persistent gender inequities in the professions.
- Support and promote mentorship and sponsorship programs across the professions.
- Create an enhanced resource hub where women lawyers and paralegals can find resources, supports and professional tools.
- Generate more awareness about existing initiatives like the Justicia Project and the Discrimination and Harassment Counsel.
- Become more vocal about the problem of harassment and discrimination in the professions and reinforce professional ethics.
- Allow licensees to make anonymous complaints to the Law Society.
- Examine best practices from other organizations that effectively address women's issues in practice.
- Provide more dedicated resources for articling students and licensing candidates.

### National Working Group

The Roundtable participants supported convening a National Working Group on Women in Law that would have measurable objectives, goals, outcomes and timeframes. Membership in this group would be diverse and include a mentorship component. In addition to maintaining a national resource centre, this group could facilitate national conversations on women in the law. This could amplify women-led dialogue about behaviours and attitudes that perpetuate gender inequality and could support action for change.

## Conclusion

In their remarks, many participants noted that issues with legal practice can only be resolved with collective action. Employers, the Law Society and individuals at all stages of their careers need to be involved. The participants celebrated the Roundtable and the opportunities provided to connect, discuss issues and focus on strategies. Many also expressed interest in gathering again to continue this work.