



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada



# Racialization and



# Gender of



# Lawyers in



# Ontario

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**A Report for the  
Law Society of Upper Canada**

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*York University*

April 2010

## Acknowledgments

For her encouragement and good advice throughout the preparation of this Report I thank Josée Bouchard, the Equity Advisor of the Law Society of Upper Canada. I thank staff of the Statistics Canada Research Data Centre branch at York University for facilitating access to the Census data.

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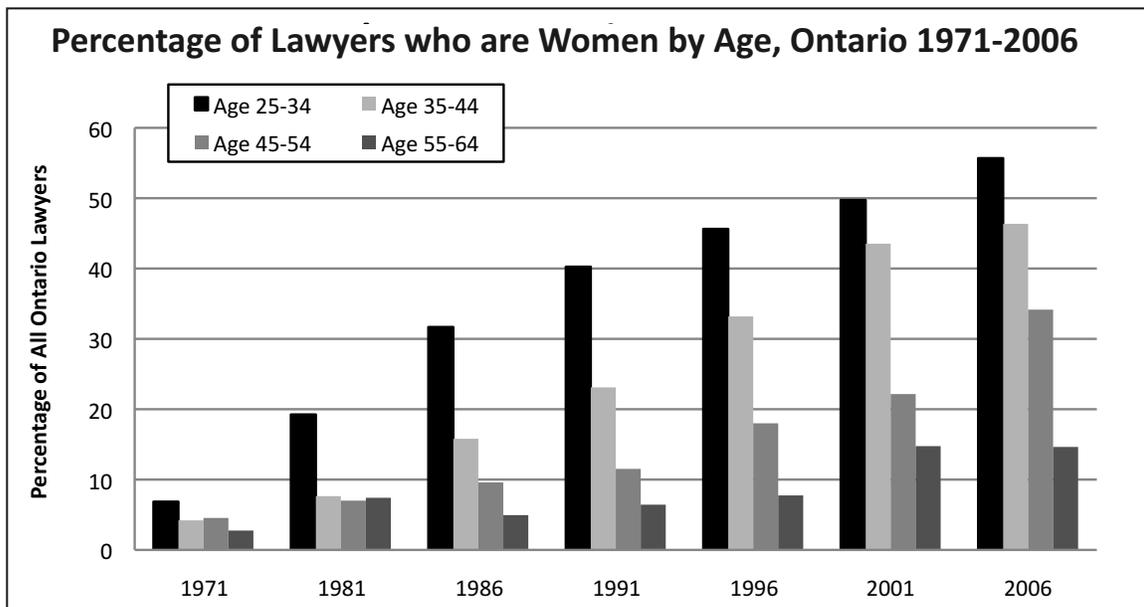
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## Executive Summary

The legal profession in Ontario is changing dramatically. The number of lawyers who are women, Aboriginal and members of a visible minority continues to grow, transforming the face of a profession that until the early 1970s was primarily White and male. Drawing on Canadian Censuses, this report provides a statistical portrait of a profession in the midst of fundamental transition. The research is based primarily on the 2006 “long form” Census questionnaire, completed by one-fifth of all households. Information about 6,400 lawyers is used to describe the total of about 32,000 Ontario lawyers.

Leading the transformation is an extraordinary increase in the percentage and number of women lawyers. Accounting for just 5 percent of Ontario lawyers in 1971, growth in the number of women lawyers has continued unabated for 35 years. In 2006 women accounted for nearly 60 percent of the youngest lawyers and 38 percent of all lawyers in Ontario. This trend will continue as older, predominantly male cohorts retire.



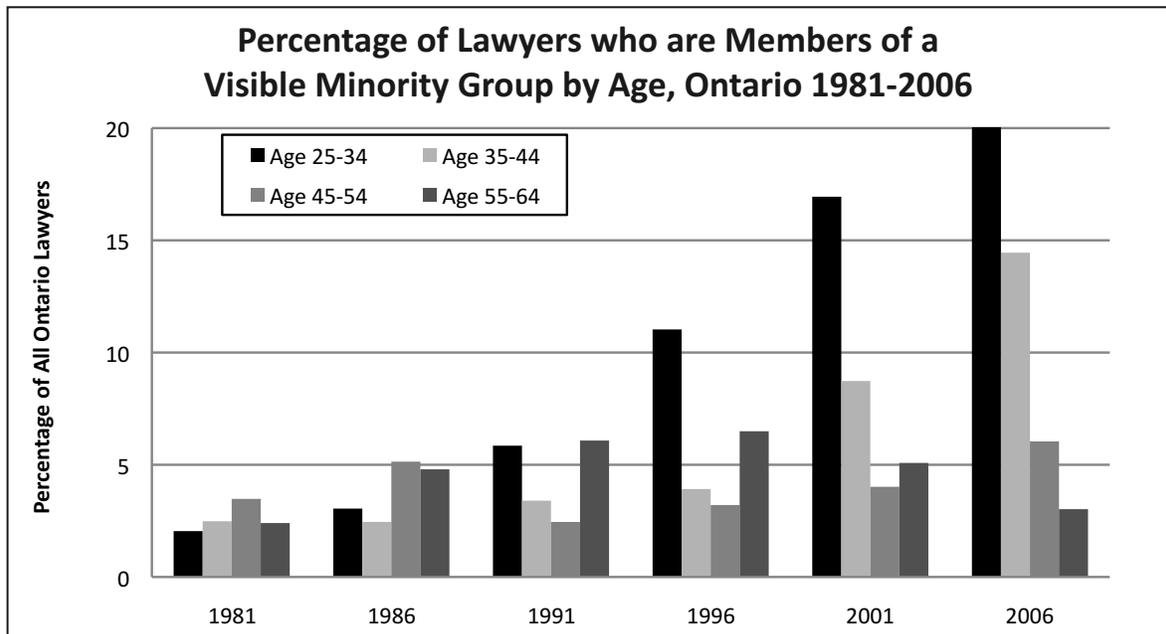
In the last decade, gains in the representation of women are attributable largely to increased numbers of racialized women. Racialized women account for no less than 16 percent of all lawyers under 30, compared to just 5 percent of lawyers 30 and older; racialized men account for 7 percent of lawyers under 30, compared to 6 percent of lawyers 30 and older.

The percentage of Ontario lawyers who were Aboriginal was unchanged between 1981 and 2001, but increased from 0.6 to 1.0 percent between 2001 and 2006. In 2006, it is estimated that there were 315 Aboriginal lawyers in Ontario. Aboriginal persons are 1.96 percent of the Ontario population and 0.57 percent of all university graduates with occupations. Relative to the number of Aboriginal university graduates with an occupation, there are about twice the expected number of Aboriginal lawyers.

In 2006, 3,685 or 11.5 percent of all Ontario lawyers were members of a visible minority, up from 9.2 percent in 2001. To compare, members of a visible minority accounted for 23 percent of the total Ontario population in 2006, 22 percent of Ontarians with an occupation, and 30 percent of Ontario university graduates with an occupation.

The progress of visible minority lawyers can be seen in the dramatic increase in the percentage of lawyers between the ages of 25 and 34 who are members of a visible minority: 2 percent in 1981, 3 percent in 1986, 6 percent in 1991, 11 percent in 1996, 17 percent in 2001 and 20 percent in 2006. This trend will also continue as older, predominantly White lawyers retire.

There is wide variation between visible minority groups. There is one Black lawyer for every 750 members of the Black community, one for every 627 South Asians and one for every 755 members of the Chinese community. In



contrast, there is just one Filipino lawyer for every 2,730 members of that community, one for every 1,649 Latin Americans and one for every 994 Southeast Asians. These numbers are affected by the proportions of university graduates in the different groups.

The percentage of lawyers who are immigrants from the US and from the combination of the UK, Ireland, Australia and New Zealand is roughly the same as their representation in the Ontario population. Immigrants from countries whose dominant population is considered a visible minority in Canada, however, are less likely to become lawyers than members of that visible minority community who are not immigrants.

In Ontario in 2006, members of a visible minority accounted for 30.7 percent of all physicians, 31.7 percent of engineers, 17.6 percent of academics and 11.8 percent of high-level managers, compared to 11.5 percent of lawyers. This suggests that potential immigrants who are already lawyers in countries with dissimilar legal structures believe they will be unable to translate their skills in Canada as easily as other professionals. Even immigrants who come to Canada when they are young children are disadvantaged in pursuing a legal career.

While women and racialized persons are transforming the face of the legal profession, they encounter barriers within the profession. 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.

Women and especially visible minority lawyers earn less than their White male counterparts. Relative to men, the earnings of women lawyers increased substantially between 1970 and 1995, but there has been little improvement since. 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 percent below the median for men that age, and the mean was 20 percent lower; for lawyers 45 to 49 the median earnings for women was 16 percent lower and the mean was 28 percent lower.

There is strong evidence that racialized lawyers have lower earnings than White lawyers the same age and this difference is much larger than the gender difference. The difference in the median earnings of racialized and White lawyers, just \$4,000 per year for lawyers between 25 and 29, grows to more than \$40,000 by ages 40 to 44. The difference in mean earnings is even larger. The picture is not complete because there are too few middle aged and senior visible minority and Aboriginal lawyers to accurately estimate their earnings.

Because the Censuses do not describe individuals' careers or the details of where they work, they can provide only a limited understanding of earnings differences, pointing to the need for further research.

The future will bring an increasingly diverse legal profession. Profound demographic changes will challenge the profession to achieve corresponding cultural change and equity within the profession.

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## Introduction

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This report provides a statistical portrait of Aboriginal, visible minority and women lawyers in Ontario, beginning with a detailed profile of the profession based on the 2006 Canadian Census. To understand the pace of change in the profession, we compare age groups and examine changes in the number of Aboriginal and visible minority lawyers since 1981 and women lawyers since 1971.

Comparisons between the numbers of lawyers from each racialized community and its population are used to measure the profession's capacity to serve Aboriginal and visible minority communities. A comparison of the number of lawyers to the number of university graduates with occupations in each community measures equity in access to the profession. Then we consider the impact on access to the profession of immigration, the age at which immigrants come to Canada and a person's first language. To contextualize the degree of diversity in the legal profession, lawyers in Ontario are compared to lawyers in other provinces and territories and to other professions and managers in Ontario.

The second part of this report deals with the status of Aboriginal, visible minority and women lawyers, beginning with the numbers who work at law firms, for government, and as counsel in other areas, and then differentiating law firm associates and employees from partners and sole practitioners. Further analysis focuses on hours of work and earnings. Regression models are used to measure the gender gap in earnings.

This report is based mainly on the 2006 Census, which collected highly detailed information about every person in one in every five Canadian households, including about 6,400 Ontario lawyers. The Census provides exact comparisons between lawyers and the entire population of Ontario and relevant sub-groups.

The terminology in this Report follows Statistics Canada's practice. "Aboriginal" refers to all First Nations, Inuit and Métis people, irrespective of their legal status. The sample is not large enough to provide separate figures for First Nations, Inuit and Métis people without breaching confidentiality. Members of a "visible minority" are people who are not of European origin and not Aboriginal, while "White" refers to people of European origin. The term "racialized" refers to all Aboriginal and visible minority persons.

Statistics Canada distinguishes ten visible minority groups: Blacks, South Asians, Chinese, Japanese, Koreans, Southeast Asians, Filipinos, Arabs, West Asians and Latin Americans. These categories vary in specificity. For example, persons of Vietnamese, Laotian and Khmer origin are included in the "Southeast Asian" group, while the Japanese and Koreans are counted separately. Although the census question on ancestry could be used to identify smaller groups, such as Vietnamese people, their numbers are too small to permit the release of statistics on Vietnamese lawyers.

This report is an update and expansion of two previous reports based on the 1996 and the 2001 Censuses.<sup>1</sup> An appendix provides more details about the Census data and methodological issues that arise in this research.

## Aboriginal and Visible Minority Lawyers in Ontario

In Ontario in 2006, 1.0 percent of lawyers were Aboriginal, 11.5 percent were members of a visible minority and 87.5 percent were White. The corresponding numbers are 315 Aboriginal, 3,685 members of a visible minority and 28,010 White lawyers.

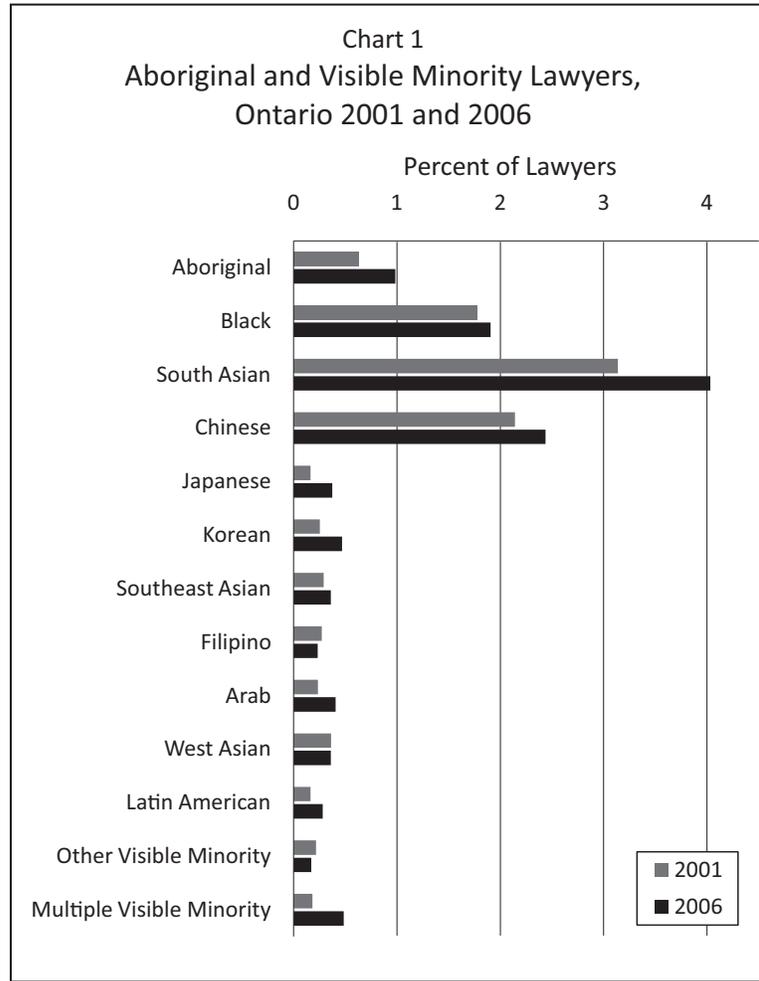
Table 1

### Aboriginal and Visible Minority Lawyers, Ontario 2001 and 2006

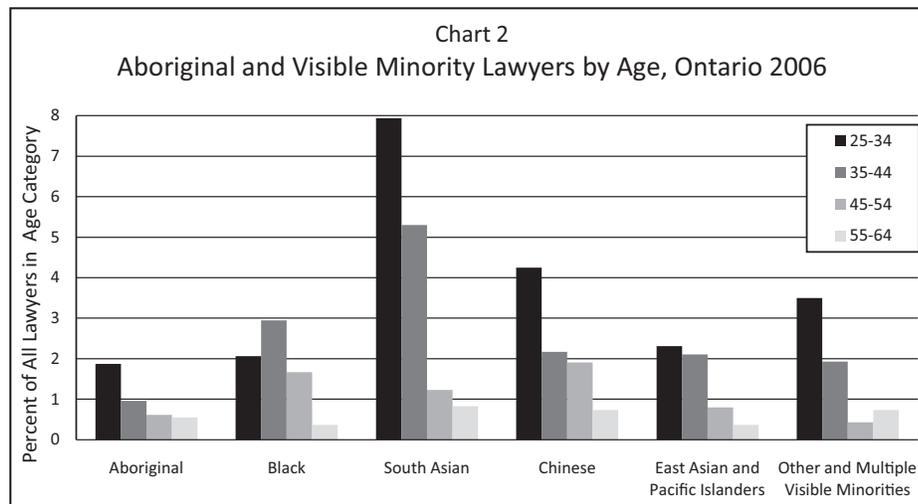
Group	Percentage of Lawyers		Number of Lawyers	
	2006	2001	2006	2001
<b>Aboriginal</b>	<b>1.0</b>	<b>0.6</b>	<b>315</b>	<b>175</b>
<b>Total Visible Minority</b>	<b>11.5</b>	<b>9.2</b>	<b>3,685</b>	<b>2,535</b>
Black	1.9	1.8	610	490
South Asian	4.0	3.1	1,290	865
Chinese	2.4	2.1	780	590
Japanese	0.4	0.3	120	80
Korean	0.5	0.3	150	70
Southeast Asian	0.4	0.2	115	45
Filipino	0.2	0.3	75	75
Arab	0.4	0.4	130	100
West Asian	0.4	0.2	115	45
Latin American	0.3	0.2	90	65
Other Visible Minority	0.2	0.2	55	60
Multiple Visible Minority	0.5	0.2	155	50
<b>White</b>	<b>87.5</b>	<b>90.2</b>	<b>28,010</b>	<b>24,855</b>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>32,010</b>	<b>27,565</b>

Source: 2006 Canadian Census

As Table 1 and Chart 1 show, between 2001 and 2006 the number of Aboriginal lawyers increased by 55 percent, from 0.6 to 1.0 percent of all lawyers in the province, and the number of visible minority lawyers increased by 25 percent, from 9.2 to 11.5 percent of all Ontario lawyers.



About four-fifths of all visible minority lawyers are from one of the three largest visible minority communities: 610 were Black, 1,290 were South Asian and 780 were Chinese. The numbers of Japanese, Korean, Southeast Asian, Arab and West Asian lawyers range between 115 and 155, and there are 90 Latin American and 75 Filipino lawyers. An additional 55 lawyers belonged to a visible minority group other than the ten listed on the form and 155 described themselves as belonging to two or more groups (a category that also includes individuals who indicate that they are White and a member of a visible minority group).



Comparisons between age groups provide insight into change in the profession. In 2006, Table 2 and Chart 2 show that:

- among all Ontario lawyers between the ages of 25 and 34, 150 or 1.9 percent are Aboriginal;
- between the ages of 35 and 44, 80 or 1.0 percent of lawyers are Aboriginal;
- between the ages of 45 and 54, 50 or 0.6 percent of lawyers are Aboriginal; and
- between the ages of 55 and 64, 30 or 0.5 percent of lawyers are Aboriginal.

Thus there are 56 percent more Aboriginal lawyers between the ages of 35 and 44 than between 45 and 54, and 95 percent more Aboriginal lawyers between 25 and 34 than between 35 and 44. The Aboriginal population is younger than average and its university graduation rates are increasing, but these factors cannot fully account for the dramatic growth in the number of Aboriginal lawyers.

Table 2  
Aboriginal and Visible Minority Lawyers, Compared to the Population, Ontario 2006

Group	Age			
	25-34	35-44	45-54	55-64
<b>Number of Lawyers</b>				
Aboriginal	150	80	50	30
<b>Total, Visible Minority</b>	<b>1,605</b>	<b>1,200</b>	<b>490</b>	<b>165</b>
Black	165	245	135	20
South Asian	635	440	100	45
Chinese	340	180	155	40
East Asian and Pacific Islanders	185	175	65	20
Other and Multiple Visible Minorities	280	160	35	40
White	6,240	7,030	7,565	5,260
<b>Total</b>	<b>8,000</b>	<b>8,305</b>	<b>8,110</b>	<b>5,460</b>
<b>Percentage of Lawyers</b>				
Aboriginal	1.9	1.0	0.6	0.5
<b>Total, Visible Minority</b>	<b>20.1</b>	<b>14.4</b>	<b>6.0</b>	<b>3.0</b>
Black	2.1	3.0	1.7	0.4
South Asian	7.9	5.3	1.2	0.8
Chinese	4.3	2.2	1.9	0.7
East Asian and Pacific Islanders	2.3	2.1	0.8	0.4
Other and Multiple Visible Minorities	3.5	1.9	0.4	0.7
White	78.0	84.6	93.3	96.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Percentage of University Graduates with Occupations</b>				
Aboriginal	0.8	0.5	0.4	0.4
<b>Total, Visible Minority</b>	<b>33.4</b>	<b>34.4</b>	<b>25.8</b>	<b>21.7</b>
Black	3.0	3.1	2.0	1.9
South Asian	11.7	10.9	7.9	6.3
Chinese	9.3	10.5	6.7	5.9
East Asian and Pacific Islanders	4.7	5.4	5.3	4.9
Other and Multiple Visible Minorities	4.7	4.4	4.0	2.6
White	65.7	65.2	73.8	77.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Percentage of Persons with Occupations</b>				
Aboriginal	2.0	1.8	1.5	1.2
<b>Total, Visible Minority</b>	<b>26.1</b>	<b>24.7</b>	<b>19.4</b>	<b>16.7</b>
Black	4.3	3.9	2.8	3.2
South Asian	8.1	7.0	5.1	4.6
Chinese	5.1	5.6	4.6	3.9
East Asian and Pacific Islanders	3.9	4.0	3.5	2.7
Other and Multiple Visible Minorities	4.7	4.2	3.4	2.2
White	71.9	73.5	79.1	82.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Percentage of the Population</b>				
Aboriginal	2.1	1.9	1.7	1.4
<b>Total, Visible Minority</b>	<b>28.0</b>	<b>25.6</b>	<b>20.0</b>	<b>16.8</b>
Black	4.3	3.9	2.7	2.9
South Asian	8.9	7.2	5.3	5.0
Chinese	5.4	5.8	4.9	4.1
East Asian and Pacific Islanders	4.1	4.2	3.6	2.5
Other and Multiple Visible Minorities	5.3	4.6	3.6	2.5
White	69.9	72.5	78.3	81.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: 2006 Canadian Census

Separating age groups reveals a dramatic increase in the numbers of visible minority lawyers.

- Among all Ontario lawyers between the ages of 25 and 34 in 2006, 1,605 or 20.1 percent were members of a visible minority;
- 1,200 or 14.4 percent of lawyers between the ages of 35 and 44 were members of a visible minority;
- 490 or 6.0 percent of lawyers between the ages of 45 and 54 were members of a visible minority; and
- 165 or 3.0 percent of lawyers between the ages of 55 and 64 were members of a visible minority.

Only a small part of this increase is due to a higher proportion of visible minority persons in the younger age groups.

This comparison can be made for the larger visible minority groups (for smaller groups, there is not sufficient data). There are 77 percent more Black lawyers between the ages of 35 and 44 than between the ages of 45 and 54, and the younger, 35 to 44 age group also includes 329 percent more South Asian lawyers, 13 percent more Chinese lawyers and 163 percent more East Asian and Pacific lawyers.

There are 49 percent more South Asian lawyers between the ages 25 and 34 than between 35 and 44, and the younger group also includes 96 percent more Chinese lawyers, and 9 percent more East Asian and Pacific lawyers; but 30 percent fewer Black lawyers. The negative figure for Blacks is a sign for concern and merits further investigation.

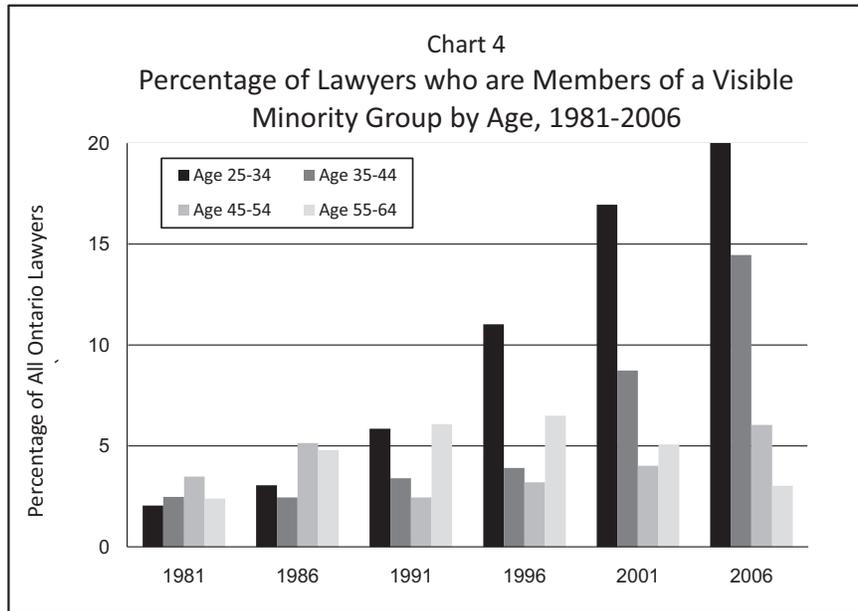
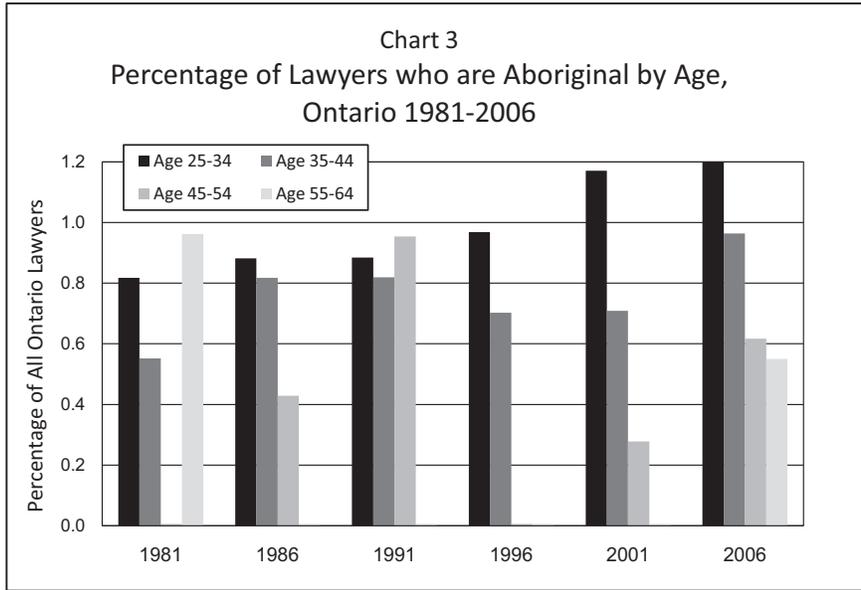
In the last 20 years, progress in entering the legal profession has been fastest for South Asians and slowest for Blacks, with Aborigines and the Chinese and Southeast Asian and Pacific Islander groups and other visible minority groups in the middle.

Table 3  
Aboriginal and Visible Minority Lawyers by Age, Ontario 1981-2006

Year	Aboriginal	Total, Visible Minority	Black	South Asian	Chinese	East Asia and Pacific	All Other Visible Minority	White	Total	Number
Age	<i>percentage distribution</i>									
<b>1981</b>										
25-34	0.8	2.0	0.2	0.4	1.1	0.2	0.2	97.1	100.0	6,115
35-44	0.6	2.5	0.3	0.7	0.6	0.1	0.8	96.8	100.0	3,625
45-54	0.0	3.5	1.4	0.5	0.5	0.2	0.9	96.8	100.0	2,155
55-64	1.0	2.4	0.5	0.5	0.0	0.5	1.0	97.1	100.0	1,040
<b>1986</b>										
25-34	0.9	3.0	0.4	0.2	0.6	0.5	1.4	96.0	100.0	6,235
35-44	0.8	2.5	0.5	0.9	0.5	0.3	0.2	96.6	100.0	6,115
45-54	0.4	5.1	0.9	2.1	0.9	0.2	1.1	94.4	100.0	2,335
55-64	0.0	4.8	1.5	1.8	0.7	0.0	0.7	94.8	100.0	1,355
<b>1991</b>										
25-34	0.9	5.9	1.0	1.0	1.7	0.7	1.5	93.3	100.0	7,350
35-44	0.8	3.4	0.5	0.5	1.1	0.6	0.7	95.8	100.0	7,940
45-54	1.0	2.5	0.3	0.5	0.5	0.1	1.0	96.6	100.0	3,670
55-64	0.0	6.1	2.1	1.8	0.6	0.3	1.2	94.2	100.0	1,645
<b>1996</b>										
25-34	1.0	11.0	2.5	4.0	1.8	1.0	1.8	88.0	100.0	6,710
35-44	0.7	3.9	1.1	1.1	1.3	0.2	0.3	95.4	100.0	8,550
45-54	0.0	3.2	1.1	0.9	0.7	0.3	0.2	96.7	100.0	5,775
55-64	0.0	6.5	0.5	4.2	1.3	0.5	0.0	93.2	100.0	1,925
<b>2001</b>										
25-34	1.2	16.9	3.1	6.3	3.9	1.6	2.1	81.9	100.0	7,260
35-44	0.7	8.7	1.5	2.9	1.9	1.0	1.4	90.5	100.0	8,475
45-54	0.3	4.0	0.9	0.8	1.2	0.7	0.3	95.7	100.0	7,215
55-64	0.0	5.1	1.6	1.5	1.1	0.3	0.5	95.1	100.0	3,050
<b>2006</b>										
25-34	1.9	20.1	2.1	7.9	4.3	2.3	3.5	78.0	100.0	8,000
35-44	1.0	14.4	3.0	5.3	2.2	2.1	1.9	84.6	100.0	8,305
45-54	0.6	6.0	1.7	1.2	1.9	0.8	0.4	93.3	100.0	8,110
55-64	0.5	3.0	0.4	0.8	0.7	0.4	0.7	96.3	100.0	5,460

Source: Canadian Censuses of 1981, 1986, 1991, 1996, 2001 and 2006

There is no evidence of net change in the number of racialized lawyers in the 30 years between the early 1950s and the early 1980s. In 1981, Table 3 shows, the percentage of lawyers who were White in all four ten-year age groups between 25 and 64 was between 96.8 and 97.1 percent. Only in 1996 is there a small increase in the number of visible minority and Aboriginal lawyers in the younger cohorts and even in that year there were slightly more older than younger visible minority lawyers, as earlier, pioneering cohorts of senior Black and South Asian lawyers were reaching middle age and beginning to retire.



A pronounced increase in the number of visible minority lawyers is apparent in 2001, when 1.2 percent of lawyers between the ages of 25 and 34 were Aboriginal and 16.9 percent were members of a visible minority. For lawyers between 35 and 44 in 2001, the corresponding figures were just 0.7 and 8.7 percent, and for the 45 to 54 age group just 0.3 and 4.0 percent.

***The Demographic Context***

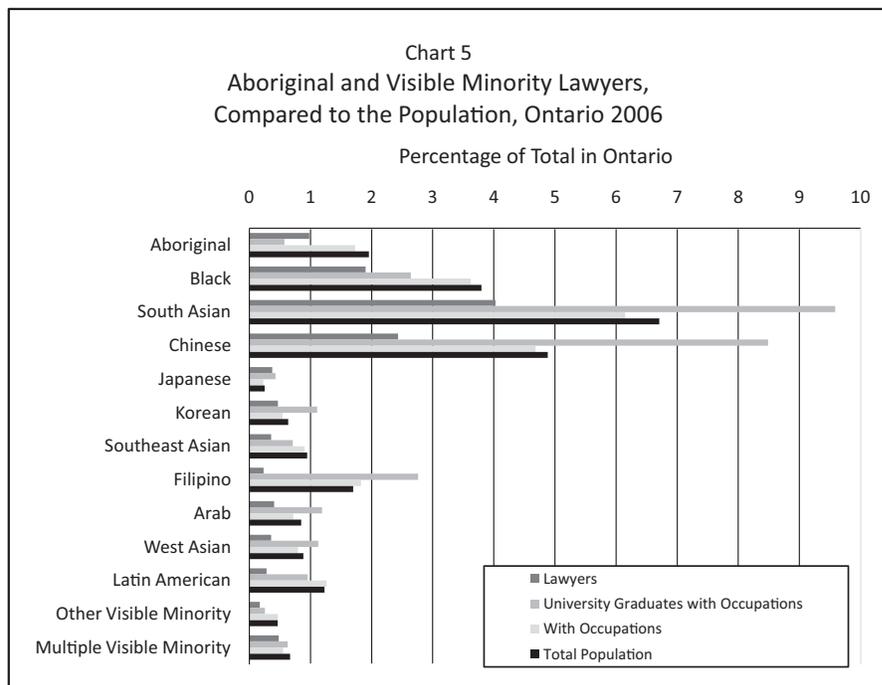
The age distribution of a profession affects the prospects of all its members, not only new entrants. Statistics from the 1981 to 2006 Censuses in Table 3 show that the growing presence of visible minorities occurs at a time of demographic transformation of the entire legal profession. The Table shows:

- there were 6,115 lawyers between the ages of 25 and 34 in 1981, compared to 8,000 in 2006; and
- 3,625 lawyers between 35 and 44 in 1981 and 8,305 in 2006;
- 2,155 lawyers between 44 and 55 in 1981 and 8,110 in 2006;
- 1,040 lawyers between 55 and 64 in 1981 and 5,460 in 2006.

In the 25 years between 1981 and 2006, the number of lawyers between 25 and 34 increased by about 30 percent. In the same period the number of lawyers between 55 and 64 increased by 400 percent, and a simple projection indicates their number will increase by half again in the next decade. Aging of the legal profession has resulted in a nearly even distribution of age. The approximately equal numbers of lawyers in the 25 to 34, 35 to 44 and 45 to 54 age groups in 2006 is evidence that there has been relatively little change in the number of entrants to the profession in the last 30 years. After 35 years of growth, barring an increase in the number of new lawyers, in a few years the profession will no longer be growing.

***Racialized Lawyers Compared to the Ontario Population***

Comparing the number of lawyers in a visible minority group to that community’s size measures the availability of legal services from a lawyer in the same community, while comparing the number of lawyers in a group to the total number in the community with an occupation and to the number of university graduates with an occupation provides a measure of access to a career in the profession. That occupation refers to the job a person held when the Census was taken in May 2006 or, if he or she was not employed, the last job she or he held since January 2005. Using individuals with an occupation for this comparison, rather than the more conventional members of the labour force, measures lawyers and the rest of the population in the same way. The intention is to include in our statistics persons who are temporarily out of the labour, for example on maternity leave.



Compared to 1.0 percent of Ontario lawyers who are Aboriginal, in 2006 Aboriginal people constituted:

- 1.96 percent of the total Ontario population;
- 1.73 percent of the Ontario population with occupations; and
- 0.57 percent of Ontario university graduates with occupations.

Thus the Aboriginal presence in the legal profession is just half its share of the total Ontario population and about 60 percent its share of the workforce. Relative to the number of Aboriginal university graduates with occupations, however, there are roughly twice the expected number of Aboriginal lawyers. Thus social and economic conditions limiting access to university education account for Aboriginal under representation in the legal profession, but for Aboriginals who do graduate from university the legal profession is a preferred destination.

Table 4  
Aboriginal and Visible Minority Lawyers, Compared to the Population, Ontario 2006

Group	Lawyers	University Graduates with an Occupation percentage	Population with an Occupation	Total Population	Lawyers	Total Population	Persons per Lawyer
					number	number	
<b>Aboriginal</b>	<b>1.0</b>	<b>0.57</b>	<b>1.73</b>	<b>1.96</b>	<b>315</b>	<b>235,980</b>	<b>749</b>
<b>Total Visible Minority</b>	<b>11.5</b>	<b>29.89</b>	<b>21.77</b>	<b>23.02</b>	<b>3,685</b>	<b>2,775,705</b>	<b>753</b>
Black	1.9	2.64	3.62	3.80	610	457,770	750
South Asian	4.0	9.58	6.15	6.71	1,290	808,715	627
Chinese	2.4	8.49	4.68	4.88	780	588,785	755
Japanese	0.4	0.43	0.23	0.25	120	30,375	253
Korean	0.5	1.11	0.54	0.64	150	76,785	512
Southeast Asian	0.4	0.71	0.91	0.95	115	114,340	994
Filipino	0.2	2.76	1.83	1.70	75	204,750	2730
Arab	0.4	1.19	0.72	0.85	130	102,650	790
West Asian	0.4	1.13	0.80	0.88	115	106,520	926
Latin American	0.3	0.95	1.26	1.23	90	148,380	1649
Other Visible Minority	0.2	0.26	0.47	0.47	55	56,225	1022
Multiple Visible Minority	0.5	0.63	0.56	0.67	155	80,410	519
<b>White</b>	<b>87.5</b>	<b>69.54</b>	<b>76.49</b>	<b>75.02</b>	<b>28,010</b>	<b>9,046,830</b>	<b>323</b>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>32,010</b>	<b>12,058,520</b>	<b>377</b>
Number	32,010	1,706,595	7,097,720	12,058,520			

Source: 2006 Canadian Census

In 2006, 11.5 percent of Ontario lawyers were members of a visible minority group, compared to:

- 23.0 percent of the Ontario population;
- 21.8 percent of the Ontario population with occupations; and
- 29.9 percent of Ontario university graduates with occupations.

Clearly, the number of visible minority university graduates has nothing to do with their underrepresentation in the legal profession. Quite the opposite, these figures suggest that since graduation from university is a prerequisite for admission to law school and a career as a lawyer, members of a visible minority are less likely than Whites to choose law.

Table 4 reveals dramatic variation between the different visible minority communities. Just 0.3 percent of lawyers were Latin American, whose community accounts for 1.26 percent of the population with occupations and 0.95 percent of university graduates with occupations; and 0.5 percent of lawyers were Korean compared to their .54 percent share of the Ontario population with occupations and 1.11 percent share of university graduates with occupations. The numbers

of Black, Southeast Asian and Latin American lawyers correspond to their communities' proportions of university graduates, which are below the overall average for Ontario.

A measure of access to the legal profession can be obtained by dividing a group's share of all lawyers by its share of Ontario university graduates with occupations. A higher figure indicates more successful access to the profession.

- The proportion of Japanese lawyers is 87 percent of its proportion of university graduates with occupations, obtained by dividing 0.4 percent of all lawyers by 0.43 percent of university graduates with occupations (the more exact figures given here differ from those obtained by dividing the number in the Table because figures in the Table are rounded);
- for Black lawyers, the corresponding figure is 72 percent;
- for Southeast Asian lawyers, 51 percent;
- for South Asian lawyers, 42 percent; and
- for Chinese, Arab, West Asian and Latin American lawyers the figure is about 30 percent; and
- for Filipino lawyers, about 9 percent.

Thus, in access to the profession, there are much larger differences between the different visible minority groups than between all racialized persons and all White persons.

Not surprisingly, there is also considerable variation in the numbers of visible minority lawyers relative to the size of their communities. With about 32,000 lawyers for the Ontario population of 12.06 million in 2006, there was one lawyer for every 377 people, compared to:

- 2,730 members of the Filipino community for each Filipino lawyer;
- 1,649 members of the Latin American community for each Latin American lawyer;
- 994 members of the Southeast Asian community for each Southeast Asian lawyer;
- 926 members of the West Asian community for each West Asian lawyer.
- The figures are quite similar for the other groups: 790 Arab community members per lawyer; 749 Aboriginal persons per lawyer; 750 Black persons per lawyer; 627 South Asians persons per lawyer; and 755 Chinese persons per lawyer; while
- for Koreans the figure is 512 community members for each lawyer and for the Japanese 253.

### Visible Minority Lawyers In and Outside of Toronto

As defined by Statistics Canada, a Census Metropolitan Area or CMA covers the commuting radius of a city. The Toronto CMA includes some outlying communities, such as Vaughan and Mississauga, but not Hamilton, which is a separate CMA. Just over three-fifths of all lawyers in Ontario, 62.3 percent, live in the Toronto CMA, compared to 55.2 percent of all university graduates with occupations and 42.4 percent of all persons with occupations.

Table 5  
Aboriginal and Visible Minority Lawyers In and Outside of Toronto, Compared to the Population, Ontario 2006

	Lawyers		University Graduates with an Occupation		Population with an Occupation		Total Population	
	Outside of Toronto		Outside of Toronto		Outside of Toronto		Outside of Toronto	
	In Toronto	Outside of Toronto	In Toronto	Outside of Toronto	In Toronto	Outside of Toronto	In Toronto	Outside of Toronto
<b>Aboriginal</b>	<b>0.7</b>	<b>1.4</b>	<b>0.2</b>	<b>1.0</b>	<b>0.5</b>	<b>2.6</b>	<b>0.5</b>	<b>3.0</b>
<b>Total, Visible Minorities</b>	<b>14.4</b>	<b>6.6</b>	<b>43.3</b>	<b>13.4</b>	<b>40.8</b>	<b>7.6</b>	<b>43.3</b>	<b>8.1</b>
Black	2.1	1.5	3.5	1.6	6.4	1.5	6.7	1.6
South Asian	5.2	2.0	14.3	3.7	12.3	1.6	13.6	1.6
Chinese	3.4	0.8	12.9	3.1	9.4	1.2	9.8	1.2
Southeast Asian, Korean, Japanese, Filipino	1.7	0.9	7.3	2.2	6.5	1.3	6.5	1.4
All Other Visible Minorities	1.9	1.4	5.3	2.8	6.3	2.0	6.7	2.2
<b>White</b>	<b>84.8</b>	<b>92.0</b>	<b>56.5</b>	<b>85.6</b>	<b>58.7</b>	<b>89.8</b>	<b>56.2</b>	<b>88.8</b>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number	19,940	12,070	942,505	764,095	3,031,385	4,066,335	5,111,270	6,947,250

Source: 2006 Canadian Census

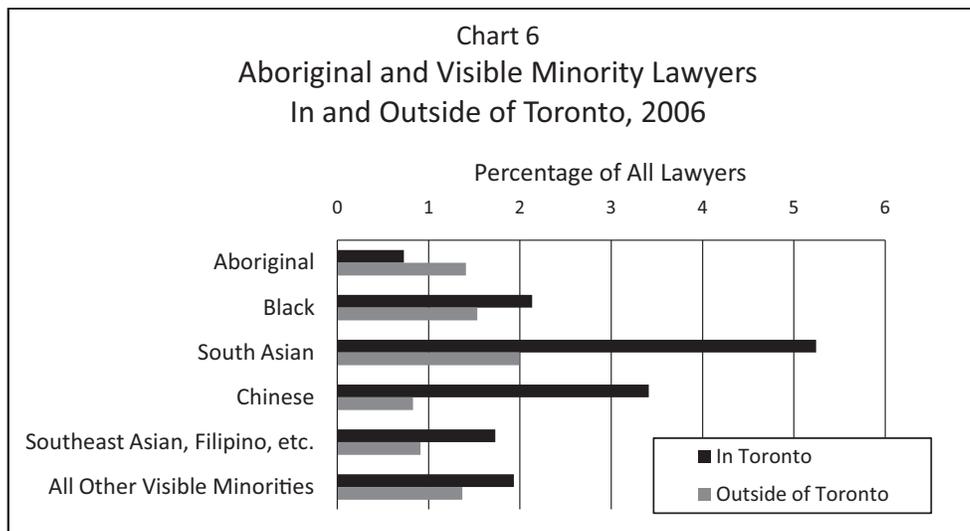


Table 5 and Chart 6 show that 1.4 percent of all lawyers outside of Toronto are Aboriginal, compared to 0.7 percent of all lawyers in the CMA; and 14.4 percent of lawyers in Toronto are members of a visible minority, compared to 6.6 percent outside Toronto. Overall, the smaller numbers of visible minority lawyers outside Toronto reflect the geographical distribution of the population, as well as the high proportion of all lawyers in the CMA, rather than a tendency for areas outside Toronto to be less receptive to visible minority lawyers.

**Immigration**

Of all university graduates with an occupation in Ontario in 2006, 40.8 percent were immigrants, compared to 18.7 percent of lawyers. Being an immigrant from a country whose majority population is defined as a visible minority in Canada does more to decrease a person’s chances of being a lawyer than being a member of that visible minority group. Eleven and a half percent of Ontario lawyers are from a visible minority, but only 7.8 percent of lawyers are immigrants from a predominantly non-European region of the globe.

In terms of access to the legal profession, Table 6 shows that the main distinction is not between immigrants and persons born in Canada, but between immigrants from different global regions.

- The percentage of all lawyers who are immigrants from the US (2.2 percent), the combination of the UK, Ireland, Australia and New Zealand (3.2) is roughly the same as the percentage of the Ontario population with university degrees and occupations from these countries.
- The same is true for immigrants from Northern and Western Europe, who account for 2.2 percent of lawyers and 1.9 percent of university graduates with occupations, and Southern Europe, where the figures are 1.6 and 1.8 percent, even though English is not their first language.
- Immigrants from South Asia account for 1.5 percent of all lawyers, compared to 7.7 percent of university graduates with occupations;
- immigrants from China make up 1.0 percent of lawyers, compared to 6.2 percent of university graduates with occupations; and
- immigrants from Japan and the Pacific Islands make up 1.1 percent of lawyers, compared to 5.4 percent of university graduates with occupations.
- The numbers of lawyers who are immigrants from the Caribbean, South American, Africa, the Middle East and West Asian are substantially below the proportions of university graduates with occupations from these groups.

Table 6  
Place of Birth of Lawyers, Compared to the Population, Ontario 2006

Place of Birth	Lawyers	University Graduates with an Occupation <i>percentage</i>	Population with an Occupation <i>percentage</i>	Total Population	Lawyers <i>number</i>
<b>Canada</b>	<b>81.3</b>	<b>59.2</b>	<b>68.6</b>	<b>70.4</b>	<b>26,040</b>
<b>Total, Outside Canada</b>	<b>18.7</b>	<b>40.8</b>	<b>31.4</b>	<b>29.6</b>	<b>5,970</b>
<b>Total, Europe and Predominantly European</b>	<b>10.9</b>	<b>13.3</b>	<b>11.9</b>	<b>12.4</b>	<b>3,485</b>
US	2.2	1.9	1.1	1.1	710
UK, Ireland, Australia, New Zealand	3.2	3.2	2.9	3.0	1,035
Northern, Western Europe, Israel	2.2	1.7	1.6	1.8	690
Southern Europe	1.6	1.8	3.4	3.9	510
Eastern Europe	1.7	4.7	2.9	2.6	535
<b>Total, Predominantly Non-European</b>	<b>7.8</b>	<b>27.5</b>	<b>19.5</b>	<b>17.2</b>	<b>2,485</b>
Caribbean	0.9	1.5	2.3	1.8	300
South, Central America	0.7	1.7	2.3	1.9	235
Africa	1.6	2.5	1.7	1.4	520
South Asia	1.5	7.7	4.5	4.1	495
China	1.0	6.2	3.3	3.1	330
East & Southeast Asia, Filipines, Japan, Pacific Islands	1.1	5.4	3.8	3.2	355
Middle East	0.6	1.9	1.3	1.3	190
West Asia	0.2	0.5	0.4	0.4	60
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>32,010</b>
Number	32,010	1,706,600	7,097,720	12,058,520	

Source: 2006 Canadian Census

Compared to all immigrants, Table 7 shows that Ontario lawyers who were born outside of Canada were more likely have come to Canada when they were younger and longer ago. Of lawyers who are immigrants, 38.7 percent arrived before the age of 10, and the corresponding figures are 18.0 percent for Ontario immigrants with an occupation and 14.8 percent of Ontario immigrants with occupations who were university graduates. Very likely young immigrants who became lawyers attended Canadian law schools. The Table also shows that 49.3 percent of Ontario lawyers who were born outside Canada arrived in 1975 or before, compared to 19.2 percent of all Ontario immigrants with university degrees and occupations.

Table 7  
Period of and Age at Immigration of Lawyers, Compared to the Population,  
Ontario 2006

	Lawyers	University Graduates with an Occupation <i>percentage</i>	Population with an Occupation	Total Population	Lawyers <i>number</i>
<b>Age at Arrival</b>					
0-9	38.7	14.8	18.0	19.4	2,165
10-19	21.2	12.8	20.3	18.2	1,185
20-29	22.0	30.2	31.1	29.5	1,230
30-39	12.3	29.7	21.0	19.4	690
40 and older	5.8	12.5	9.6	13.5	325
Total	100.0	100.0	100.0	100.0	5,595
<b>Year of Arrival</b>					
Before 1966	22.2	6.5	9.8	17.3	1,245
1966-1975	27.1	13.7	16.4	15.9	1,520
1976-1985	17.5	12.3	14.0	11.4	980
1986-1995	17.6	25.1	29.8	24.7	985
1996-2006	15.4	42.4	30.0	30.7	860
Total	100.0	100.0	100.0	100.0	5,600
<b>Number</b>	5,600	666,720	2,148,610	3,420,245	

Source: 2006 Canadian Census

**First Language**

In the Census, the question about a person’s first language asks, “What is the language that this person first learned at home in childhood and still understands?” By this definition English was the first language of 80.1 percent of Ontario lawyers, compared to 68.3 percent of the Ontario population, 68.7 percent of persons with occupations, and 60.6 percent of university graduates with occupations.

Table 8  
**First Language of Lawyers, Compared to the Population, Ontario 2006**

First Language	Lawyers	University	Population	Total	Lawyers
		Graduates with an Occupation	with an Occupation		
		<i>percentage</i>			<i>number</i>
English	80.1	60.6	68.7	68.3	25,650
French	4.0	3.6	4.2	4.0	1,270
English & French	0.4	0.2	0.3	0.3	115
Aboriginal	0.0	0.0	0.2	0.2	10
English and Non-Official	0.6	1.3	1.0	1.0	205
French and Non-Official*	0.1	0.1	0.1	0.1	35
All other languages	14.8	34.2	25.7	26.0	4,725
Total	100.0	100.0	100.0	100.0	32,010
Number	32,010	1,706,595	7,097,720	12,058,520	

\* includes a small number answering English and French and a non-official language

Source: 2006 Canadian Census

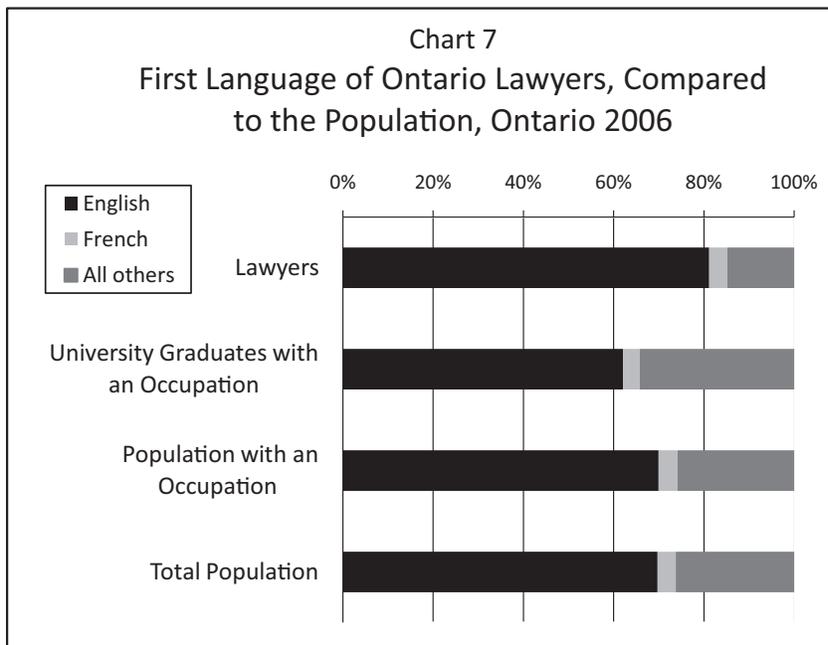


Table 8 and Chart 7 also show that the 4.0 percent of Ontarians whose first language is French are represented by exactly the same proportion of lawyers.<sup>2</sup> Just 14.8 percent of lawyers had neither English nor French as their first language, compared to 26.0 percent of the population and 34.2 percent of university graduates with occupations. Only a small number of lawyers had an Aboriginal first language.

## Comparisons with Other Professions and Managers

Compared to 1.6 percent of Ontario lawyers who are Aboriginal, Table 9 shows that:

- 0.2 percent of Ontario physicians are Aboriginal; as are
- 0.5 percent of engineers;
- 0.8 percent of university professors;
- 0.8 percent of high-level managers; and
- 1.1 percent of middle-level managers.

Compared to 11.5 percent of Ontario lawyers that are from a visible minority:

- 30.7 percent of physicians are members of a visible minority; along with
- 31.7 percent of engineers;
- 17.6 percent of university professors;
- 11.8 percent of high-level managers; and
- 18.1 percent of middle-level managers.

Again there is considerable variation between the racialized groups. Most include much higher proportions of physicians, engineers and managers than lawyers, though the figures for academics are different. Blacks are about equally represented in the professions and middle-management, but they are underrepresented in high-level management.

Table 9

### Aboriginal and Visible Minority Peoples in Law, Compared to Other Professions and Managers, Ontario 2006

Group	Lawyers	Physicians	Engineers	University Professors	High Level Managers	Middle Managers
	<i>percentage</i>					
<b>Aboriginal</b>	<b>1.0</b>	<b>0.2</b>	<b>0.5</b>	<b>0.8</b>	<b>0.8</b>	<b>1.1</b>
<b>Total Visible Minority</b>	<b>11.5</b>	<b>30.7</b>	<b>31.7</b>	<b>17.6</b>	<b>11.8</b>	<b>18.1</b>
Black	1.9	2.3	1.8	1.7	1.1	2.1
South Asian	4.0	10.7	9.0	4.5	4.0	5.4
Chinese	2.4	8.3	11.5	5.3	3.0	4.6
Japanese	0.4	0.5	0.3	0.5	0.3	0.3
Korean	0.5	1.1	0.8	0.5	0.5	1.3
Southeast Asian	0.4	0.7	1.2	0.3	0.2	0.4
Filipino	0.2	0.7	1.2	0.2	0.3	0.8
Arab	0.4	3.6	2.0	1.7	0.9	0.9
West Asian	0.4	1.1	1.8	1.4	0.6	0.8
Latin American	0.3	0.9	1.1	0.9	0.4	0.7
Other Visible Minority	0.2	0.2	0.4	0.1	0.2	0.4
Multiple Visible Minority	0.5	0.4	0.6	0.5	0.4	0.4
<b>White</b>	<b>87.5</b>	<b>69.1</b>	<b>67.9</b>	<b>81.6</b>	<b>87.4</b>	<b>80.8</b>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Number	32,010	30,020	91,540	23,480	85,675	620,660

Source: 2006 Canadian Census

Respectively, members of the South Asian and Chinese visible minority groups account for 9.6 and 8.5 percent of all Ontario university graduates, compared to 4.0 percent of lawyers who are South Asian and 2.4 percent who are Chinese. In comparison, 10.7 percent of all Ontario physicians are South Asian, as are 9.0 percent of engineers, 4.5 percent of professors, and 4.0 and 5.4 percent of the high- and middle-level managers; 8.3 percent of physicians and 11.5 percent of engineers are Chinese.

In these terms, the seven smaller visible minority communities are similar. Just 0.4 percent of Ontario lawyers are South Asian, compared to 0.7 percent of physicians and 1.2 percent of engineers; 0.2 percent of lawyers are Filipino, compared to 0.7 percent of physicians and 1.2 percent of engineers; and 0.4 percent of lawyers are Arab, compared to 3.6 percent of physicians, 2.0 percent of engineers, 1.7 percent of professors, 0.9 percent of high-level managers, and 0.9 percent of middle-level managers.

Compared to 18.7 percent of lawyers who were born outside Canada, Table 10 shows that 44.3 percent of Ontario physicians are immigrants, as well as 50.5 percent of engineers, 46.9 percent of academics, and 29.4 percent of high-level managers and 30.6 percent of middle-level managers. *Non-European* immigrants account for just 7.8 percent of Ontario lawyers, compared to 27.0 percent of all physicians in Ontario, 30.9 percent of engineers and 18.6 percent of academics. The pattern is similar for eight of the nine non-European regions described in Table 10, but not for the Caribbean, where there is fairly equal representation in the six occupational groups.

The Table also reveals distinct patterns of occupational recruitment, including the unusually large proportions of American academics, British physicians and academics, Chinese physicians and Middle Eastern physicians and engineers.

Table 10  
Place of Birth of Lawyers, Compared to Other Professions and Managers, Ontario 2006

Place of Birth	Lawyers	Physicians	Engineers	University Professors	High Level Managers	Middle Managers	University Graduates with an Occupation
	<i>percentage</i>						
<b>Canada</b>	<b>81.3</b>	<b>55.7</b>	<b>49.5</b>	<b>53.1</b>	<b>70.6</b>	<b>69.4</b>	<b>59.2</b>
<b>Total, Europe, American, Australia, etc.</b>	<b>18.7</b>	<b>44.3</b>	<b>50.5</b>	<b>46.9</b>	<b>29.4</b>	<b>30.6</b>	<b>40.8</b>
US	2.2	2.1	0.9	8.6	2.3	1.3	1.9
UK, Ireland, Australia, New Zealand	3.2	6.9	4.8	7.8	5.7	4.0	3.2
Northern, Western Europe, Israel	2.2	2.4	2.1	5.4	3.5	2.2	1.7
Southern Europe	1.6	1.7	3.6	2.5	3.9	3.6	1.8
Eastern Europe	1.7	4.1	8.2	4.1	1.9	2.5	4.7
<b>Total, Other Countries</b>	<b>7.8</b>	<b>27.0</b>	<b>30.9</b>	<b>18.6</b>	<b>12.2</b>	<b>17.0</b>	<b>27.5</b>
Caribbean	0.9	1.7	1.0	0.9	1.0	1.6	1.5
South, Central America	0.7	1.8	2.3	1.7	1.2	1.7	1.7
Africa	1.6	5.5	2.4	3.5	2.1	1.6	2.5
South Asia	1.5	6.6	7.2	3.4	2.9	3.8	7.7
China	1.0	4.5	9.1	4.4	1.9	3.3	6.2
East & Southeast Asia, Filipines, Japan,	1.1	3.5	4.4	2.0	1.6	3.2	5.4
Middle East	0.6	3.0	3.8	2.2	1.2	1.6	1.9
West Asia	0.2	0.4	0.6	0.4	0.2	0.3	0.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Number</b>	<b>32,010</b>	<b>30,020</b>	<b>91,535</b>	<b>23,480</b>	<b>85,675</b>	<b>620,660</b>	<b>1,706,600</b>

Source: 2006 Canadian Census

These findings suggest that potential immigrants with legal training, especially from countries with dissimilar legal structures, might be deterred by barriers to accreditation.

## Comparisons with Other Provinces and Territories

Table 11 shows that the proportion of lawyers in a province who are Aboriginal corresponds roughly to the number of Aboriginal university graduates with an occupation. Manitoba and Saskatchewan have the most Aboriginal lawyers, 4.7 and 4.9 percent respectively,<sup>3</sup> compared to 1.0 percent of Ontario lawyers who are Aboriginal. In Ontario, Newfoundland and Nova Scotia, however, the percentage of Aboriginal lawyers is substantially higher than the provincial percentage of Aboriginals with a university degree and an occupation.

Table 11  
Aboriginal and Visible Minority Lawyers by Province, Compared to the Population, 2006

Province	Aboriginal			Visible Minority			Total		
	Lawyers	University Graduates with an Occupation	Population with an Occupation	Lawyers	University Graduates with an Occupation	Population with an Occupation	Lawyers	University Graduates with an Occupation	Population with an Occupation
	<i>percentage</i>						<i>number</i>		
Ontario	1.0	0.6	1.7	11.5	29.9	21.8	32,010	1,706,595	7,097,720
Newfoundland	3.0	1.2	3.9	2.4	3.9	1.2	830	42,645	274,525
Nova Scotia	2.2	1.4	2.3	3.3	6.1	3.6	1,805	105,320	522,240
Quebec	0.4	0.5	1.2	3.7	11.9	7.9	19,405	852,405	4,245,625
Manitoba	4.7	4.8	11.1	5.7	14.5	9.7	2,015	118,140	652,105
Saskatchewan	4.9	5.6	9.6	4.3	8.5	3.2	1,520	87,275	561,360
Alberta	1.9	1.6	4.7	9.6	21.2	13.1	7,725	407,150	2,079,915
British Columbia	1.5	1.3	4.0	14.6	32.6	23.7	10,680	528,120	2,420,135
New Brunswick*	2.0	1.0	2.0		3.9	1.6	1,235	68,160	415,510
Yukon, NWT, Nunavut*	13.7	9.5	41.6		7.3	4.2	255	10,415	60,975

\* Aboriginal and Visible Minority Combined

Source: 2006 Canadian Census

In every province, the percentage of lawyers who are members of a visible minority is substantially lower than the corresponding percentage of university graduates with an occupation.

- Eleven and a half percent of Ontario lawyers are members of a visible minority, compared to 29.9 percent of Ontario university graduates with an occupation; and
- in Quebec, 3.7 percent of lawyers and 11.9 percent of university graduates with an occupation are members of a visible minority;
- in British Columbia, 14.6 percent of lawyers and 32.6 percent of university graduates with an occupation are members of a visible minority; and
- in Alberta, 9.6 percent of lawyers and 21.1 percent of university graduates with an occupation are members of a visible minority.

Relative to their share of the provincial population, visible minority representation in the legal profession is highest in Newfoundland and Nova Scotia.

## Women in the Ontario Legal Profession

In 2006, the 12,170 women lawyers in Ontario accounted for 38.0 percent of all lawyers in the province. In 2001, the number was 9,670, or 35.1 percent of the total. There are very large age differences in the representation of women:

- 58.5 percent of Ontario lawyers under 30 are women, compared to:
- 53.2 percent of lawyers between 30 and 34;
- 43.5 percent of lawyers between 40 and 44;
- 29.9 percent of lawyers between 50 and 54; and
- 10.9 percent of lawyers between 60 and 64.

Table 12  
Gender of Lawyers by Age, Compared to the Workforce, Ontario 2006

	Percent Women			Number of Women Lawyers	Total Number of Lawyers
	Lawyers	University Graduates with an Occupation	Population with an Occupation		
Total	38.0	49.3	48.1	12,170	32,010
Age					
under 30	58.5 *	58.5 **	49.6 **	2,125	3,635
30-34	53.2	55.0	48.9	2,475	4,655
35-39	49.6	51.9	49.0	1,920	3,870
40-44	43.5	49.6	49.6	1,930	4,435
45-49	38.5	46.9	49.3	1,545	4,010
50-54	29.9	45.8	48.9	1,225	4,100
55-59	16.7	41.5	46.2	590	3,530
60-64	10.9	37.6	42.9	210	1,935
65 or older	8.2	27.5	37.6	150	1,840

\* 8 percent of lawyers under 30 were under age 25

\*\* ages 25-29 only

Source: 2001 and 2006 Canadian Census

For the first time ever, in 2006, the proportion of women lawyers in the youngest age category caught up to the proportion of women the same age who are university graduates with occupations (exactly 58.5 percent). The figures are in Table 12 and Chart 8.

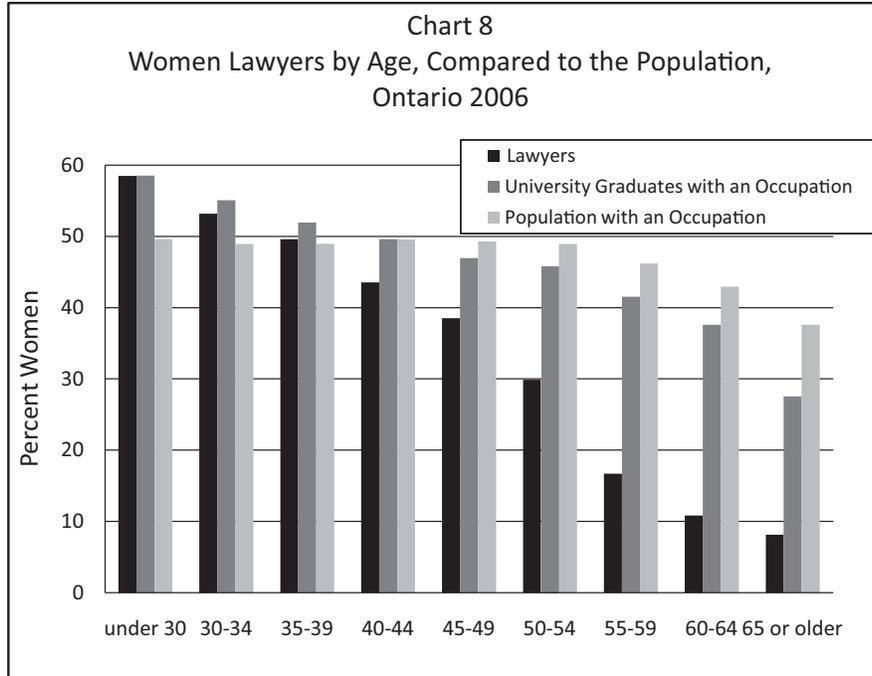


Table 13 shows that a slight increase in the proportion of women lawyers under the age of 35 was visible in 1971, but significant change is only evident a decade later. In 1981, 26.2 percent of lawyers between 25 and 29 were women, compared to 14.6 percent of lawyers between 30 and 34 and 8.3 percent of lawyers between 35 and 39. The first large cohort of women lawyers, who were between 30 and 34 in 1981, were born between 1951 and 1955, in the second five years of the baby boom, and began to enter the profession in the mid-1970s.

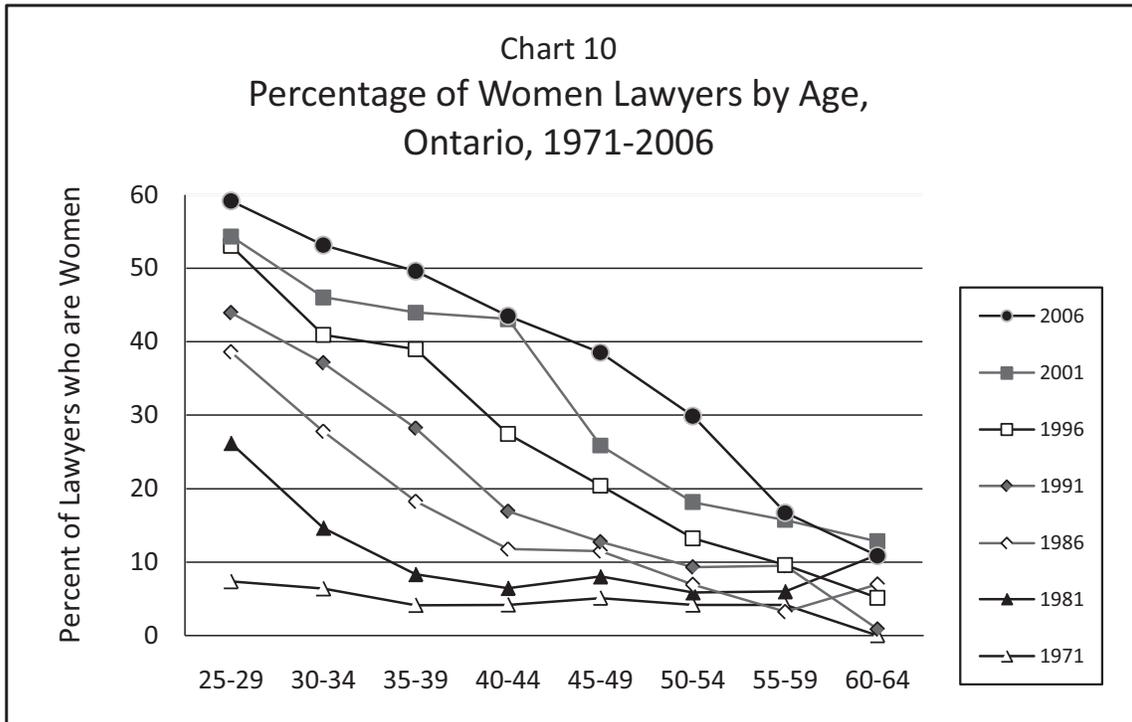
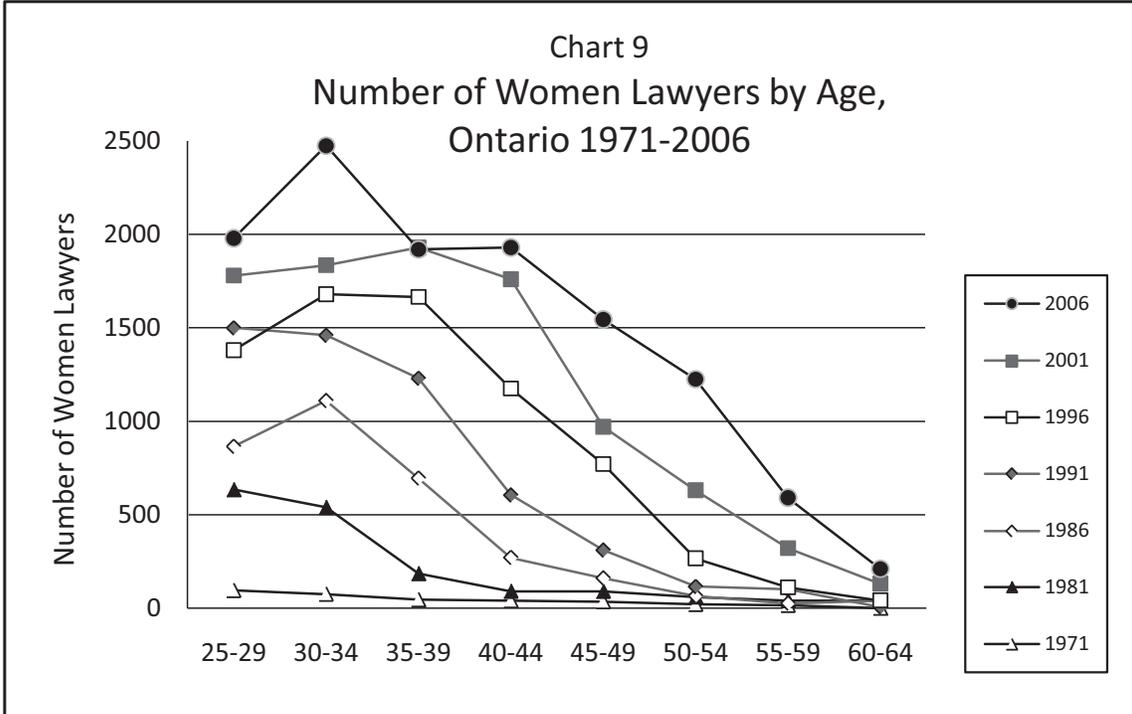
Table 13

Number and Percentage Female for Ontario Lawyers Age 25-64 by Age, Compared to the Ontario Population, Ontario 1971- 2006

	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	Total
<b>Number of Women Lawyers</b>									
1971	95	75	45	40	35	20	15	0	325
1981	635	540	185	90	90	60	40	40	1,680
1986	865	1,110	695	270	160	65	25	40	3,230
1991	1,500	1,460	1,230	605	310	115	100	5	5,325
1996	1,380	1,680	1,665	1,175	770	265	110	40	7,085
2001	1,780	1,835	1,930	1,760	970	630	320	130	9,355
2006	1,980	2,475	1,920	1,930	1,545	1,225	590	210	11,875
<b>Women as a Percentage of all Lawyers</b>									
1971	7.4	6.4	4.1	4.2	5.1	4.2	4.2	0.0	5.6
1981	26.2	14.6	8.3	6.4	8.0	5.8	6.0	11.0	12.8
1986	38.6	27.8	18.2	11.7	11.5	6.9	3.2	7.0	20.0
1991	43.9	37.1	28.2	16.9	12.7	9.3	9.5	0.8	25.4
1996	53.1	40.9	39.0	27.5	20.4	13.3	9.6	5.1	30.2
2001	54.4	46.0	44.0	43.1	25.9	18.2	15.7	12.8	35.1
2006	59.2	53.2	49.6	43.5	38.5	29.9	16.7	10.9	39.7

Source: Canadian Censuses of 1981, 1986, 1991, 1996, 2001 and 2006

The number of women lawyers between 25 and 29, just 95 in 1971, reached 635 in 1981 and 1,500 in 1991. In only five years, between 1976 and 1981, the proportion of lawyers between 25 and 29 who were women increased by nearly 12 percent, and there was a further 12 percent increase between 1981 and 1986, an annual increase averaging 2 percent for ten consecutive years.



**Racialization and Gender**

Because gender and racialization are not independent, examining their “intersection” reveals phenomena change that would otherwise be invisible. It turns out that the last decade’s increases in the proportion of lawyers who are women is largely attributable to racialized women who have been making greater gains than racialized men in recent years. The percentage of lawyers who are racialized men appears to have stabilized and may even be declining – it is too soon to tell – while the proportion of racialized women continues to grow. Figures in Table 14, illustrated in Chart 11 show that:

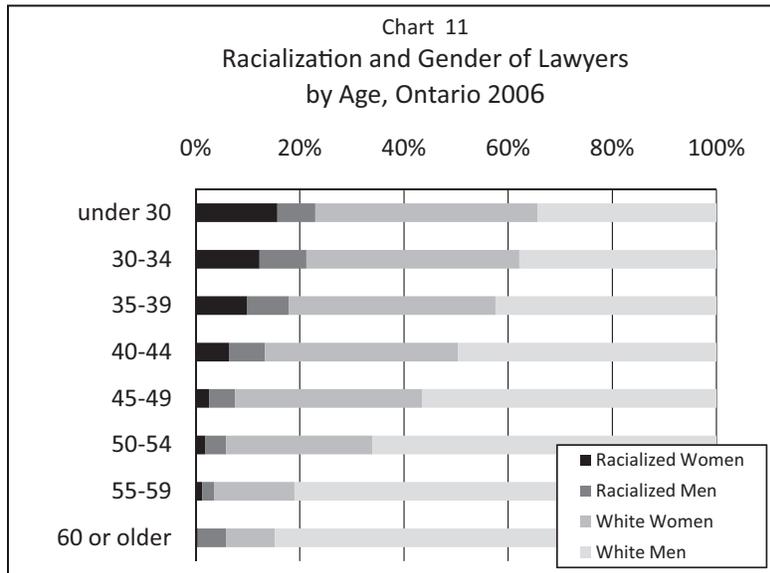
- among Ontario lawyers under 30 in 2006, 7 percent are racialized men and 16 percent are racialized women;
- among lawyers age 30 to 34, 9 percent are racialized men and 12 percent are racialized women;
- among lawyers age 35 to 39, 8 percent are racialized men and 10 percent are racialized women; and
- among lawyers age 40 to 44, 7 percent are racialized men and 6 percent are racialized women.

**Table 14**  
**Aboriginal and Visible Minority Lawyers by Gender by Age, Ontario**  
**2006**

	Racialized		White		Total	Number
	Women	Men	Women	Men		
	<i>percentage</i>					
under 30	16	7	43	34	100	3,630
30-34	12	9	41	38	100	4,655
35-39	10	8	40	43	100	3,870
40-44	6	7	37	50	100	4,440
45-49	3	5	36	56	100	4,010
50-54	2	4	28	66	100	4,105
55-59	1	2	15	81	100	3,530
60 or older	0	5	9	85	100	3,770
<b>Total</b>	<b>6</b>	<b>6</b>	<b>32</b>	<b>56</b>	<b>100</b>	<b>32,010</b>

Source: 2006 Canadian Census

Age comparisons show that the representation of White women has increased slightly in recent years: 43 percent of Ontario lawyers under 30 are White women, compared to 41 percent of lawyers age 30 to 34, 40 percent of lawyers age 35 to 39, and 37 percent of lawyers age 40 to 44. The representation of White men declines in proportion. Thirty-four percent of lawyers under the age of 30 are White men, compared to 38 percent of lawyers age 30 to 34, 43 percent of lawyers 35 to 39 and 50 percent of lawyers 40 to 44.



### *Comparisons With Other Professions and Managers*

Table 15 shows that the percentage of lawyers in Ontario who are women, 38.0 percent, is similar to the figures for physicians, 35.8 percent, professors, 38.0 percent, and middle managers, 39.2 percent. Just 13.0 percent of engineers in Ontario are women, however, and 25.4 percent of high-level managers.

The percentage of lawyers who are women is highest in Quebec, 45.3 percent, Prince Edward Island, 47.6 percent, and the Territories and Nunavut, 47.1 percent. At 38.0 percent, Ontario is close to Nova Scotia, 37.7 percent, and marginally higher than Alberta, British Columbia and Saskatchewan, all about 36 percent. The figures are slightly lower in New Brunswick, 34.1 percent, and Manitoba and Newfoundland (based on quite small samples) around 32.5 percent.

Table 15  
Gender of Ontario Lawyers, Compared to Other Professions and Managers in Ontario and Compared to Lawyers in Other Provinces and Territories, 2006

	Percentage of Women	Number of Women	Number in Population
<b>Lawyers in Ontario</b>	<b>38.0</b>	<b>12,170</b>	<b>32,010</b>
Professionals, Managers			
Physicians	35.8	10,735	30,025
Engineers	13.0	11,945	91,535
University Professors	38.0	8,935	23,485
High-level Managers	25.4	21,760	85,675
Middle-level Managers	39.2	243,200	620,660
Lawyers by Province and Territory			
Newfoundland	32.5	270	830
Prince Edward Island	47.6	100	210
Nova Scotia	37.7	465	1,235
New Brunswick	34.1	615	1,805
Quebec	45.3	8,795	19,405
Manitoba	32.3	650	2,015
Saskatchewan	36.5	555	1,520
Alberta	35.5	2,745	7,725
British Columbia	36.3	3,875	10,680
Yukon, NWT, Nunavut	47.1	120	255
<b>Canada, Total</b>	<b>39.1</b>	<b>30,360</b>	<b>77,690</b>

Source: 2006 Canadian Census

## Racialization, Gender and Law Practice

Table 16 divides Ontario lawyers into five “statuses”, the term we use to describe the three sectors where lawyers work – law offices, government and all other industries – and at the same time whether they are employees or self-employed. The term “segmentation” is sometimes applied to gender and other differences in the industry and status of employment.

Table 16  
Status of Employment and Weeks and Hours of Work by Racialization and Gender,  
Ontario 2005

	Total	Racialized	White	Women	Men
	<i>percentages</i>				
<b>Sector and Status of Worker</b>					
Associate or Employee of a Law Firm	32.2	44.6	30.5	40.8	26.9
Proprietor or Partner in a Law Firm					
<i>without</i> paid help	7.7	8.4	7.7	5.6	9.1
<i>with</i> paid help	34.4	20.0	36.4	17.4	45.0
Government Employee	14.6	15.6	14.5	21.2	10.6
All Other (almost entirely employees)	11.0	11.3	10.9	15.0	8.5
Total	100.0	100.0	100.0	100.0	100.0
Number*	30,525	3,675	26,855	11,695	18,830
<b>Mainly Full- or Part-Time in 2005</b>					
Full-Time	93.8	95.1	93.6	92.3	94.7
Part-Time	6.2	4.9	6.4	7.6	5.3
Total	100.0	100.0	100.0	100.0	100.0
Number*	31,655	3,895	27,755	12,000	19,655
<b>Number of Weeks Worked in 2005</b>					
1-25	8.7	14.6	7.9	12.2	6.6
26-39	3.8	5.9	3.5	5.9	2.5
40-48	15.2	15.5	15.1	15.2	15.1
49-52	72.4	63.9	73.5	66.7	75.8
Total	100.0	100.0	100.0	100.0	100.0
Number*	31,655	3,895	27,755	12,000	19,655
<b>Hours Worked in Previous Week (May 2006)</b>					
1-19	2.9	2.1	3.0	2.4	3.2
20-29	3.3	3.4	3.3	3.7	3.1
30-34	2.7	2.9	2.7	3.3	2.4
35-39	6.7	8.9	6.4	9.0	5.4
40-44	22.3	26.2	21.8	26.1	20.1
45-49	11.4	9.6	11.6	12.9	10.4
50-54	21.8	17.5	22.4	18.8	23.5
55-64	20.5	21.3	20.4	17.9	22.0
65 or more	8.4	8.4	8.4	5.8	9.8
Total	100.0	100.0	100.0	100.0	100.0
Number**	29,450	3,495	25,950	10,715	18,735

\* Numbers in the tabulations differ slightly due to missing and inapplicable responses. Persons not employed in 2005 and/or with no or negative income in that year cannot be assigned to a status and there are no hours or weeks of work for persons who did not work in 2005.

\*\* Includes persons employed in May 2006

Source: 2006 Canadian Census

In order to divide individuals into the five statuses, lawyers are first divided according to whether they work in a law office, for government or in other settings, including in-house counsel of businesses and associations, union staff and NGO employees. The last category is very disparate, but the Census sample is too small to permit separate consideration of those different sites. The “government” category includes everyone paid by government, including lawyers in legal clinics.

Lawyers working in law offices are further divided into a category for associates and employees (if at least 50 percent of their 2005 earnings were in the form of wages), and a category for proprietors and partners (whose earnings were 50 percent or more from self-employment). Proprietors and partners are further divided according to whether they had paid help. The sample is a bit smaller than in previous analysis because lawyers with no earnings or negative earnings in 2005 could not be classified.<sup>4</sup>

According to the 2006 Census:

- 74.4 percent of Ontario lawyers worked in a law office, including:
  - 32.2 percent of Ontario lawyers who were associates and employees in law offices
  - 7.7 percent who were self-employed without paid help, and
  - 34.4 percent who were self-employed and had paid help.
- 14.6 percent were government employees; and
- 11.0 percent worked in all other organizations.

Table 17  
Status of Employment by Age, for Lawyers with Income, Ontario 2006

	Associate or Employee of a Law Firm	Proprietor or Partner in a Law Firm		Government Employee	All Other Employment	Total	Number
		Without Paid Help	With Paid Help				
<i>percentage distribution</i>							
<b>Total</b>							
25-34	66	2	6	14	12	100	7,690
35-44	29	8	30	17	16	100	8,030
45-54	16	10	46	18	10	100	7,845
55-64	14	11	58	10	7	100	5,200
<b>Racialized Lawyers</b>							
25-34	63	3	8	14	13	100	1,655
35-44	36	11	23	19	12	100	1,180
45-54	21	13	41	19	6	100	510
<b>White Lawyers</b>							
25-34	66	2	6	14	11	100	6,035
35-44	28	7	31	17	16	100	6,855
45-54	16	10	46	17	11	100	7,335
55-64	14	10	59	10	6	100	5,020
<b>Women</b>							
25-34	64	2	4	16	14	100	4,280
35-44	31	6	20	24	19	100	3,720
45-54	23	9	30	26	12	100	2,690
55-64	18	9	35	24	14	100	775
<b>Men</b>							
25-34	67	3	9	12	9	100	3,410
35-44	28	9	38	12	13	100	4,310
45-54	13	10	55	13	10	100	5,155
55-64	13	11	62	8	5	100	4,425

Source: 2006 Canadian Census

This differentiation is very strongly related to age. Sixty-six percent of all lawyers under 35 were law firm associates or employees, compared to 29 percent of lawyers between 35 and 44, 16 percent for lawyers between 45 and 54, and 14 percent of lawyers between 55 and 64. Table 17 shows the corresponding increase with age in the numbers of proprietors and partners of law firms with paid help.

The percentage of lawyers in Ontario who were partners or sole practitioners with paid help rose from 43 to 50 percent between 1971 and 1981. Then, in the next two decades it fell by one third, to 47 percent in 1986, 40 percent in 1991, 38 percent in 1996, 31 percent in 2001 and 34 percent in 2006.

Between 1971 and 2006 the percentage of lawyers who were law firm associates and employees increased from 30 to 37 percent and the percentage working in a law office *without* paid help increased from 4 to 9 percent. Women, and especially racialized lawyers, who are present in significant numbers only since 1990, are thus entering a profession in which the opportunity for advancement to partnership is declining at the same time as the profession is aging.

### ***Racialization and Law Practice***

Racialized lawyers are more likely to be law firm associates or employees or to work in government or other industries and less likely to be self-employed with paid help.<sup>5</sup> Table 16 shows that:

- somewhat less than half, 44.6 percent, of racialized lawyers are law firm associates and employees, compared to 30.5 percent of White lawyers;
- 20.0 percent of racialized lawyers are self-employed with paid help, compared to 36.4 percent of White lawyers; and
- about equal percentages of racialized and White lawyers work in government, 15.6 and 14.5 percent respectively, and outside of law offices and government, 11.3 and 10.9 percent.<sup>6</sup>

Some of these differences result from racialized lawyers being younger on average. For lawyers between 25 and 34, status is unrelated to racialization, while for ages 35 to 54 there are differences of degree. Among lawyers between 35 and 44, Whites are more likely to be law firm proprietors or partners, by a margin of 31 to 23 percent, while racialized lawyers are about five percent more likely to be law firm associates and employees and to work outside of law firms and government.

The great majority of lawyers work full-time. Only 6.4 percent of White lawyers and 4.9 percent of racialized lawyers worked mainly part-time in 2005. About one-fifth, 20.5 percent, of racialized lawyers worked for less than 40 weeks in 2005, compared to 11.4 percent of White lawyers.<sup>7</sup> Table 16 shows almost no differences in the hours of work of racialized and White lawyers.

## *Women in Law Practice*

There is significant differentiation in where women and men work:<sup>8</sup>

- 40.8 percent of women lawyers are law firm associates and employees, compared to 26.9 percent of men;
- 21.2 percent of women lawyers work for government, compared to 10.6 percent of men; and
- 15.0 percent of women are employed outside of law offices and government, compared to 8.5 percent of men.

Gender related segmentation increases dramatically with age. The difference is quite small for lawyers under the age of 35. Among lawyers between 35 and 44, 38 percent of men are law firm proprietors or partners with paid help, compared to 20 percent of women. Among lawyers between 45 and 54, 55 percent of men are law firm proprietors or partners with paid help, compared to 30 percent of women.

The percentage of women lawyers employed in the government increases steeply with age, but the same is not true for men:

- 16 percent of women and 12 percent of men between the ages of 25 and 34 work for government; then
- for ages 35 to 44 the figures are 24 percent of women and 12 percent for men;
- for ages 45 to 54 the figures are 26 and 13 percent; and
- for ages 55 to 64 women are three times more likely than men the same age to be in government employment.

Women are more likely than men to be employed outside of a law office and government, with the largest difference at ages 35 to 44, 19 percent of women versus 13 percent of men.

On average, men reported somewhat greater working hours than women. More than half, 55.3 percent, of male lawyers worked at least 50 hours a week, and 9.8 percent worked 65 hours or more; 42.5 percent of women worked at least 50 hours and 5.8 percent worked for 65 hours or more. Women are more likely than men to work “standard” hours: 9 percent worked 35-39 hours per week and 26.1 percent worked 40-44 hours, while the corresponding figures for men are 5.4 and 20.1 percent. There is no gender difference in the likelihood of working less than 35 hours a week, reported by about 9 percent of all lawyers.

In 2005, 7.6 percent of women worked mainly part-time, compared to 5.3 percent of men; and 12.2 percent of women worked for 26 weeks or less in 2005, versus 6.6 percent for men. Two-thirds of women and three-quarters of men worked for 49 weeks or more.

## Earnings of Lawyers

The size of differences between racialized and White lawyers and between women and men depends on how earnings is measured. The simplest and most transparent statistic is the average, or mean. A statistical drawback of the mean, however, is that it is influenced by the small number of very high earners, so it is also appropriate to consider *median* earnings. The median is the earnings level of the person in the middle of the distribution, so half of all earners are lower and half are higher. The median is invariably below the mean.

Because lawyers' earnings are strongly related to age, and women lawyers tend to be younger and racialized lawyers much younger than male and White lawyers, it is appropriate to compare groups the same age. Also, so that we are looking at mainly earnings rates, it is appropriate to restrict the comparisons to lawyers who worked mainly full-time and for at least 40 weeks in 2005. For those lawyers, Table 18 shows that the average earnings in 2005 was \$167,800, up 35 percent from \$124,100 in 2000. The corresponding median earnings figures in the two years were \$124,100 and \$88,000.

### *Racialization, Gender and Earnings in 2005*

The *mean* annual earnings of racialized lawyers was \$101,800 in 2005, compared to \$176,100 for White lawyers; and their *median* earnings were \$77,400 and \$115,000, respectively. Racialized lawyers were more likely to have very low earnings, fewer had moderate earnings, and far fewer had very high earnings. Not all of this difference results from White lawyers being older.

Table 18

#### Earnings by Racialization and by Gender, Ontario 2005

Measure of Earnings	Total	Racialized	White	Women	Men
<b>Mean</b>					
2005	167,800	101,800	176,100	127,900	190,800
2000	124,100	70,800	128,900	95,900	137,500
<b>Median</b>					
2005	110,400	77,400	115,000	97,800	120,000
2000	88,000	59,000	90,000	75,000	95,000
<b>Percentage Distribution</b>					
Under \$5,000	0.6	2.2	0.3	0.4	0.6
\$5,000-14,999	1.4	3.3	1.2	1.1	1.6
\$15,000-24,999	2.1	4.2	1.9	2.3	2.0
\$25,000-49,999	8.7	16.3	7.7	10.0	8.0
\$50,000-69,999	14.9	22.5	14.0	18.7	12.8
\$75,000-99,999	15.4	18.5	15.0	19.1	13.3
\$100,000-149,999	24.8	18.8	25.6	27.6	23.2
\$150,000-199,999	10.8	6.6	11.3	8.6	12.1
\$200,000-299,999	9.5	4.0	10.2	6.4	11.3
\$300,000-499,999	6.0	2.2	6.5	3.6	7.4
\$500,000 or more	5.7	1.5	6.3	2.4	7.7
Total	100.0	100.0	100.0	100.0	100.0
Number	24,460	2,735	21,730	8,935	15,530

\* For lawyers age 25-64 with positive earnings, who worked mostly full-time and for at least 40 weeks in 2005

Source: 2006 Canadian Census

The gender difference in lawyers' earnings is substantial and is less affected by age differences. The 2005 mean and median earnings of women lawyers working full-time for 40 weeks or more were \$127,900 and \$97,800, respectively, compared to \$190,800 and \$120,000 for men. While the difference between the earnings of racialized and White lawyers *declined* by about 5 percent between 2000 and 2005, the difference between women and men *increased* by the same percentage.

In order to account for the relationship between age and earnings, Table 19 gives mean and median earnings for five-year age groups (omitting figures for the categories with too few individuals to yield reliable statistics). Unlike the previous Table, this one divides lawyers by racialization and gender simultaneously.

Table 19  
Lawyers' Earnings by Racialization and Gender by Age, Ontario  
2005\*

Age	Total	Racialized		White	
		Women	Men	Women	Men
<b>Mean Earnings</b>					
25-29	65,100	63,400	60,300	64,100	68,500
30-34	96,500	81,600	80,000	94,300	106,600
35-39	137,300	100,600	114,000	124,100	157,400
40-44	183,900	123,100	133,000	155,800	214,200
45-49	218,200			168,900	238,100
50-54	191,300			184,100	238,000
55-59	135,200			152,600	202,600
60-64	221,700			120,300	237,600
Total	169,600	91,400	119,600	135,200	200,200
<b>Median Earnings</b>					
25-29	62,400	61,700	64,500	62,000	64,200
30-34	86,700	71,800	75,500	85,000	98,800
35-39	109,400	94,000	102,100	103,100	124,700
40-44	123,700	94,200	82,600	115,000	144,500
45-49	131,900			126,500	150,500
50-54	117,100			123,800	141,400
55-59	101,600			113,200	128,600
60-64	125,400			86,100	134,500
Total	111,500	77,400	79,700	101,600	126,100
<b>Number</b>					
25-29	1,590	285	85	730	475
30-34	3,625	410	315	1,440	1,420
35-39	3,220	265	220	1,175	1,510
40-44	3,855	200	255	1,310	2,040
45-49	3,600			1,215	2,125
50-54	3,810			1,035	2,520
55-59	3,180			465	2,570
60-64	1,580			170	1,355
Total	24,195	1,345	1,295	7,545	14,015

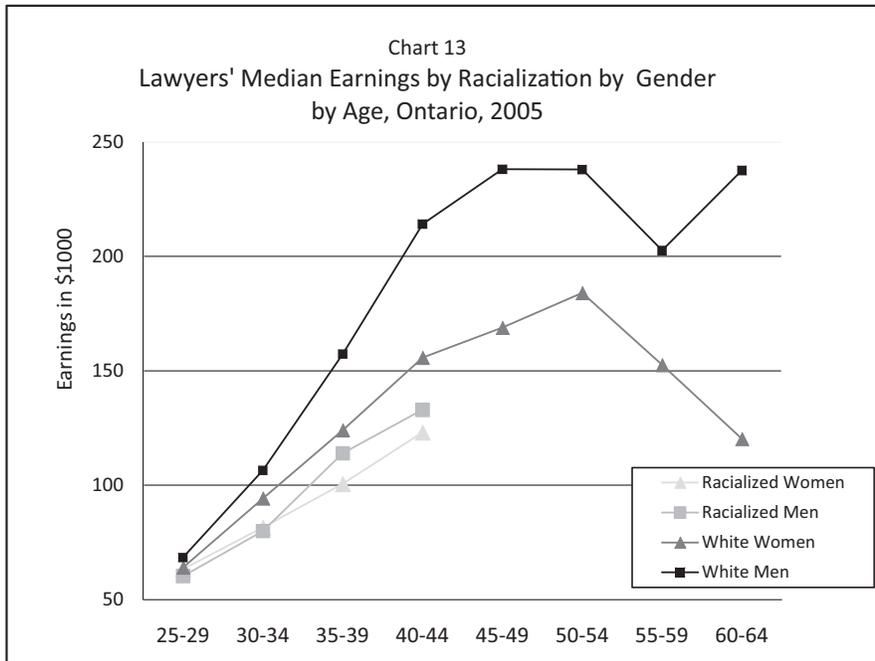
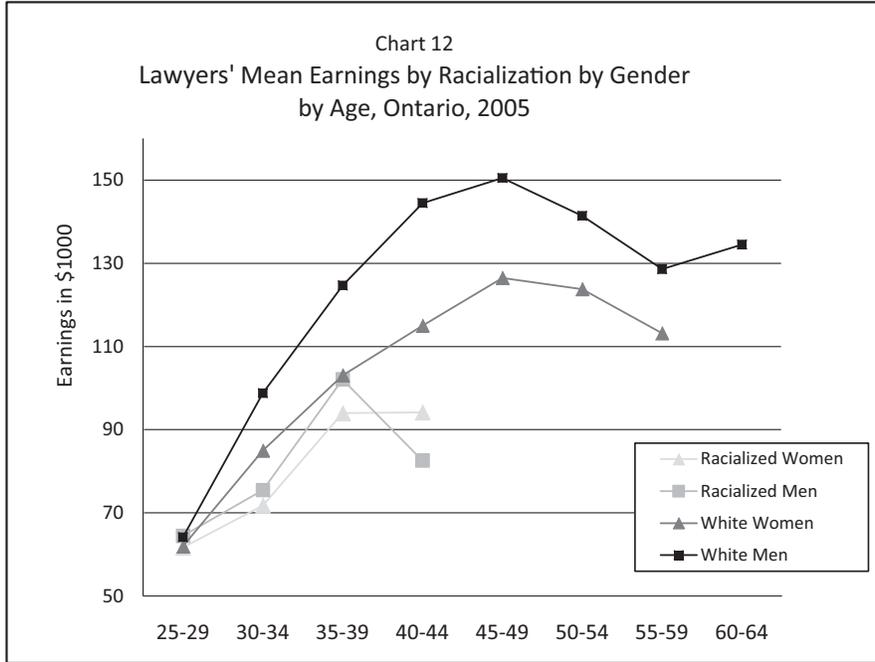
\* For lawyers age 25-64 with positive earnings, who worked mostly full-time and for at least 40 weeks in 2005

Source: 2006 Canadian Census

The *median* earnings of racialized and White lawyers between 25 and 29 and women and men that age are very similar, about \$63,000. Whites have slightly higher *mean* earnings than racialized lawyers and women lawyers. This can be seen in Charts 12 and 13, where the points representing the groups' earnings at this age overlap. By age 30, a substantial gap has developed:

- the mean earnings of White men between 30 and 34 was \$106,600;
- White women averaged \$94,300, or 11.5 percent less; and
- racialized women and men 30 to 34 had mean earnings of \$81,600 and \$80,000, respectively 23.5 and 25.0 percent below White men.

The *median* earnings figures are about 7 percent lower, but the differences are similar, because very high earnings figures are rare at this age.



The gender difference in earnings increases substantially with age. In 2005, the mean earnings of White male lawyers between 40 and 44 was \$214,400,

- 27 percent higher than the mean for White women, \$155,800;
- 38 percent higher than the mean for racialized men, \$133,000; and
- 42 percent higher than the mean for racialized women, \$123,100.

The figures for median earnings are lower. The figure for White men between 40 and 44 is \$144,500, compared to \$115,000 for White women, a difference of 20 percent. The median earnings of racialized women and men between 40 and 44 are \$94,200 and \$82,600, respectively 35 and 43 percent below the figure for White men. These patterns are easiest to see in Charts 12 and 13. Over the age of 44, there are insufficient racialized lawyers in Ontario to produce reliable statistics on their earnings.

For lawyers between 45 and 49, the much higher proportion of White men with very high earnings strongly affects the comparison between White women and men. Respectively, their *mean* earnings are \$168,900 and \$238,100, so that women's earnings are \$69,200 or 29 percent lower; and the corresponding *median* earnings are \$126,500 and \$150,500, a \$24,000 or 16 percent gender gap.

In percentage terms, the gender gap in earnings is roughly constant for women between 40 and 59, but it is much larger for older women. In 2005, the mean earnings of White women lawyers between 60 and 64 was \$120,300, compared to \$237,600 for men. The small number of women lawyers between 60 and 64 in 2006 is the only group not to have benefitted from the increase in young women's earnings in 1980.

## The Gender Gap in Earnings, 1980-2005

To help understand changes in the earnings of women and men, Table 20 gives figures for women's earnings as *percentage of men's earnings in the same five-year age group*, between 1980 and 2005. So, a value of 100 indicates exactly equal earnings, numbers below 100 indicate the women are paid less and numbers over 100 indicate that women are paid more than men the same age. Comparisons can thus be made across time without concern for the effects of inflation or changes in the lawyers' overall earnings. There are too few visible minority lawyers to trace their earnings over time in this way.

Table 20  
Gender Differentials in Earnings by Age, Ontario 1980-2005

	1980	1985	1990	1995	2000	2005
<b>Women's Mean Earnings as a Percent of Men's</b>						
25-29	92	93	105	92	93	97
30-34	78	86	88	91	84	90
35-39	62	71	83	85	85	80
40-44		49	60	73	84	74
45-49			55	72	75	72
50-54				56	69	77
55-59						74
60-64						52
<b>Women's Median Earnings, as a Percent of Men's</b>						
25-29	91	92	110	98	93	98
30-34	75	85	90	96	93	89
35-39	67	74	83	88	94	85
40-44		52	63	79	87	85
45-49			60	73	88	84
50-54				58	90	87
55-59						89
60-64						65
<b>Number of Women</b>						
25-29	325	535	740	750	950	1,015
30-34	415	860	1,120	1,350	1,470	1,875
35-39	145	555	1,035	1,290	1,525	1,450
40-44	70	240	495	975	1,455	1,525
45-49	60	130	290	690	835	1,290
50-54	45	55	100	215	495	1,110
55-59						505
60-64						170

\* For lawyers age 25-64 with positive earnings, who worked mostly full-time and for at least 40 weeks in 2005

Source: Canadian Censuses of 1981, 1986, 1991, 1996, 2001 and 2006

In the last 30 years there has been relatively little change in the relative position of the youngest women lawyers, between the ages of 25 and 29. In 1990, their earnings were 5 percent *above* those of men the same age, but they earned less than men in the other years. In 2005 women between 25 and 29 had earnings 3 percent below men that age.

The earnings of women between 30 and 34 have improved dramatically since 1980, when the median for women was only 75 percent of the median for men. This increased to 85 percent in 1985, 90 percent in 1990 and 96 percent in 1995, before dropping to 93 percent in 2000 and 89 percent in 2005. Similarly the median earnings of women between the ages of 35 and 39 increased steadily from 67 percent of men's median earnings in 1980 to 94 percent in 2000, but fell to 85 percent in 2005.

The earnings of more senior women have improved even more. In 1990, the median earnings of women lawyers between 45 and 49 was only 60 percent of the median for men, compared to 73 percent in 1995, and to 88 percent in 2000, then falling somewhat to 84 percent in 2005. The median earnings of women lawyers between 50 and 54 was 58 percent of the figure for men in 1995, compared to 90 percent in 2000 and an unexpected decrease to 87 percent in 2005.

Comparing *mean* instead of median earnings, the gender gap is larger, although the trends over time are very similar. For example, in 1995, the mean earnings of women 50 to 54 was only 56 percent of the mean for men that age, compared to 69 percent in 2000 and 77 percent in 2005. The substantial increase in the mean earnings between 2000 and 2005 for this age group, combined with a small *decline* in the corresponding *median* earnings, indicates a growing presence of women with high earnings.

Table 20 shows how the gains in women's earnings affect cohorts over time, in other words the earnings of each group of lawyers the same age tend to be consistent over their careers. Thus, throughout their careers women lawyers who were between 25 and 29 in 1980 had much higher earnings than women who were 30 and older in 1980. It also confirms the suggestion from Table 18 that the large increase in lawyers' earnings between 2000 and 2005 disproportionately benefitted high earners, who were predominantly middle-aged and older men. Except that the very large earnings deficit of women over 60 should decline somewhat, the statistics in Table 19 show that the overall gender gap in lawyers earnings is no longer declining, but is stable or perhaps even widening. The reversal of the long-term decline in the gender gap in earnings in 2005 is unexpected and a cause for concern.

### ***Measures of the Gender Gap from Regression Models***

Tables 19 and 20 mark the limit of the effective analysis of earnings based on comparisons of groups identified by age, gender and racialization. Further subdividing the sample, for example to account for differences between regions of Ontario or places of employment, would produce huge tabulations in which many categories would have too few individuals to permit reliable estimates of earnings. We therefore turn to regression models to provide estimates of gender differences in earnings, accounting for age, racialization, region, status and other factors.

The regression results in Table 21 also represent women's income as a percentage of the income of men in the same five-year age group, so 100 (percent) represents exact gender parity, numbers below 100 indicate women are paid less than men, and numbers above 100 indicate women are paid more. These models<sup>9</sup> emphasize earnings differences at lower levels and de-emphasize the impact of very high earners on the gender gap. The regression results therefore tend to be smaller than the differences between means and more like the medians. All the figures in Table 21 take account of location (just differentiating Toronto, Ottawa and the rest of the province) and racialization.

Table 21  
**Estimates of Gender Differences in Earnings, from Regression Models, Ontario 1980-2005**

"Control" Variables in the Regression Equation	Age	1980	1985	1990	1995	2000	2006
<i>Women's Income as a Percentage of Men's Income*</i>							
Accounting for Location, Racialization**	25-29	103	90	108	93	90	101
	30-34	79	83	89	94	84	82
	35-39	57	71	79	86	91	86
	40-44		53	57	72	80	79
	45-49			61	78	72	79
	50-54				56	62	84
	55-59						81
	60-64						63
Accounting for Location, Racialization**, Industry	25-29	102	90	109	93	91	100
	30-34	79	83	89	93	84	82
	35-39	57	71	79	85	92	86
	40-44		53	57	71	84	79
	45-49			61	78	80	79
	50-54				55	72	84
	55-59						81
	60-64						63
Accounting for Location, Racialization**, Status	25-29	101	90	106	93	93	100
	30-34	81	85	90	94	84	82
	35-39	60	77	81	86	90	87
	40-44		57	59	72	84	81
	45-49			63	79	79	83
	50-54				56	74	86
	55-59						84
	60-64						70
Accounting for Location, Racialization**, Status, Hours of Work	25-29	104	94	108	96	96	103
	30-34	83	90	93	101	86	87
	35-39	62	78	84	93	96	94
	40-44		59	61	76	89	85
	45-49			65	82	85	91
	50-54				58	75	89
	55-59						88
	60-64						69

\* For lawyers age 25-64 with positive earnings, who worked mostly full-time and for at least 40 weeks in 2005

\*\* Location differentiates the Toronto CMA, Ottawa CMA and the rest of the province; racialization separates Aboriginals and visible minority members from Whites

Source: Canadian Censuses of 1981, 1986, 1991, 1996, 2001 and 2006

Consistent with previous results, gender differences in the earnings of lawyers between 25 and 29 are small and vary somewhat over time. In 1990, they were paid more than their male counterparts, but by 2000 they had slipped to 90 percent of men’s earnings. In 2005, there was essentially no gender difference in the earnings of lawyers between 25 and 29.

The regression models provide separate estimates of the gender gap that:

- first, differentiates lawyers who work in law offices, government, and all other locations;
- then also accounts for the difference between law office associates and employees and law firm partners and sole practitioners with and without paid help – as above, the term “status” is used to refer to the combination of this difference and the effect of industry, just above;
- and then also accounts for hours of work.

For the three models, the regression estimates are that the earnings of women 25-29 are 100, 100 and 103 percent of the earnings of men the same age. The three figures are found in the upper right of the second, third and fourth panels of the Table.

Between 1980 and 1985 the earnings of women lawyers aged 30 to 34 improved from 79 to 94 percent of men's earnings, but they fell back to 84 percent in 2000 and 82 percent in 2005. Accounting for gender differences in status does not change estimates of the impact of gender, but accounting for men's longer hours of work (on average) decreases the gender gap by 5 percent.

The gender difference in work hours that partly accounts for women's lower pay, however, could result from women lawyers doing more childcare. Also, women are more likely to work outside of law offices and so may have less opportunity to work long hours and earn more. In neither case would it make sense to accept a smaller estimate of the gender gap because women work fewer hours. In the terminology of studies of pay equity, we have no guarantee that accounting for work hours is "gender neutral."

The relative earnings of women between 35 and 39 improved continuously, from just 57 percent of men's earnings in 1980 to 91 percent in 2000, but declined to 86 percent in 2005. Accounting for status and hours of work, and in 1995, 2000 and 2005 respectively, women between 35 and 39 had earnings 93, 96 and 94 percent of men the same age.

As late as 1990 women lawyers between 40 and 44 earned only 57 percent as much as men the same age, rising to 72 percent by 1995, to 80 percent in 2000 and 79 percent in 2005. In 2005, accounting for place of work does not account for any of the gender difference, but accounting for status decreases the difference by 2 percent, and also accounting for hours of work brings women's earnings to 85 percent of the figure for men.

In 2000 women between the ages of 45 and 49 earned 72 percent as much as men the same age, and for women 50 to 54 the figure was only 62 percent. Five years later, in 2005, these earnings had increased substantially to 79 and 84 percent, respectively.

In 2005, the first time there are enough women in the group to provide a reliable estimate, the earnings of women between 55 and 59 were 81 percent of the earnings of men the same age. Accounting for status decreases the gender gap by about 2 percent, and hours of work resulted in a further decrease of about 5 percent.

Taking account of gender differences in location, racialization, status and hours of work, in 2005 women between the ages of 45 and 49, 50 and 54, and 55 and 59 respectively earned 91, 89 and 88 percent as much as men the same age. Women 60 to 64 earned just 63 percent of men the same age, and about 70 percent taking account of status.

Confirming the findings in Tables 18 and 19, the regression shows that entry level earnings are not much different for women and men, but a 15-25 percent gender gap develops by the time lawyers reach their 30s. Expressed as a percentage, the gender gap does not increase from about age 40 until 59, though because earnings increase with age it becomes larger absolutely. The much larger gender gap in the earnings of women over 60 will decline in coming years. When there are sufficient numbers, in the next decade, it will be important to look at gender differences in reduced hours of work and retirement.

Consistent with the previous findings, the regression provides strong evidence that the gender gap in earnings is no longer decreasing. Except for continuing earnings gains by more senior women, the gender wage gap did not decline between 1996 and 2006. In retrospect, much of the improvement in women's earnings involves the remarkable gain made by young women lawyers in the early 1980s, which has worked its way through the profession as the careers of that cohort progressed. Nor is there a structural change on the horizon that would decrease the current gender gap of 20-30 percent in mean earnings and 12-20 percent in median earnings from mid-career on.

## Conclusions

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This report begins with the experience of Aboriginal and visible minority lawyers because, compared to women, their position is more complex and represents more of a challenge, both to the researcher and the profession. This conclusion reverses that order because the story about gender is more complete and it provides a useful template for thinking about racialization. The empirical similarities are suggestive, but they do not demonstrate that gender and racialization involve exactly the same processes.

Less *can* be known about racialization at this time, because there are relatively few visible minority and Aboriginal lawyers in the middle and senior stages of their careers. One aspect of the complexity of racialization involves the possibility – and there is fairly strong empirical evidence already – that Aboriginals and the various visible minority groups have different experiences. And there is also evidence that the intersection of gender and racialization involves unique situations.

### *Women Lawyers*

There has been an extraordinary transformation of the position of women in the legal profession. The increased number and proportion of women lawyers, just visible in 1971 and beginning with growth in women's law school enrollment in the mid-1960s, has continued unabated for 35 years, to the point where women are nearly 60 percent of the youngest lawyers in Ontario. With confidence we can predict that the proportion and number of women lawyers will continue to increase for the next 30 years, since the proportion of women lawyers under the age of 30 is greater than the proportion in all the older age groups.

There are major differences in where women and men work. Women are more likely to be law firm associates and employees and to work in government and in businesses and organizations other than law offices, and women are less likely to be self-employed with paid help. While women work somewhat shorter hours than men and are more likely to work part-time and to have worked for less than 40 weeks in 2005, the great majority of women lawyers worked full time for the entire year.

However strong the aspirations of women to work in particular areas of the profession and structural pressures to encourage them to do certain types of legal work, as women become a larger and larger presence there is no “niche”, disadvantaged or not, large enough to provide employment for all women lawyers. Still, the much greater proportions of women in government and smaller proportions who are partners in larger firms and proprietors of small firms represent enduring differences in the kinds of work done by women and men, and in their earnings.

Improvement in women's historically low earnings lagged by 10 years the initial growth in the number of women lawyers. Improvement is first visible for women between the ages of 25 and 29 in 1981. Measured again in the 1986 Census when they were between 30 and 34, in 1991 between 35 and 39, and so on, this cohort retained its initial earnings gain over time. Their pioneering predecessors, however, women lawyers who were in their 30s or older in 1981 had no financial benefit from their successors' gains, and they had substantially lower earnings throughout their careers. Earnings gains thus involve narrow age cohorts.

Comparisons of five-year age groups between 1981 and 2006 show that the relative earnings of women stabilize around age 40 at about 75 percent of the mean and 85 percent of the median earnings of men the same age. Before age 30, however, the earnings difference is small or even zero. There is no reason to think the continuing increase in the number of women lawyers will change this, especially since this gap is calculated *after* accounting for the very large effect of age on the earnings of both sexes.

What is responsible for the continuing gender gap in earnings? The regression analysis demonstrates that only a small part of the gap results from differences in where women and men are employed. Men's greater average hours of work might account for 25 percent of the gap, but it is not clear that this constitutes a fair (or "gender neutral") difference that would result from women *voluntarily* working fewer hours for less pay. To the extent that differences in hours reflect the expectations of firms and organizations where lawyers work or societal patterns such as women's greater responsibility for childcare, it is inappropriate to discount the part gender gap due to shorter hours.

We are left with two explanations for the persistent gender gap in lawyers' earnings, both of which must play some role: that women work in firms and other organizations with lower rates of pay overall; or that women are paid less than men *in the* same organizations, presumably because they have different responsibilities and or status. Appropriate research data could answer this question, as there is a large body of empirical research on the topic and the statistical issues are well understood. Unfortunately the Census cannot be used for this purpose because it does not gather detailed information about employers and the exact nature of a person's work, such as the area of practice.

### ***Aboriginal and Visible Minority Lawyers***

Between 1981 and 2001, the percentage of Ontario lawyers who were Aboriginal rose only from 0.8 to 1.2 percent. Then, between 2001 and 2006, it grew substantially to 1.7 percent. There is one Aboriginal lawyer for every 749 Aboriginal persons in Ontario, compared to 1 for every 323 Whites and 1 for every 754 members of a visible minority. It is significant that relative to the number of university graduates with occupations who are Aboriginal – a reasonable measure of the pool of candidates for law school and entry into the profession – there are more Aboriginal lawyers than lawyers from visible minority groups and Whites.

The recent surge in the number of visible minority lawyers looks similar to the experience of women in the profession, but taking place 20 years later. In 1986, just 3 percent of lawyers between 25 and 34 were members of a visible minority, compared to 6 percent in 1991, 11 percent in 1996, 17 percent in 2001 and 20 percent in 2006. This is remarkable. Even with no further increase in the percentage of young lawyers who are Aboriginal or from a visible minority, their absolute numbers and relative size will increase steadily as older cohorts of predominantly White lawyers retire.

While the evidence for smaller visible minority groups is limited by the size of the sample, every group appears to have made gains, though there is a great deal of variation between the groups. In 2006, there was just one Filipino lawyer for every 2,730 members of the Filipino community and one Latin American lawyer for every 1,649 members of the Hispanic community, compared to one for every 750 when all the visible minority groups are combined. Also disadvantaged in terms of access to the profession, though not to the same degree, are Southeast Asians and West Asians. A worrying sign, however, is that there is no recent increase in the proportion of young Black lawyers, and possibly some decline. This merits further study.

Compared to Whites, racialized lawyers are more likely to be law firm associates and employees, to work for government or outside of law offices and government, and to be self-employed without paid help. They are *less* likely to be partners in a law firm or sole practitioners with paid help. Because racialized lawyers tend to be younger, they are affected by the decline, by one-third since 1981, in the percentage of law firm partners and sole practitioners with paid help. This suggests that racialized lawyers tend to occupy less favourable niches in the profession.

There is strong evidence that racialized lawyers have lower earnings than White lawyers the same age and this difference is much larger than the gender difference. The difference in the *median* earnings of racialized and White lawyers, just \$4,000 per year for lawyers between 25 and 29, grows to more than \$40,000 by ages 40 to 44. The difference in *mean* earnings is even larger. The picture is not complete because there are too few middle aged and senior visible minority and Aboriginal lawyers to accurately estimate their earnings.

These findings suggest the systemic exclusion of racialized lawyers from higher paying positions. Such exclusion need not involve explicit barriers. Instead inequity is the result of a complex filtering system beginning in law school and working through the many incremental steps in a lawyer's career. Each step involves both voluntary choices and inequitable, though often seemingly neutral, practices that steer Aboriginal and visible minority lawyers and women into less remunerative roles.

The youngest Aboriginal and visible minority lawyers, whose earnings are only slightly lower than those of White lawyers, may come much closer to achieving parity later in their careers. But it is not likely that their older counterparts, now approaching mid-career, will improve their relative position in the next few years.

The similarities and differences in the effects of gender and racialization offer insight into the accessibility of a profession that until the early 1970s was almost exclusively male and White. The most important difference is that, *on average*, the young men *and women* who want to become lawyers after completing their first university degree have the *same* demographic and class backgrounds. Aboriginal and visible minority young people, on the other hand, differ from White young people in their class background, including parental education, occupations, earnings and wealth, they are less likely to have English or French as their first language, and they are more likely to be immigrants. In addition there appear to be cultural differences in the perceived desirability of a legal career, especially in comparison to other professions and to higher-paying positions in management and finance.

There is still much to learn. The Census cannot tell us about class barriers in recruitment into the profession, manifest primarily in differential access to law schools that serve as the primary gatekeeper to the profession. Such disparities are likely to have been increased by the recent deregulation of university fees for professional education in Ontario.<sup>10</sup> Some of the effect of racialization on access to the profession must reflect differences in education, earnings and wealth. Also not explored in this Report are ethnic differences *within* what Statistics Canada defines as the "standard" visible minority groups. Statistics for the South Asians, for example, include Indians, Pakistanis, Bangladeshis and Tamils and Sri Lankans. The numerically predominant Indians, however, are more established in Canada and have higher incomes. More detailed analysis would reveal differences of this kind that, again, are likely tied to social class.

## Appendix

### Conducting Research on Lawyers Using the Canadian Censuses

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For research on Ontario lawyers the great strength of the Canadian Censuses is their very large size. No conventional survey could achieve the Censuses' almost complete coverage of the population and nearly 100 percent response. Moreover, the Censuses allow exact comparisons between Ontario lawyers and the entire population and relevant subgroups, such as university graduates with occupations, lawyers in other provinces and other professions. Since 1981, the Censuses have included detailed questions on Aboriginal status, race, ethnic group membership, place of birth, year of immigration and first language.

Despite the term "Census", this research is based on the "long form" questionnaires completed by *a sample of one-fifth* of all households in Canada (except one-third in 1971). All other households receive a "short form" questionnaire, designed mainly to count the population, which does not include questions about racialization or employment. Even with records on one-fifth of the entire population of Canada, totaling about 6.1 million people in 2006, there is some uncertainty in the statistical estimates due to "sampling error" that arises from the random selection of that one-fifth. Information on about 6,400 lawyers is used to describe the 2006 total of about 32,000 lawyers in Ontario. The Census does not provide enough data to say much about smaller groups within the profession, such as older visible minority lawyers.

With a sample of 6,400, key attributes *of the entire sample*, such as the percentage of Ontario lawyers who are women, Aboriginal people and members of each visible minority group, are measured with great precision. Estimates for subgroups, for example the percentage of visible minority lawyers who are women or between the ages of 35 and 44, are less precise and for some groups the sample is too small to provide usable results. For example, is it not possible to describe Aboriginal lawyers in detail or to provide separate statistics for Inuit, First Nations and Métis people.

#### ***To What Population Should Lawyers be Compared?***

Thinking about the numbers of Aboriginal people, members of visible minority and women in the legal profession, the question is "compared to what?" In terms of the availability of legal services and lawyers' role in representing a community, the most appropriate comparison is to the size of the entire community, for example, comparing the number of Francophone lawyers to the number of Francophones in Ontario. To examine access to a career in the profession, however, the number of lawyers from a community is more appropriately compared to the number of adults with occupations, thus excluding small children, students and retired people, who are members of communities but cannot be lawyers. Another useful comparison is between the number of lawyers and university graduates with an occupation. In this Report, the "population" refers to persons living in "private dwellings," and excluding "collective dwellings" such as hospitals and nursing homes, military facilities and places of detention.

To evaluate further the diversity of the legal profession in Ontario, two other useful comparisons are to lawyers in other Canadian provinces, and to other high status occupational groups in Ontario – we chose physicians, academics, engineers, and middle- and high-level managers.

### *Who is Counted as a Lawyer in this Research?*

In this study, a lawyer is anyone who enters “lawyer” as her or his occupation on the Census form. The question about occupation, however, is asked only of people who worked in the year of the Census or in the previous calendar year. For the most recent, 2006 Census, which was conducted in May 2006, to qualify as a lawyer a person must have worked in the profession at some time in 2005 or 2006 and must describe her- or himself as a “lawyer”.

The figures for Quebec include both lawyers and notaries, who in that province carry out some of the functions of lawyers in the rest of Canada. Outside Quebec notaries are not counted as lawyers. While almost all lawyers were employed at the time that the Census was conducted in May 2006, an instruction on the form asks persons who are not working at the time to indicate the occupation of “the job of longest duration since January 1, 2005.” Lawyers in this study therefore include a small number of law professors, who chose to give their main occupation as “lawyer” rather than “professor”.

“Ontario lawyers,” are lawyers who *live* in Ontario, even if they work in another province. The only major consequence of this definition is that about 400 lawyers who work in Ontario but live in Hull and the area of Quebec surrounding the Ottawa-Hull metropolitan area are not counted, while about the same number of lawyers who live in Ottawa but work in the Hull area are included.

### *Identifying Aboriginal People and Members of Visible Minority Groups*

In the 1996, 2001 and 2006 Censuses, Aboriginal persons are identified with the question below, which makes no mention of band membership or whether the person lives on a reservation. Persons who indicate they are Aboriginal are instructed to skip the next question, about membership in visible minority communities. Identifying as Aboriginal thus supersedes any other identification a person might also have.

<p><b>18</b> Is this person an Aboriginal person, that is, North American Indian, Métis or Inuit (Eskimo)?</p> <p><i>If “Yes”, mark “⊗” the circle(s) that best describe(s) this person now.</i></p>	<p><input type="radio"/> No → Continue with the next question</p> <p><input type="radio"/> Yes, North American Indian → Go to Question 20</p> <p><input type="radio"/> Yes, Métis</p> <p><input type="radio"/> Yes, Inuit (Eskimo)</p>
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The question about membership in visible minority groups in the 2001 Census is shown below. Statistics Canada's practice is to list separately the ten visible minority groups identified by the federal government in its employment equity policies. Members of other groups who consider themselves to be non-white can fill in the “Other - Specify” box. Respondents are invited to mark more than one category, “if applicable.” The 1996 Census question is the same, except that Arabs and West Asians are combined in a single category, the order of the groups is slightly different, and some of the specific examples within the response categories are different.

**19** Is this person:

Mark “” more than one or specify, if applicable.

*This information is collected to support programs that promote equal opportunity for everyone to share in the social, cultural and economic life of Canada.*

- White
- Chinese
- South Asian (e.g., East Indian, Pakistani, Sri Lankan, etc.)
- Black
- Filipino
- Latin American
- Southeast Asian (e.g. Vietnamese, Cambodian, Malaysian, Laotian, etc.)
- Arab
- West Asian (e.g. Iranian, Afghan, etc.)
- Korean
- Japanese
- Other — Specify

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The Tables in this Report giving results of the 2006 Census include categories for “other visible minorities” and for “multiple visible minorities.” The former includes a small number of persons who are considered to be a member of a visible minority group but who could not be classified elsewhere; and the latter includes Census respondents who checked two or more categories in Question 19, including children whose parents were from different communities (one of which could be “White”), and members of communities with historically mixed origin, such as descendants of Asians in the Caribbean, Africa and the Americas. This “mixed” group is very diverse and cannot be classified into coherent subgroups large enough to describe separately.

The 1991 and earlier Censuses did not include separate questions to identify Aboriginal persons and members of a visible minority group. Instead, it is necessary to rely mainly on the question about ethnicity (which is also included in 1996 and 2001 Censuses, but here *not* used to identify Aboriginal people and members of visible minorities). The 1991 question reads,

“To which ethnic or cultural group(s) did this person’s ancestors belong?”

Multiple answers were permitted by the instruction, which said “Mark or specify as many as applicable.” Fifteen specific answers were given, though most were for communities likely to answer “white” in response to the questions in the 1996 to 2006 Censuses about membership in visible minority communities. In order (of their size in the population), the fifteen listed responses were: French, English, German, Scottish, Italian, Irish, Ukrainian, Chinese, Dutch, Jewish, Polish, Black, North American Indian, Métis, and Inuit/Eskimo. In addition there were two boxes for “other ethnic or cultural group(s)” and the instruction that:

“Examples of other ethnic or cultural groups are: Portuguese, Greek, Indian from India, Pakistani, Filipino, Vietnamese, Japanese, Lebanese, Haitian etc.”

The Aboriginal persons were those who chose one of the three responses, for “North American Indians,” Métis or “Inuit/Eskimo,” regardless of whether they also described themselves as sharing another *non*-Aboriginal ethnic background. Especially for those respondents indicating they were of more than one ethnicity, the responses to this question are not clearly translated into the categories used in 1996, 2001 and 2006. For this reason, Statistics Canada combined information from a number of different questions to develop a consistent measure of membership in visible minority communities:

Prior to 1996, data on visible minorities were derived from responses to the ethnic origin question, in conjunction with other ethno-cultural information, such as language, place of birth and religion. Information on visible minorities obtained from the 1996 population group question is, therefore, not directly comparable to derived visible minority data produced in 1991, 1986 and 1981.<sup>11</sup>

The 1971 Census does not provide adequate data for a consistent comparison with the later Censuses. In that year respondents were asked to choose only one ethnic category, which results in significant underestimates of the number of aboriginal persons and members of a visible minority.

### ***Comparability of this Report and the Report on the 2001 Census to the 1996 Report on Lawyers in Ontario***

The categories for visible minority communities in this *Report* are similar but not identical to those used in the analysis of the 1996 Census. In that report, the “other” and “multiple” groups were not used; instead detailed analysis of the persons giving two or more answers were used to assign them to single-answer groups, and the question about ethnicity was used to assign the “other” responses. Unfortunately, it is not possible to apply this strategy uniformly across the different Censuses to make over-time comparisons. Using the categorization developed by Statistics Canada instead has two advantages: first, a great deal of effort has gone into making the categories consistent over time; and, second, these results are compatible with other Census-based research on visible minority communities.

### ***Quality of the Census Data***

The Census data are of excellent quality, but not perfect. Respondents make errors in answering questions, some do not answer all questions and, despite the legal requirement to do so, some households do not complete the form. A great deal of attention has been paid to Census data quality. By a wide margin, the Census is the largest Statistics Canada survey, and the results have major consequences, for example in determining federal equalization payments, the distribution of Parliamentary seats among provinces, and the boundaries of electoral districts. The interested reader can find an exhaustive, interesting, clear, and for the most-part non-technical explanations of these issues in the *Census Technical Reports on Sampling and Weighting and Coverage* at:

<http://www12.statcan.gc.ca/census-recensement/2006/ref/rp-guides/index-eng.cfm>

Using a specialized survey for comparison, Statistics Canada found that the 2006 Census missed about 3 percent of the Canadian population. This *Report* follows Statistics Canada’s practice of *not* compensating for this “under-count” in reporting findings. The most important statistics reported here, however, involve *comparisons* between lawyers and the population which are unaffected by undercounting, since the numerator and denominator of the fractions are changed by the same proportion.

In Ontario, as in a number of other provinces, the 2006 Census was not able to carry out a complete enumeration on some Indian reserves. As a result Statistics Canada reports on Aboriginal persons in Ontario and in a number of other provinces include the statement that each figure “excludes census data for one or more incompletely enumerated Indian reserves or Indian settlements.” In addition, there is some evidence that the rate of undercoverage of the Aboriginal population in on- and off-reserve areas that were enumerated is higher than average. While no exact estimate is available, a good guess is that between 10 and 15 percent of the total aboriginal population of Ontario may have been missed by the Census, with the missed rate much higher for the population living on reserves. As a result, the size of the Aboriginal populations reported in Tables 1 and 2 is 10-12 percent lower than the true value. The estimate of the number of Aboriginal lawyers will hardly be affected, since most do not live on reserve, but estimates of the number of Aboriginal lawyers *relative to the population* will be too optimistic, by 10-12 percent. This is a quite small relative to differences between Aboriginal peoples and other sectors of the Ontario population.

### ***Reporting Numbers in the Tables***

To preserve confidentiality, Statistics Canada requires that counts presented in the Tables be rounded to the nearest five. Since each household completing the long form Census questionnaire represents an average of five people (except three people for the 1971 Census only), estimating the number of persons with a given characteristic requires multiplying the number counted on the Census file by five. But, because the observations are “weighted” an estimate that there are, say, 100 people in a group does *not* mean that there are exactly 100 such persons in the population or that the estimate is based on counting exactly 20 persons in the Census sample.

Due to rounding error, occasionally the figure for a total numbers or percentage in a table is not exactly right. Manual calculation would show that sometimes the percentages in a table which should total 100.0% actually add up to 99.9% or 100.2%. Reporting numbers to more decimals would fix this problem, but suggest a spurious, distracting accuracy. For that reason, totals that should equal 100.0% are just fixed to that number. The same holds for estimates of total numbers, where rounding to the nearest five occasionally results in the same kind of discrepancy.

## Notes

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1. The 2001 report may be found at <http://rc.lsuc.on.ca/pdf/equity/ornsteinReport.pdf> and the 1996 Report at <http://rc.lsuc.on.ca/pdf/equity/lawyersInOntario1996.pdf>
2. Using only the Census question about first language underestimates the number of “Francophones,” according to the new definition adopted by the provincial government in June 2009. The “New Inclusive Definition of Francophone” includes persons whose mother tongue is French (the “old” definition), *in addition to* persons whose mother tongue is neither French nor English (allophones) and who speak French. This expanded definition raises the estimated percentage of the population that is francophone from 4.4 to 4.8 percent, based on the 2006 Census. See <http://www.ofa.gov.on.ca/en/news-090604-faq.html>
3. The two territories and Nunavut have a combined total of 13.7 percent Aboriginal *and* visible minority lawyers. To preserve confidentiality with the small samples in the North, it is necessary to combine the Territories and Nunavut and to report only the total of Aboriginal *and* visible minority lawyers; for New Brunswick we report only total of Aboriginal *and* visible minority lawyers; for Prince Edward Island the sample is too small to report any figure.
4. Due to differences in definition, statistics from the Census differ slightly from those published by the Law Society of Upper Canada and based on independent data collection. Taking the average of Law Society statistics for Dec 31 2005 and 2006 (which is close to mid-May, when the Census was taken), indicate that 66.3 percent of lawyers worked in a law office compared to the figure of 74.4 percent from the Census. Fifteen percent of lawyers reported to the Law Society that they work in government compared to the 14.6 % in the Census; and 18.7 percent reported to the Law Society that they worked in “other employment,” compared to 11.0 percent in the Census.
5. The Law Society of Upper Canada does not compile this information for Aboriginal or visible minority lawyers.
6. To avoid using very small samples (with corresponding higher sampling error) ten-year age groups are used, and so the “age control” is imperfect. Because their presence in the profession is increasing, *on average* visible minority lawyers in the 25-34 age cohort will be younger than White lawyers in the same 25-34 category; the difference is in the same direction comparing women and men, but smaller.
7. The Census instructs respondents to include *paid* vacation time and sick leave in reporting how many weeks they worked in the year. But, only 71.5 percent of Ontario lawyers indicated that they worked for 49 to 52 weeks in 2005, while 15.0 percent reported working between 40 and 48 weeks. Likely the second group includes many self employed lawyers who work “full-time” but do not think of themselves as having paid vacation. So, it makes sense to focus on the categories for less than 40 weeks of work, which clearly do indicate a lower level of labour force participation.
8. Reports to the Law Society of Upper Canada give accurate figures on partnership, not available from the Census. About the time of the 2006 Census, their reports show, for men, that 26.9 percent are partners, 17.8 percent are associates or employees and 28.1 percent are sole practitioners. For women the figures are 10.5 percent partners, 27.8 percent associates or employees and 15.6 percent sole practitioners. Taking lawyers in law firms and not in sole practice, 60.3 percent of men are partners and 39.7 percent are associates or employees, and 27.4 percent of women are partners and 72.6 percent are associates or employees.
9. Following convention, the regression models involve predictions of the *logarithm* of income, rather than the simple dollar value. This transformation treats as equal, *proportional* differences, so that a 10 percent difference in earnings has the same measured effect, whether the impact is on persons earning 50,000 or 500,000 per year. Of course, a 10 percent difference is ten times larger for the high earner.
10. See Marc Frenette, “The Impact of Tuition Fees on University Access: Evidence from a Large-scale Price Deregulation in Professional Programs,” No. 263 in Statistics Canada’s *Analytical Studies Branch Research Paper Series*, September 2005, available at <http://www.statcan.gc.ca/pub/11f0019m/11f0019m2005263-eng.pdf>
11. Statistics Canada, 1996 Census Dictionary, Final Edition Reference, Handbook – Cat. No. 92-351-UIE, p. 101, available for free download at: <http://www.statcan.ca/english/freepub/92-351-UIE/free.htm>



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