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Queensland Law Society

**Equalising Opportunities in the Law
Committee**

2003 Membership Survey: The Report

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with the assistance of

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1. Executive Summary

The Queensland Law Society survey of members provides a snapshot of the Queensland legal profession in 2003 including perceptions from within the profession as to discrimination and other factors affecting their workforce. The survey was an initiative of the Equalising Opportunities Committee of the Queensland Law Society and was distributed with the membership renewal forms in early 2003. The Committee at that time was chaired by Kylie Torlach. Terry Hutchinson has chaired the Committee since 2004 and organised the analysis of the data. Current and past members of the Committee involved in planning include Graham Quinlivan, Grace Kahlert, Gerry Neale, Samantha Kane, Roland Davies, Jan Logan, Rachael Murray, Heron Loban, Mark Ryan, Alison Ross and Grace Shepherd. This report tabulates and analyses the main findings.

2. Key Findings

There were 2536 respondents to the survey, representing a response rate of 39.6%. The respondents included 34.2% women and 65.8% men. This gender breakdown is broadly representative of the practising profession in Queensland at the time which consisted of 33.8 % women and 66.15% men.

The survey reflected an age balance in the profession. Approximately 50% of the respondents were under 40 years of age, with 37% being under 35. The largest single age group was the 40-49 year group which constituted 27% of respondents. The 50+ group represented 23.6% of the respondents.

Not surprisingly given the large number of graduates in recent years, over a quarter of the respondents had been admitted under 5 years. Almost 44% had been admitted under 9 years

Women predominated in the younger brackets of the profession, that is, those under 29 years of age. After this age, the proportion of women in the workforce tended to decrease. Men represented 72% of respondents aged 40-49 years, and 89% of the 50+ year bracket.

A number of practitioners had taken time away from practice. The main reasons given for the breaks were travel, pregnancy and childcare, and to take advantage of better work opportunities outside the profession.

Most respondents were working in the Brisbane CBD and those solicitors in private practice were employed in smaller firms with 2 or less partners.

Those respondents not in private practice were mainly employed in government legal roles, corporations or community legal centres.

The bulk of practitioners were working over 40 hours each week. A large percentage of respondents reported they were working between 40 and 49 hours (41.1%), however nearly as many (44.2%) were working over 50 hours.

Despite these long hours, job satisfaction was reasonably high. Over 77% reported they were satisfied or very satisfied with their current jobs.

In addition, 73.7% of the respondents reported being optimistic or very optimistic about their employment prospects.

Over 70% of respondents earned more than \$50,000 in the 2001-02 financial year. Approximately 30% earned over \$100,000 annually.

Male practitioners were definitely earning more than their female counterparts. This was especially so in the \$100,000 plus category with 39.3% of men earning more than \$100,000 as against 11.9% of women.

The majority of respondents were involved in some pro bono work (87.7%), with over 40% averaging more than 3 hours of pro bono per week.

The predominant areas of practice were conveyancing, commercial, civil litigation, wills and estates, family law and personal injuries. Of those areas, 23.8% of female respondents reported working in family law as compared to 16.4% of male respondents. Male respondents were prominent in conveyancing (35.7% of men worked in this area as against 19.1% of women) and commercial law (32.9% of men as against 21.9% of women).

The respondents reflected a lack of diversity in the profession with 1.3% identifying as having a disability, 4.8% as having English as a second language, and a mere .2% identifying as Aboriginal and Torres Strait Islanders.

Of all the respondents there were 595 total reports of discrimination, representing 381 actual people. So, 15% (n=381) reported some form of discrimination and 8% reported more than one type. The types of discrimination reported included gender (8.2%), age (3.5%), family responsibilities (3.3%), pregnancy (1.7%), marital status (1.3%), race (1.1%), sexual preferences (.7%), religion (.7%), disability (.39%), and 'other'(2.5%).

Women were more likely to report discrimination. The main source of discrimination women identify is that based on gender.

Women in the 25-29 age group were reporting gender discrimination at a higher rate than others. Others who were more likely to report gender discrimination were those that work as associates or employed solicitors, those that work 20-39 hours a week or those that view their prospects pessimistically.

Discrimination on the basis of disability and race may require further investigation because of the very small numbers identifying - 1.3% as having a disability, 4.8% as having English as a second language, and a mere .2% as Aboriginal and Torres Strait Islanders.

Of the 381 respondents who indicated they had experienced discrimination, only 4.7% (n=18) lodged a formal complaint.

Some respondents (5.1%) reported that they knew of other people suffering discrimination in the workplace.

Overall, 80% were of the opinion that their place of employment applied equal opportunity principles. The remaining respondents were either not sure or said that there were no such principles being applied.

3. Background to the Report

There have been many commentaries and reports in the public press in regard to work/life balance and in particular the difficulties women are facing in the modern workplace.

‘Striking the balance’, according to Pru Goward, Commonwealth Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination, comes at ‘a significant price for women’. This is also the case for men. In regard to flexible work arrangements, Pru Goward commented that ‘For men, my consultations suggest they don’t even dare ask. Employers and managers are not sympathetic to men who seek to reduce or modify their working arrangements for the sake of their families and men fear not just that they won’t be promoted but that they won’t keep their jobs’.¹

These issues were highlighted in comments by the managing partner of a major law firm: “We expect our people to treat the client as if they were God and to put themselves out for clients. You don’t say, ‘Sorry I can’t do it, I’m playing cricket on the weekend’... You don’t have a right to any free time.”² Such expectations do not necessarily accord with the parenting responsibilities of men or women.

Particular difficulties are being experienced by women throughout Australian workplaces, not just in law firms, and this is especially the case during pregnancy. The most recent Australian Bureau of Statistics report “Pregnancy & Employment Transitions Survey”, released on 23 October 2006, found that ‘at least one difficulty was reported by 22% of women’ who worked for an employer while pregnant, with the most common forms being ‘receiving inappropriate or negative comments’, ‘missing out on training or development opportunities’, and ‘missing out on opportunities for promotion’.³ The results in this 2003 survey study are therefore consistent with national trends.

Women’s Lack of Progress and Advancement

Historically speaking, 2005 marked the centenary of the vote for women in Queensland and the centenary of the date the first woman, Grata Greig, was admitted to practise law in Australia. Why is it that in the 100 years since then women have not progressed in the upper echelons of the legal profession relative to the numbers graduating from law schools? Why do women find the profession ‘much less welcoming, accommodating and supportive than do their male peers’, and consequently ‘drop out’ at a much higher rate than men?⁴

¹ Pru Goward, ‘Work Life Balance’ Thursday 11 May 2006, AIM Breakfast

http://www.hreoc.gov.au/speeches/sex_discrim/worklife20060511.html at 5 December 2006.

² T Featherstone (2005) 3 March *Business Review Weekly*; “It’s just not cricket!” (2005) 47 (14 April) *Brisbane Lawyer* 1, 3.

³ Australian Bureau of Statistics Pregnancy and Employment Transitions, 4913.0 Australia, Nov 2005. Released 23/10/2006.

⁴ Comment from Rosemary Hunter ‘Border Protection on Law’s Empire: Feminist explorations of access to justice’ 2002 Professorial Lecture Series Griffith University Thursday 23 May 2002, 20.

The themes from the literature and reports from the last decade are familiar:

1. Women generally comprise over 50% of law graduates,
2. Women are not progressing through the hierarchies of the profession at a rate commensurate to their overall participation,
3. Women are earning less than their male counterparts in the profession,
4. Women tend to leave private practice in favour of the government and public sector and corporate employment,
5. The costs of this attrition are substantial but not fully acknowledged, and
6. Discrimination issues seem to be present.⁵

The consequences for the profession are dire if these issues are not addressed. It is resulting in a 'waste of time and resources devoted to legal training', lack of 'vigour' and diversity in the profession, 'rigidity of structure' in the management of collegiate relations, loss of talent, a lack of alternative models of service delivery, and a stagnant legal corporate culture.⁶

Discrimination

Federal and State anti-discrimination legislation provide some protection against the most common forms of discrimination - on the basis of gender, age, race, sexuality, disability and family responsibilities. In addition the law prohibits other forms of objectionable behaviour, including sexual harassment and vilification or harassment on the basis of race, sexuality or disability.⁷ In particular, the Queensland *Anti-Discrimination Act 1991* prohibits sexual harassment and vilification on the basis of race, sexuality and gender identity and the *Commonwealth Disability Discrimination Act 1992* prohibits disability harassment. The Human Rights and Equal Opportunity Commission has promulgated information about these issues.⁸

The 1994 Australian Law Reform Commission's report *Equality before the Law: Women's Equality*⁹ recommended that more education be carried out regarding the *Sex Discrimination Act 1984* (Cth) and the obligations of law firms under this act. The Report was supportive of model equal employment policies. However, in 2003 Dobinson commented that despite measures taken to address the inquiry's findings, men still continued to dominate legal services 'especially in the upper reaches of the profession and the judiciary'.¹⁰

⁵ The basis for this review of the literature can be found in Terry Hutchinson, 'Women in the Legal Profession' (2005) 13 (2) *Australian Law Librarian* 23-35.

⁶ New South Wales Attorney-General's Department and Department for Women, *Gender Bias and the Law: Women Working in the Legal Profession* Report of the Implementation Committee, October 1996,3; and *After Ada*, 6.

⁷ *Anti-Discrimination Act 1991* (Qld); *Age Discrimination Act 2004* (Cth); *Disability Discrimination Act 1992*(Cth); *Human Rights and Equal Opportunity Commission Act 1986* (Cth); *Racial Discrimination Act 1975* (Cth); *Sex Discrimination Act 1984* (Cth).

⁸ *Good practice, good guidelines: eliminating discrimination and harassment from your workplace*. Human Rights and Equal Opportunity Commission (HREOC), <http://www.humanrights.gov.au/employers/> at 1st November 2006.

⁹ Sydney, ALRC, 1994.

¹⁰ Dobinson, J. "Equality before the law (ALRC 67 and 69)." (2003) 83 *Reform* 37.

In 1994, the NSW Department for Women (then Ministry for the Status and Advancement of Women) commenced a comprehensive research program on gender bias in the legal system.¹¹ As part of this program, the Ministry commissioned the Keys Young Report, *Gender Bias and the Law - Women Working in the Legal Profession in NSW*.¹² Anecdotal evidence had suggested that women lawyers were discriminated against in their practice of law on the basis of their sex.¹³ The Report found ‘considerable evidence that women’s current status in the profession is not explicable purely in terms of historical factors, nor by virtue of women’s choices and preferences. There is evidence that women lawyers have been denied opportunities to advance, to earn the same amount of money as their male colleagues or to remain and progress within their chosen place of employment.’¹⁴

Surveys have been conducted to determine the ‘nature, extent and causes of job satisfaction and dissatisfaction among solicitors and to identify any gender specific issues and problems’.¹⁵ In regard to discrimination, the report has this to say – ‘Among professional employees, job satisfaction is principally determined by the extent to which their human needs are met. At many law firms, the corporate environment and practices in human resources management are adverse to job satisfaction because they do not adequately provide for the human needs of employees’. It adds that ‘women, more concerned with maintaining balanced lives, will not pursue success at any cost and are less likely to tolerate these conditions.’ It concludes therefore that ‘the resulting differences in experience of the workplace are open to the interpretation of discrimination.’¹⁶

Some discussion of these issues also took place in Tasmania in 1996.¹⁷ A Women Lawyers Association Report found that ‘There is clear evidence of a disparity between graduation rates and the levels of seniority achieved by women in private practice. Compared with rates of graduation over time, women are under-represented among practising lawyers. This suggests a high attrition rate for women compared with men.’¹⁸ The report also found that ‘Women are seriously under-represented at principal level in private practice, even taking into account historically low rates of entry into the profession by women and the necessary time lag between graduation

¹¹ New South Wales Attorney-General's Department and Department for Women, *Gender Bias and the Law: Women Working in the Legal Profession* Report of the Implementation Committee, October 1996,3.

¹² New South Wales, the Ministry for the Status and Advancement of Women, *Gender Bias and the Law - Women Working in the Legal Profession in NSW* Summary Report Prepared by Keys Young for New South Wales Department for Women, March 1995.

¹³ New South Wales Attorney-General's Department and Department for Women, *Gender Bias and the Law: Women Working in the Legal Profession* Report of the Implementation Committee, October 1996,7.

¹⁴ *Ibid* (ii).

¹⁵ Herron M, Woodger A and Beaton G, *Facing the Future: Gender, Employment and the Best Practice Issues for Law Firms: final report. Volume 1 - The Job Satisfaction Study Volume 11 - Effective Practices Guide* (Melbourne: Victoria Law Foundation, 1996), vii.

¹⁶ *Ibid* xii.

¹⁷ Goodluck, J. *Women Working in the Legal Profession in Tasmania: Final Report* Prepared for the Women Lawyers Association of Tasmania by Ireland and Goodluck Corporate Consultants, December, 1996. See also Tasmanian Women’s Consultative Council, *Women and Justice – Tasmanian women’s access to the legal system* 1995.

¹⁸ 1.

and the achievement of principal level'.¹⁹ The data obtained from the survey of women lawyers indicated that gender bias inhibits the career advancement of women in the legal profession. It was reported by 58% of questionnaire respondents that gender had a negative impact on their career progression, and another 75% of respondents with children said that pregnancy/children had a negative influence on their career progression. The report found that 'career interruptions' were a 'major barrier' to advancements to principal level.²⁰ There was also 'alarming evidence of sexual harassment'. Over all, it would seem that 'the key reason for the discrepancy is that the prevailing culture and work practices in the legal profession in Tasmania fail to accommodate the needs of women with family responsibilities'.²¹ There were reports of:

- 'systemic discrimination, that is, work practices which prevent women with children from working in senior positions in the profession';
- a constraining of women's own choices which prevent them from aspiring to senior levels in the professions; and
- active discrimination against women on the grounds that they are likely to be less 'permanent' employees as a result of their traditional care giving role.'²²

The Law Council of Australia's 2010 Project²³ noted several key studies and commented that they showed similar results, that is:

'Women are over represented in the lower echelons of the profession and under-represented in the upper echelons. Women leave the profession in disproportionate numbers. They do so for various reasons, but these cannot be attributed solely or predominantly to family responsibilities. The assumption that, given time, the number of women entering at the bottom of the profession would be reflected in senior ranks has not materialised.'²⁴

The report discusses the reasons for the lack of women's progress and concludes that they 'seem to relate primarily to family responsibilities'.²⁵ Motherhood is named as an impediment to advancement. This issue of work life balance is reflected in the main challenges identified in the paper. These are directed primarily to the firms and the professional bodies. The following were identified as challenges for firms:

- Developing human resources policies reflecting an appropriate work-life balance for staff at all stages of their careers, issues including expanded leave categories, flexible part time work policies and telecommuting,
- Developing a range of alternative career paths,
- Ensuring partners have appropriate leadership and mentoring skills, and
- Ensuring all staff have career development opportunities, access to training

¹⁹ Ibid.

²⁰ 2.

²¹ Ibid.

²² Ibid.

²³ Law Council of Australia 2010: *A Discussion Paper - Challenges for the Legal Profession* Sydney, Law Council of Australia, 2001.

<http://www.lawcouncil.asn.au/publications.html> at 5 December 2006.

²⁴ Ibid 132.

²⁵ Ibid.

opportunities and variety of work.²⁶

These reports are now dated but the recent Queensland survey underscores the importance of the issue for women and the need for workplace change.

Unequal Pay

According to a 2002 New South Wales Report, 'When women are partners their earnings are on par with those of men. However as solicitors, women still earn on average less than men. Last year women's salaries were on average 76% of men's salaries. This year that ratio has improved, with women now earning 82% of the salaries that men earn. For solicitors who have been admitted for less than one year there was a gap of \$8,200 in favour of male solicitors.'²⁷ The Law Institute of Victoria also undertakes an Annual Survey of Legal Practitioners. The 1999 published results reports that 'female earnings were, on average, significantly lower than male earnings'.²⁸ The 2004 Law Society of New South Wales Annual Statistics²⁹ show 'female solicitors now make up 40% of the practising profession. In the year ending 1 October 2004, of those entering the profession for the first time, 57.9% were women and 42.1% were male.' The Report notes that 'as in past years, male respondents reported earning higher incomes than females. For example, 39.7% of all men, but only 19.4% of women, reported incomes over \$100,000; while 31.2% of women, compared to only 18.8% of men, reported earning less than \$50,000. The approximate mean income reported by male practitioners was \$94,400, while for female practitioners it was \$73,100'.³⁰ The research that has taken place in the UK demonstrates a similar trend.³¹ The results of the present study bear out these figures.

The Need for More Statistics

Overall, the detailed statistics required in order to make any truly valid statements on the issue of women in the legal profession are scattered. The Law Council of Australia discovered this in 2001 when they published their *2010: A Discussion Paper - Challenges for the Legal Profession*.³² They commented that 'there are no definitive statistics on the legal profession in Australia'.

The most reliable statistics appear to be those from New South Wales Law Society Keys Young analysis of data from Practising Certificate Surveys each year. Kim Cull, the then President of the Law Society of NSW commented on the 2001 Survey: 'It's

²⁶ Ibid.

²⁷ After Ada 6.

²⁸ Law Institute of Victoria, *Annual Survey of Legal Practitioners*, January 1999, 5.

²⁹ 2004 Profile of the Solicitors in New South Wales, Keys Young January 2005
http://www.lawsociety.com.au/uploads/filelibrary/1107730500680_0.7314083026742801.pdf at 6 December 2006.

³⁰ Ibid 33.

³¹ Bridget Prentice, 'Increasing Diversity in the Legal Profession: A Report on Government Proposals' November 2005, 28. http://www.dca.gov.uk/legalsys/diversity_in_legal_2col.pdf at 6 December 2006; Moira MacMillan, Dr Nick McKerrell, Angus McFadyen 'Women in the Legal Profession in Scotland' Glasgow Caledonian University,
http://www.eoc.org.uk/PDF/Women_in_the_Legal_Profession_summary.pdf at 6 December 2006.

³² Sydney, Law Council of Australia, 2001.
<http://www.lawcouncil.asn.au/publications.html> at 6 December 2006.

very difficult to see why there is such a low number of women attaining partnership. Over the last 10 years there's been an increase of about 193% of women entering the profession and in the same period the number of women attaining partnership has only increased between 8 and 15%³³ Interestingly, part of the reason may be that males are strongly represented in private practice, while relatively more females work as government or corporate solicitors.

The objective of this survey therefore was to provide some accurate statistics for the practising profession in Queensland.

4. Methodology

The Annual Practising Certificate Survey was sent out to all Queensland Law Society members with their renewal forms in 2003. Thus, approximately 6401 survey forms were distributed. There were 2536 respondents. This represents a response rate of 41.5%.

The survey form consisted of 19 questions and most questions gave an option for the respondent to add further comments or elaboration. There were a number of respondents who included comments. These have been documented, categorised and analysed. They provide a qualitative aspect to the study. These comments will also be an important guide in the redesigning of the survey form.

There were a number of missing values on the surveys. For example, 233 respondents did not report their salary.

Basic demographics of the respondent group included factors such as age, gender, years in practice, employment, location of practice, categories of practice, any time and the reason for being out of practice, hours of work, job satisfaction, prospects, salary, diversity identification, pro bono work and subject area of work. The relationship between these factors was examined in order to describe or provide a picture of the respondent group, for example, it was possible to compare the gender composition of each of the age groups.

In the first instance, the study analysis sought to identify the perceptions of discrimination within the legal community. The categories of discrimination identified were gender, age, race, family responsibilities, sexual preferences, pregnancy, disability, religion, marital status, and 'other'. Secondly, the study identifies groups who show a significantly higher rate of discrimination compared to the rest of the population.

The 'demographic factors' (identified in the first paragraph) within each of the categories of discrimination were compared to the whole population of respondents. Therefore, for example, with those respondents reporting discrimination by gender, those in practice 6-9 years were over represented 20.2% (n=42 from 208) because

³³ Clare Buttner 'Unequal before the Law' SMH 24 June 2002 8-10, 8.

there was only 15.1% (n=383) of those in practice 6-9 years from the whole population of respondents.

The analysis attempted to identify those groups whose members perceive discrimination at a significantly higher or lower rate than the rest of the respondents. The groups were constructed using the responses from questions 1 to 3 and 6 to 12. The groups include gender, age grouping, years of practice, salary range, the respondents' role in their firm, the geographical location of practice and the number of partners within the practice.

Significance

The analysis conducted in this study sought to achieve an acceptable level of statistical significance. In statistical terms, 'significance' tests show how likely it is that the result of a calculation is 'true' rather than due to chance or sampling error. The most common means for testing significance is to compute a 'P-value' for each calculation. Generally, P-values of between 0 and 0.05 are considered to be statistically adequate, or 'significant' enough to be accepted. A P-value of 0.05 indicates that the finding has only a five percent chance of not being true. P-values of greater than 0.05 are not considered to be statistically significant. The lower the P-value, the higher the significance. In the example given previously where respondents in practice 6-9 years were reporting discrimination by gender, the P value is less than .000000000001, and thus is highly significant.

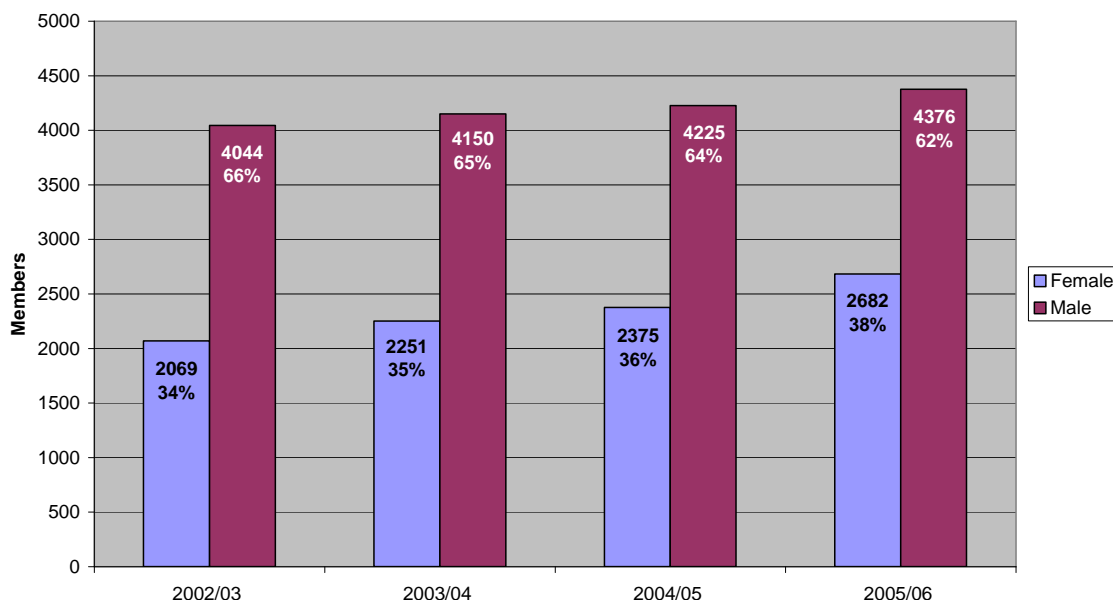
Odds Ratio

The Odds Ratio was also tested. This indicates whether something is more or less likely to occur in one segment of the respondents than in another segment. It is calculated by dividing the probability of an event happening by the probability of it not happening. As an example, of this study's 867 female respondents and 1667 male respondents, 193 female respondents perceived they were discriminated against on the basis of gender whereas 674 did not. Among the group of male respondents, 16 perceived themselves as being discriminated against on the basis of gender and 1651 did not. The Odds Ratio constitutes $\frac{193}{674}$ divided by $\frac{16}{1651}$. This comes to 29.5, indicating that a female respondent is almost 30 times more likely to experience discrimination than a male respondent.

5. A Snapshot of the Queensland Profession

There were 34.2% (n= 867) female respondents and 65.8% (n=1667) male respondents. This is broadly representative of the practising profession in Queensland at the time which was 33.8 % (n=2069) women and 66.15% (n=4044) men.

Growth of QLS 2002-06

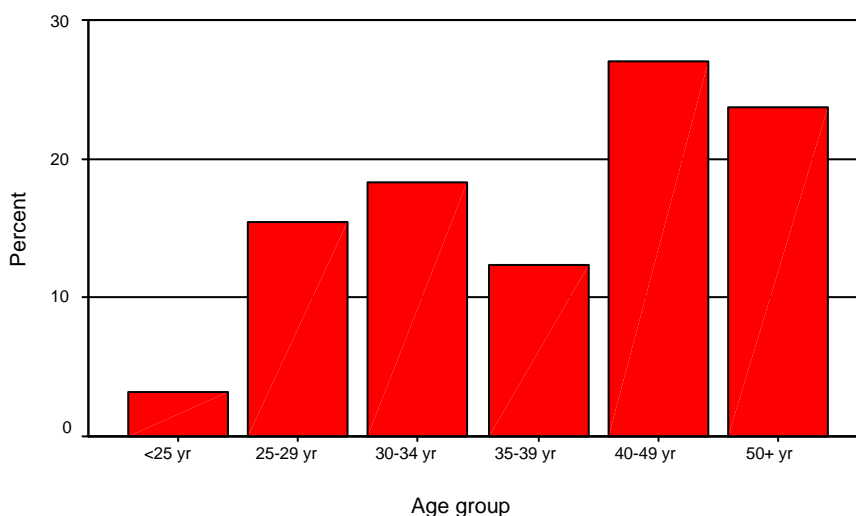


This chart demonstrates a steady growth in the numbers in the profession over the last four years. The percentage of men is declining and that of women increasing.

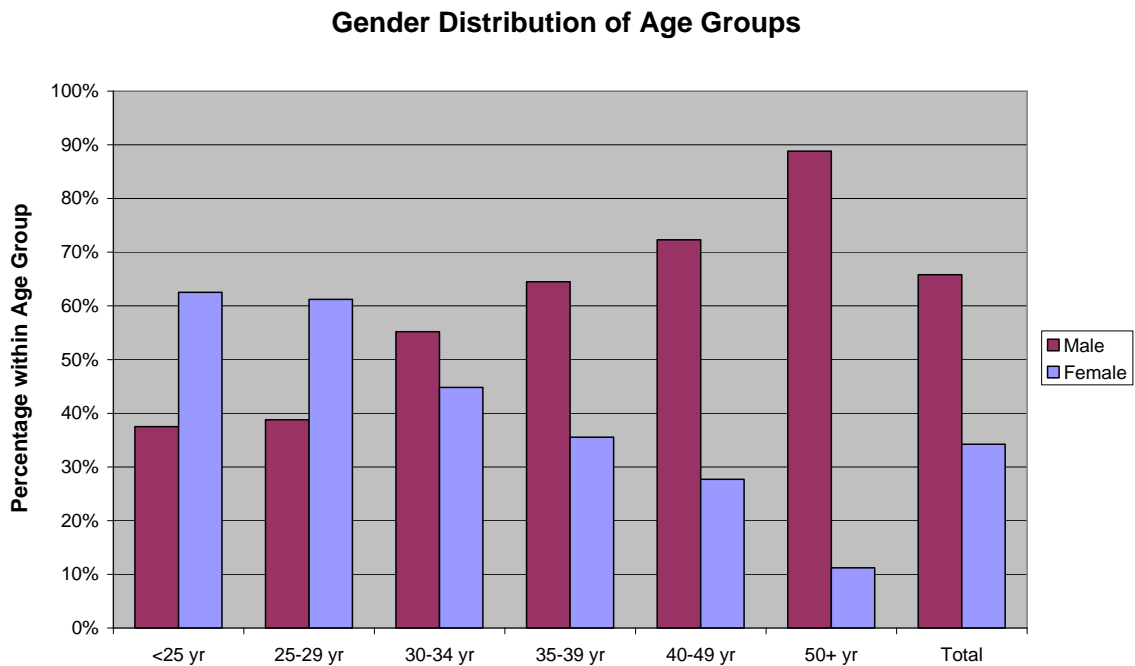
Age

Approximately 50% of the respondents were under 40 years of age, with 37% being under 35. The largest single age group was the 40-49 year group which constituted 27% of respondents. The 50+ group represented 23.6% of the respondents.

Age group



Women predominate in the younger brackets of the profession, that is, those under 29. After this age the proportion of women in the workforce tends to decrease. When the age groups are examined in relation to gender, of those under 29 there were approximately 62% (n=290/867) female and 38% (n=182/1667) male.

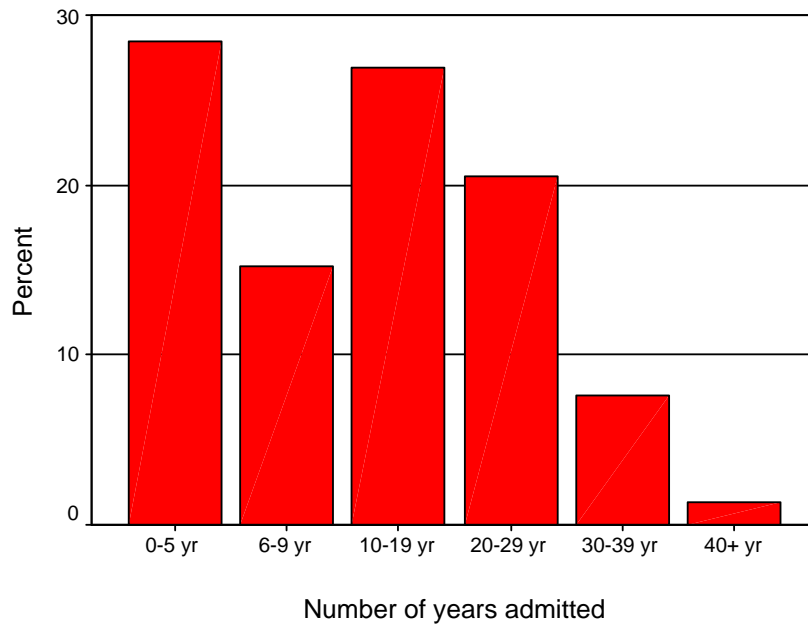


In the 30-34 age group, there was less disparity of representation with 44.8% (n=208/867) female and 55% (n=257/1667) male. However, in the 35-39 age group, the ratios were almost reversed with 64.5% (n=202/1667) males and 35.5% (n=111/867) females. In the 50+ age group there were 8 times as many males as females 88.8% (n=532/1667).

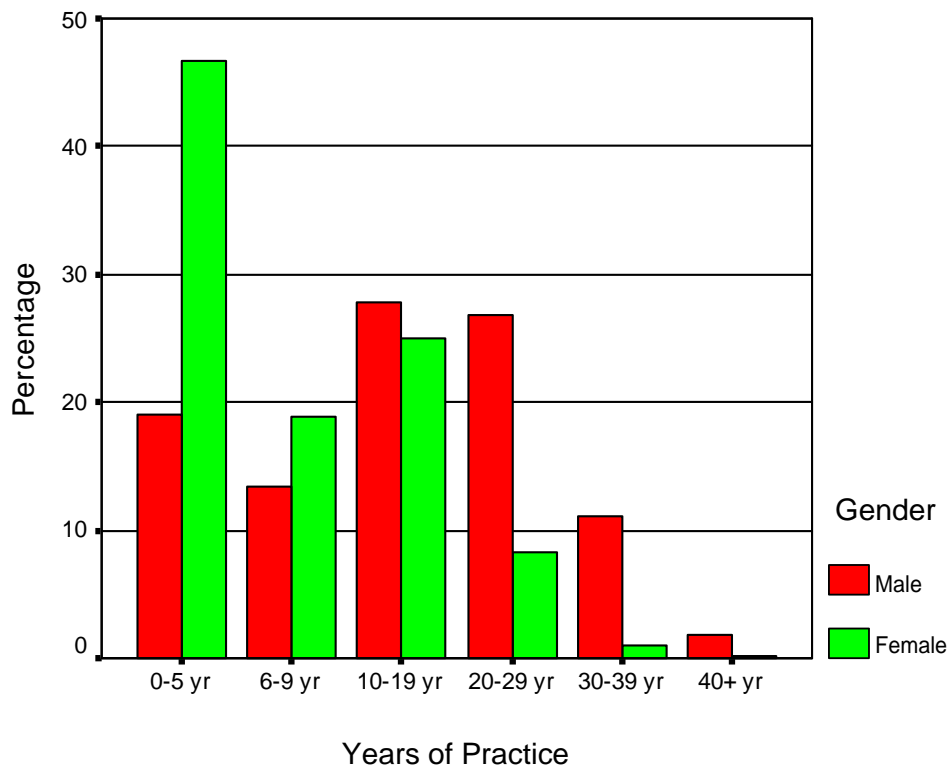
Years Admitted

Not surprisingly given the large number of graduates in recent years, over a quarter of the respondents had been admitted under 5 years. Approximately 43% had been admitted under 9 years.

Number of years admitted

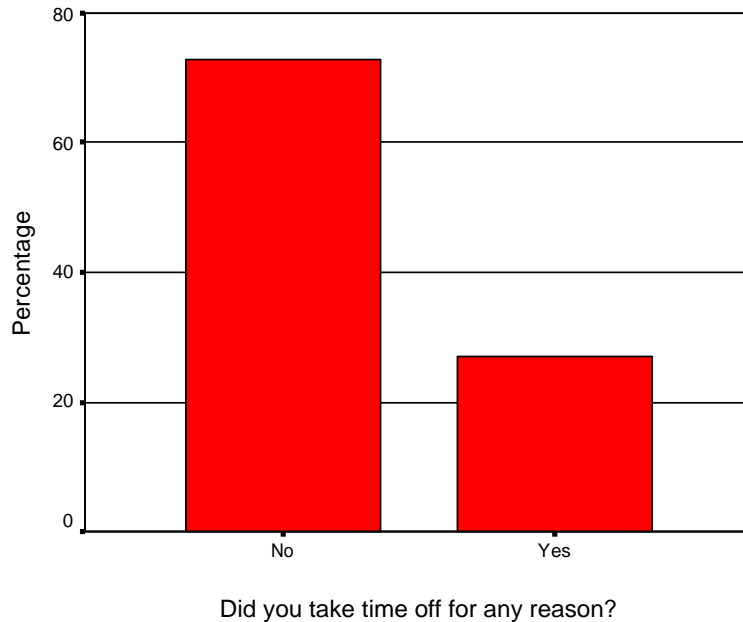


When gender is examined together with the number of years in practice it appears that the bulk of females have been admitted less than 5 years and this number is larger than the number of males. However after this point the numbers of females in the profession decreases markedly and continues to decrease.

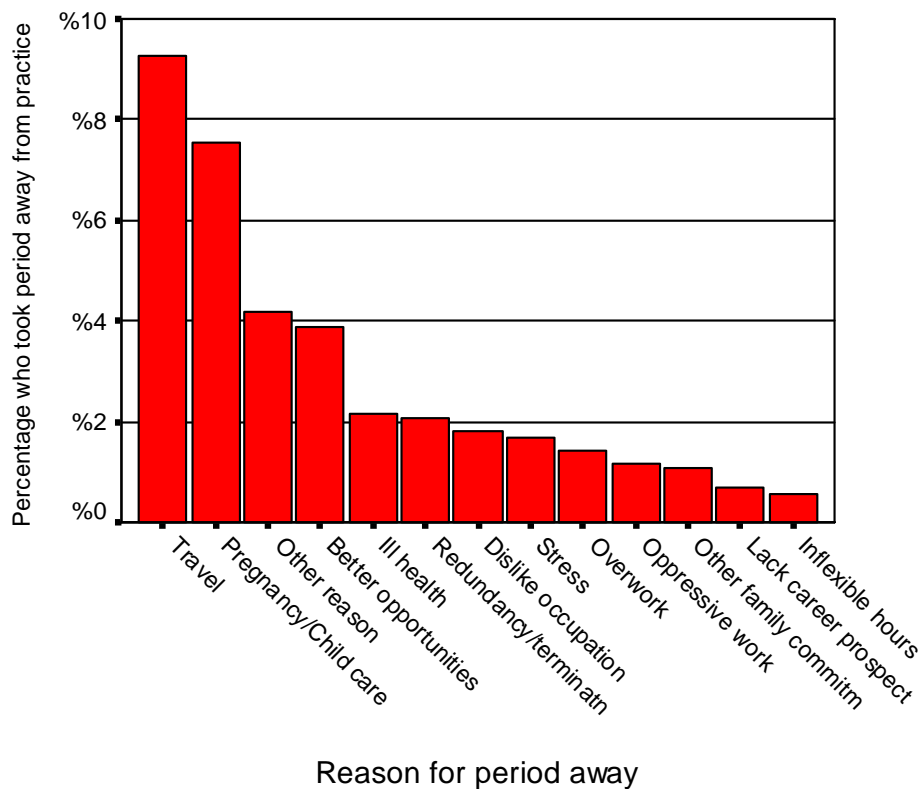


Time Away from Practice

A number of practitioners had taken time away from practice. There was little difference in the percentages of men (52.9%) and women (47.1%) who answered yes to this question.



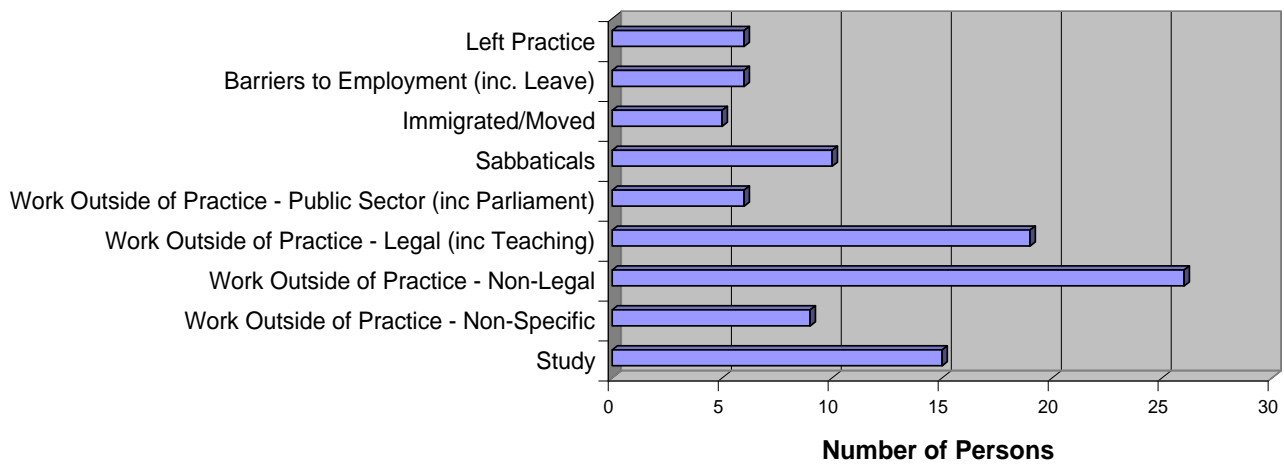
The following table delineates the reasons for these periods away. Travel, pregnancy and childcare and better opportunities outside the profession were the main reasons given.



When these reasons are examined according to the gender of the respondents it would seem that men were more likely to take time out because of redundancy or terminations, ill health, stress, overwork, better opportunities, travel and because they disliked the occupation. Women were taking time out because of pregnancy and childcare but also because of inflexible working hours.

Respondents were asked to indicate ‘Other’ reasons for having a period out of practice. These included non-legal work, teaching and study.

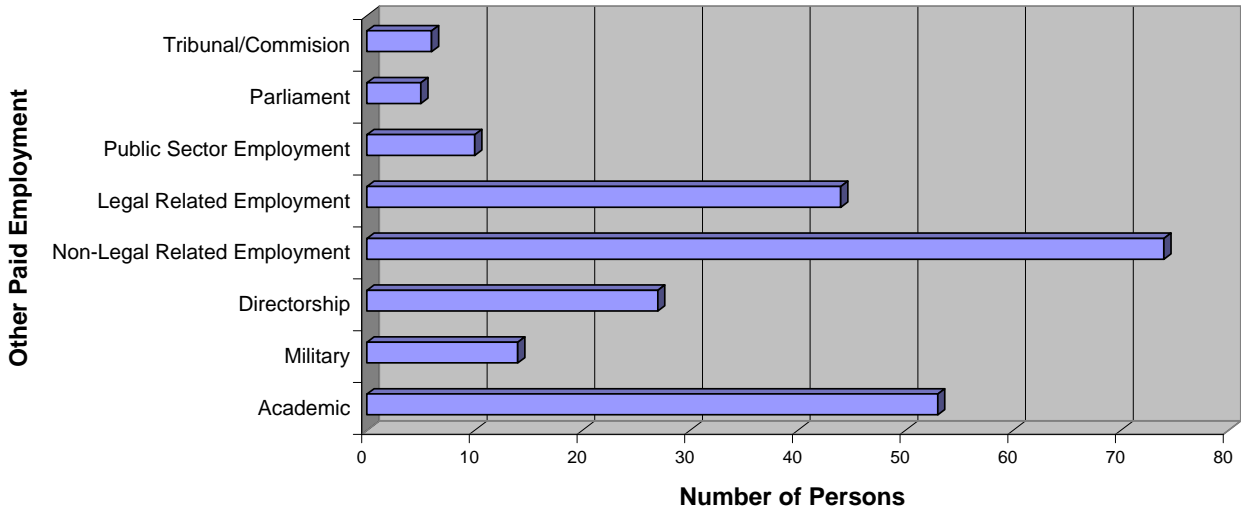
Question Four
If You Have Ever Had a Period Out of Practise, Please Indicate Reason/s



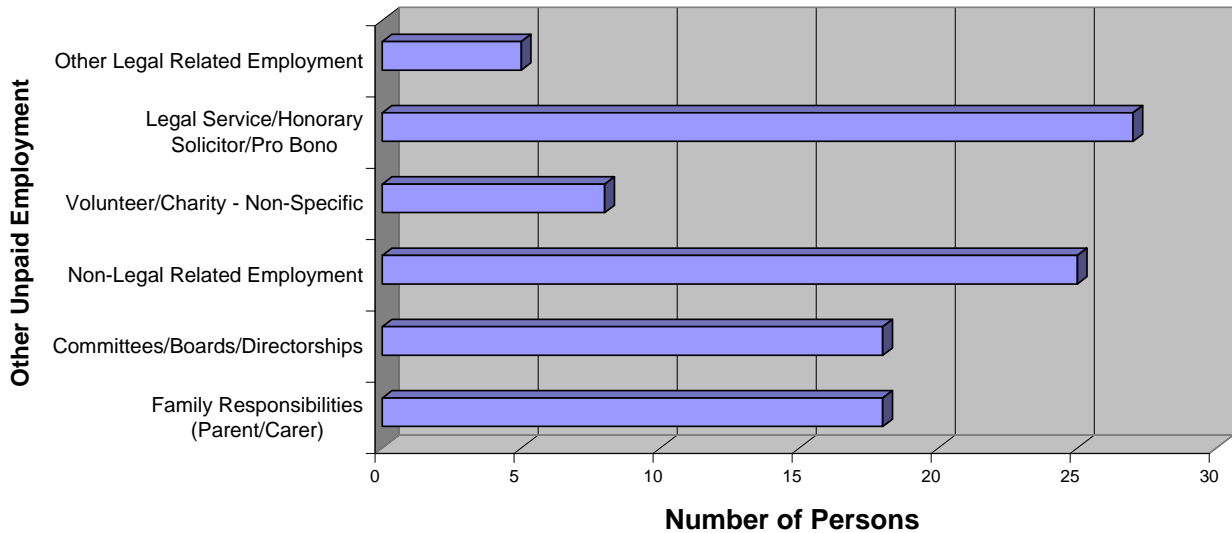
Other Employment

A number of respondents (10.9%) reported being in other paid employment and a further 4% (n=101) were in unpaid employment. The following charts indicate the various additional comments included by respondents to clarify their employment categories.

Question Five(1)
Are you Currently Employed in Any Other Paid Employment?



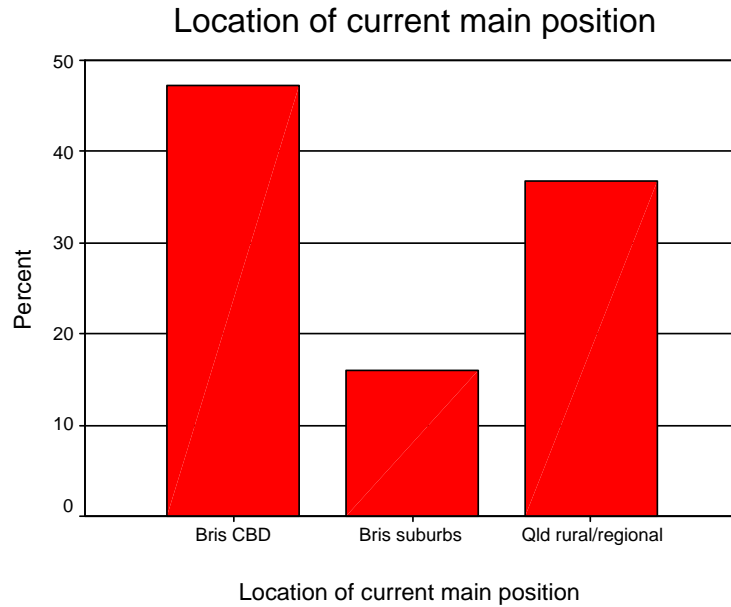
Question Five(2)
Are you Currently Employed in Any Other Unpaid Employment?



It is apparent that very few of the respondents (male or female) acknowledged that being a parent was equivalent to 'unpaid employment', otherwise the statistic for this issue would have been very different.

Location of Practice

Most of the respondents unsurprisingly were working in the Brisbane CBD area (47.2%) and another large group (36.8%) were employed in rural and regional practice.

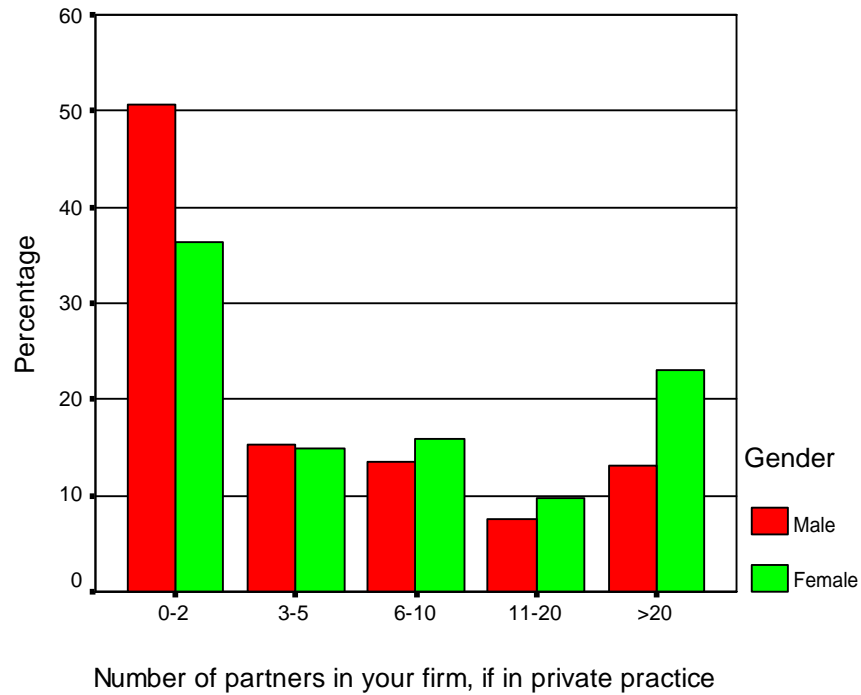


Size of Firms

Most solicitors in private practice were employed in smaller firms with 2 or less partners.



Examining this group by gender, there were more male solicitors in smaller firms.

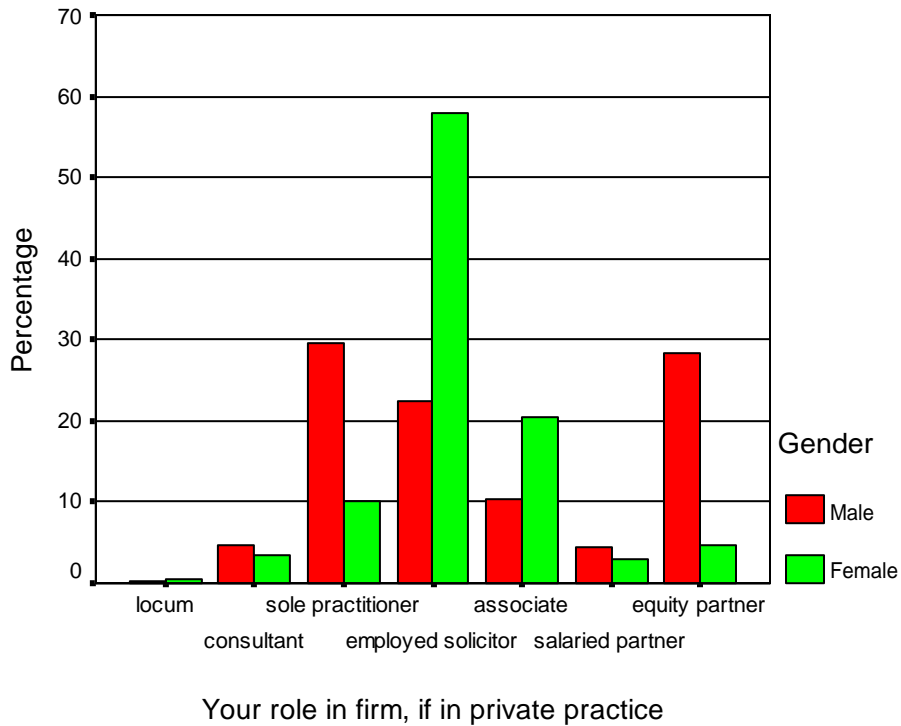


Role in Firm

Employed solicitors made up the bulk of those in private practice (33.7% n=719).

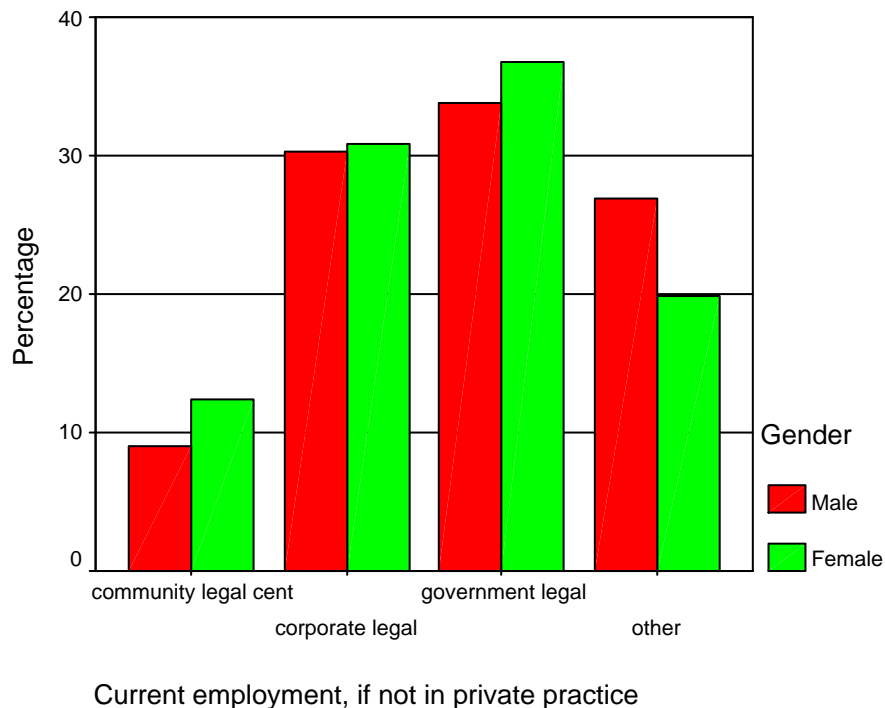


Female solicitors were more likely to be employed solicitors or associates.



Those out of Private Practice

There were 142 government legal practitioners amongst the respondents, representing the largest portion (35.3%) of those not working in private practice.

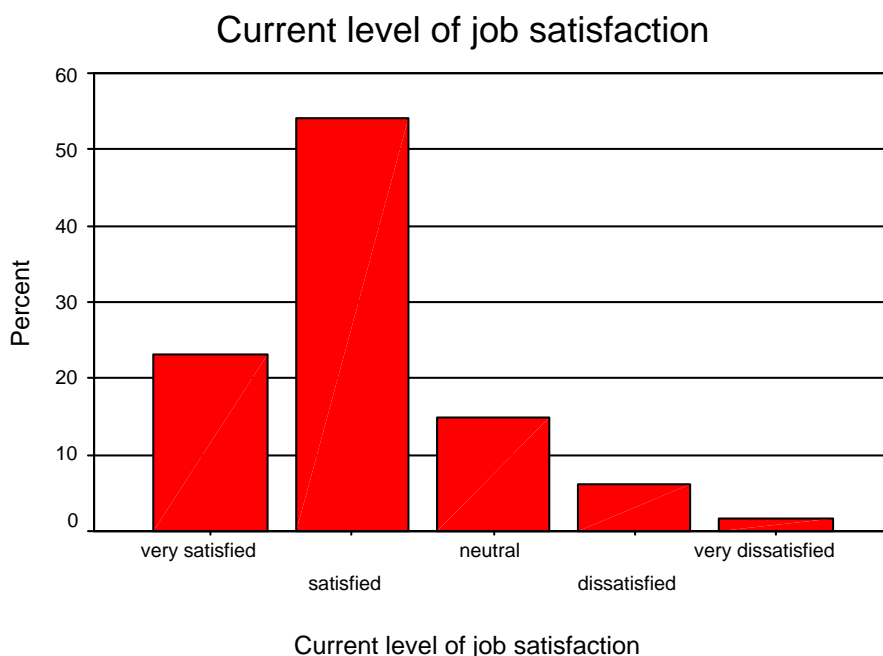


Hours Worked

The bulk of practitioners were working over 40 hours each week with a sizeable proportion 44.2% (n=1091) working over 50 hours and a large 41.1% (n=1015) of respondents reporting they worked between 40 and 49 hours.

Job Satisfaction

Despite these long hours, job satisfaction was reasonably high. Over 77% (n=1904) reported they were satisfied or very satisfied with their current jobs. Another 14.4% were neutral. Only 193 of the respondents reported being dissatisfied or very dissatisfied with their jobs.



Earlier research has examined the drivers of overall job satisfaction, and found that ‘the rate of promotion and career advancement was considerably more influential for men than for women.’³⁴ The key driver of life satisfaction in that earlier study was found to be ‘control over one’s life ahead’ and this was the same for women and men. Respondents rated their corporate environment and the factors of most importance were determined to be: the appropriate use of status, position and power, management practices, systems, policies and procedures, the values espoused by the firm, efforts to make interpersonal relations work, and the quality of internal communication.³⁵

³⁴ Herron M, Woodger A and Beaton G, *Facing the Future: Gender, Employment and the Best Practice Issues for Law Firms: final report. Volume 1 - The Job Satisfaction Study Volume 11 - Effective Practices Guide* (Melbourne: Victoria Law Foundation, 1996). viii.

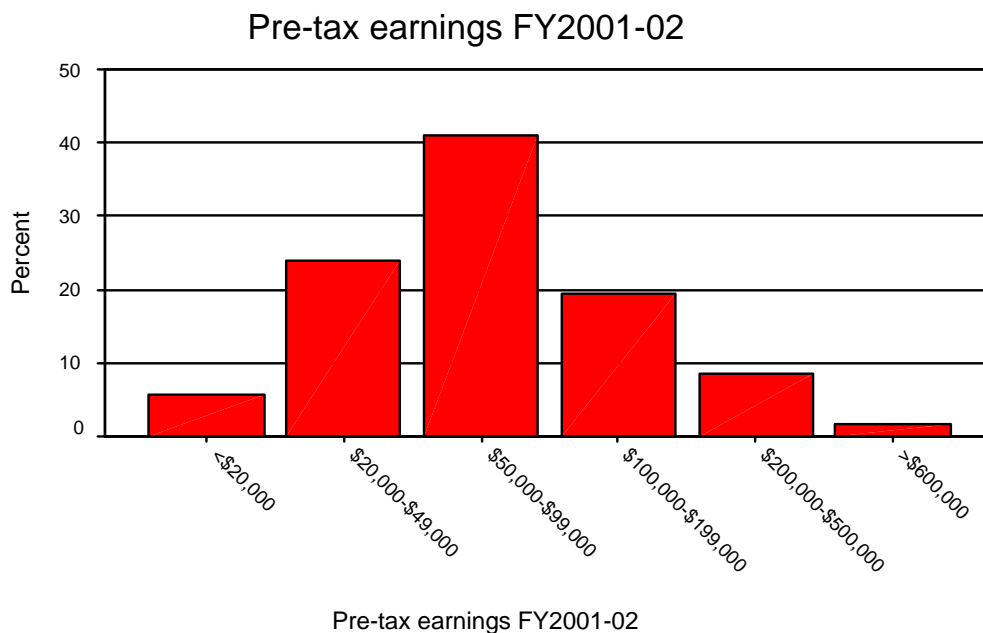
³⁵ Ibid.

Prospects

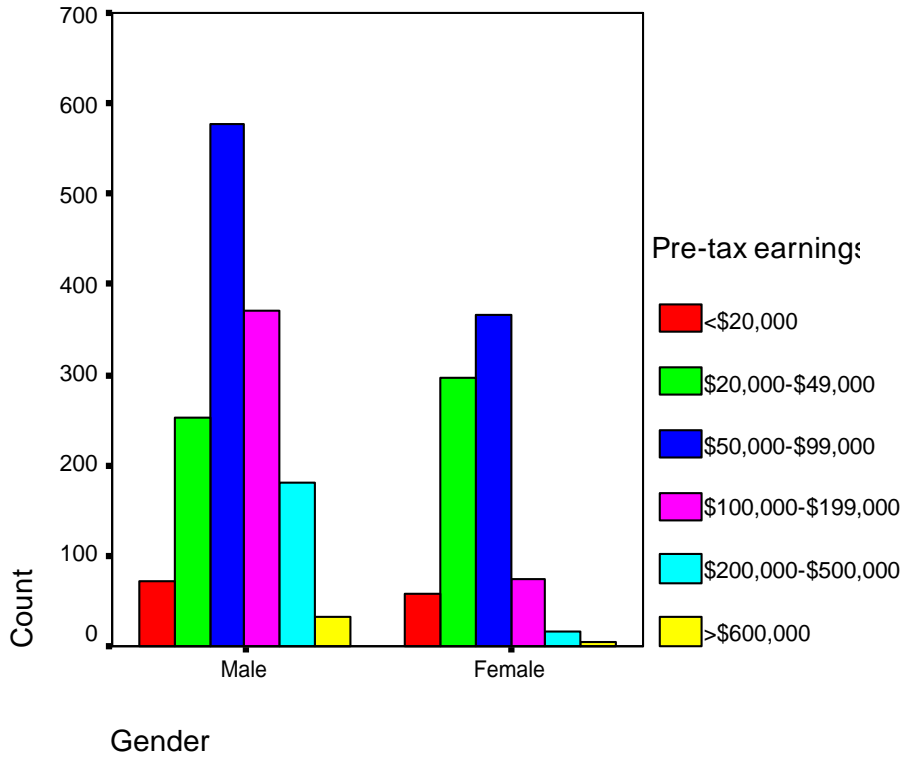
A follow-up question on the survey queried the respondents perceived prospects with their current employer. Again 73.7% (n=1294) reported being very optimistic or optimistic in this respect. There were some neutral responses but only 96 respondents said they were pessimistic or very pessimistic in this regard.

Salaries

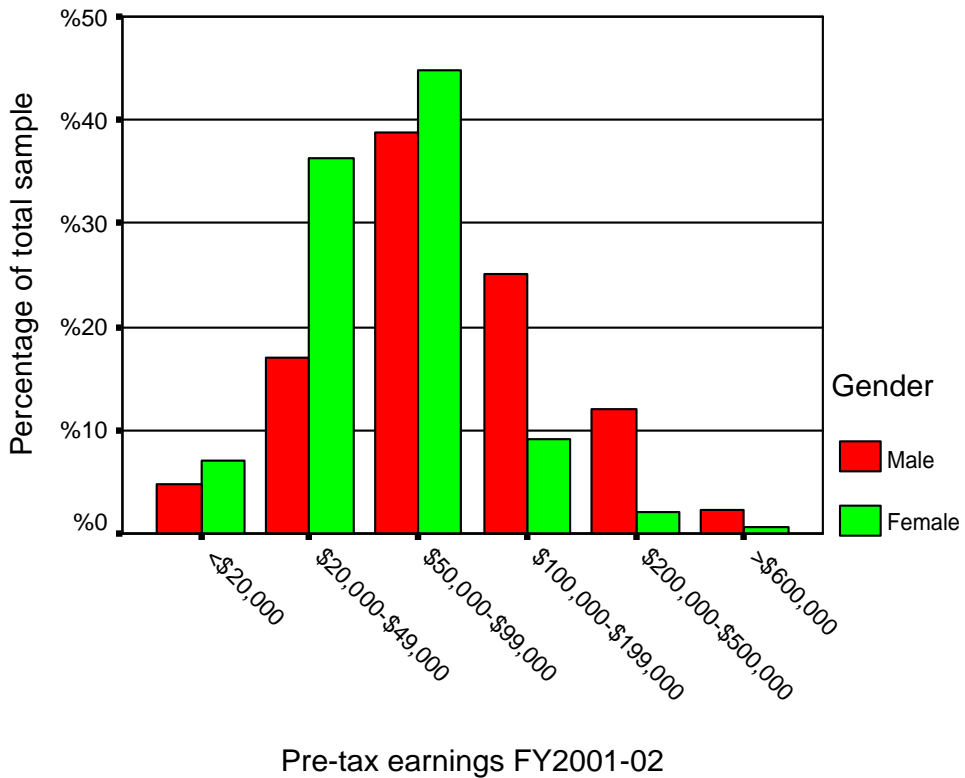
Respondents were also asked about their pre-tax earnings. There were 233 missing responses for this question. The bulk of respondents (40.9%) reported being in the \$50,000-\$99,000 range in the financial year ending June 2002. However, there were 29.7% (n=682) earning over \$100,000.



When gender was examined in relation to earnings, the picture was very marked.

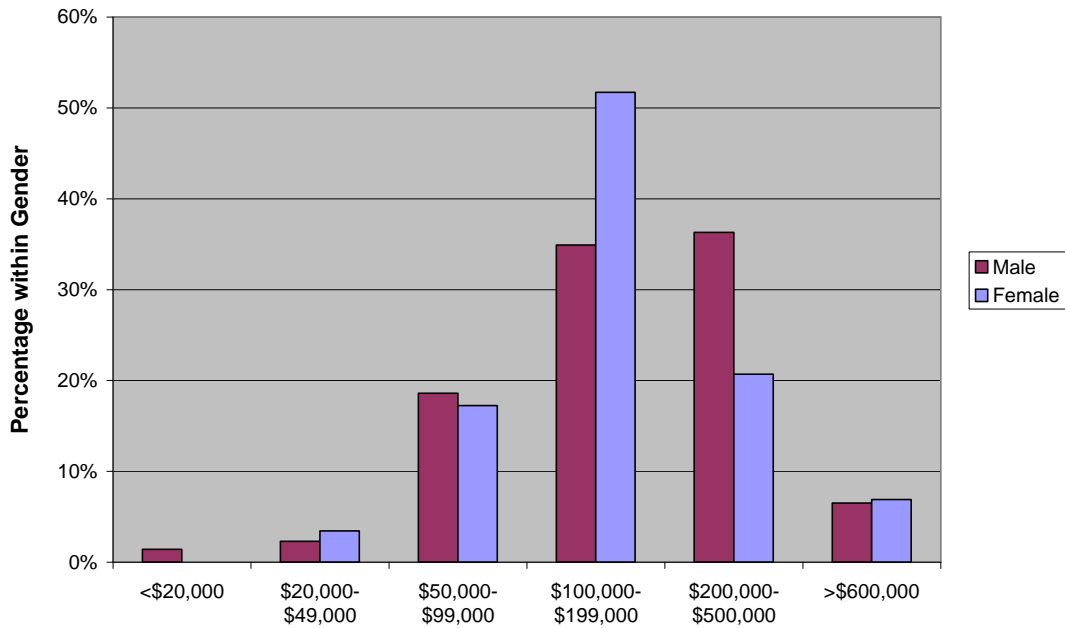


Male practitioners were definitely earning more than their female counterparts. This was especially so in the over \$100,000 category where 39.3% of men but only 11.9% of women were earning over this figure. This might in some way be explained by the number of men in the 20+ years in practice compared to the large number of women who had been in practice less than 5 years.

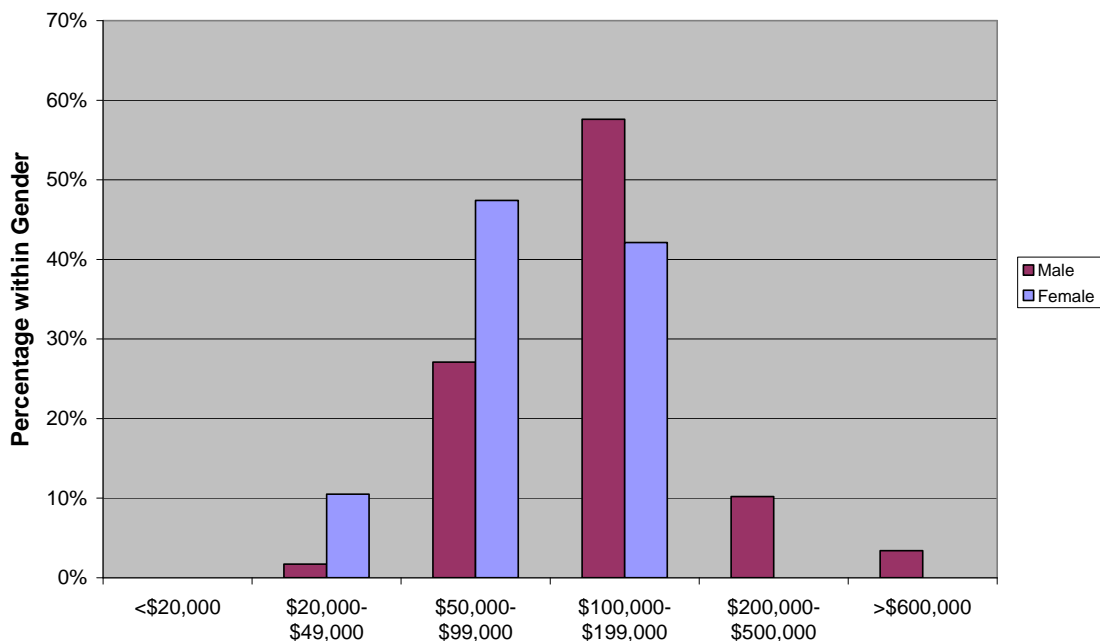


Gender differences in salaries appear to continue in the higher ranks of the firms' structure. While male and female equity partners were equally represented in the highest salary category (>\$600,000; M=6.5%, F=6.9%), male equity partners represented a larger share of the second highest salary category, with 36.3% of male equity partners earning \$200,000-\$500,000 against only 20.7% of female equity partners. Similarly, amongst salaried partners, male salaries outperformed those of females, with 71.2% of all male salaried partners earning over \$100,000, against only 42.1% of all female salaried partners.

Gender/Earnings Distribution for Equity Partners

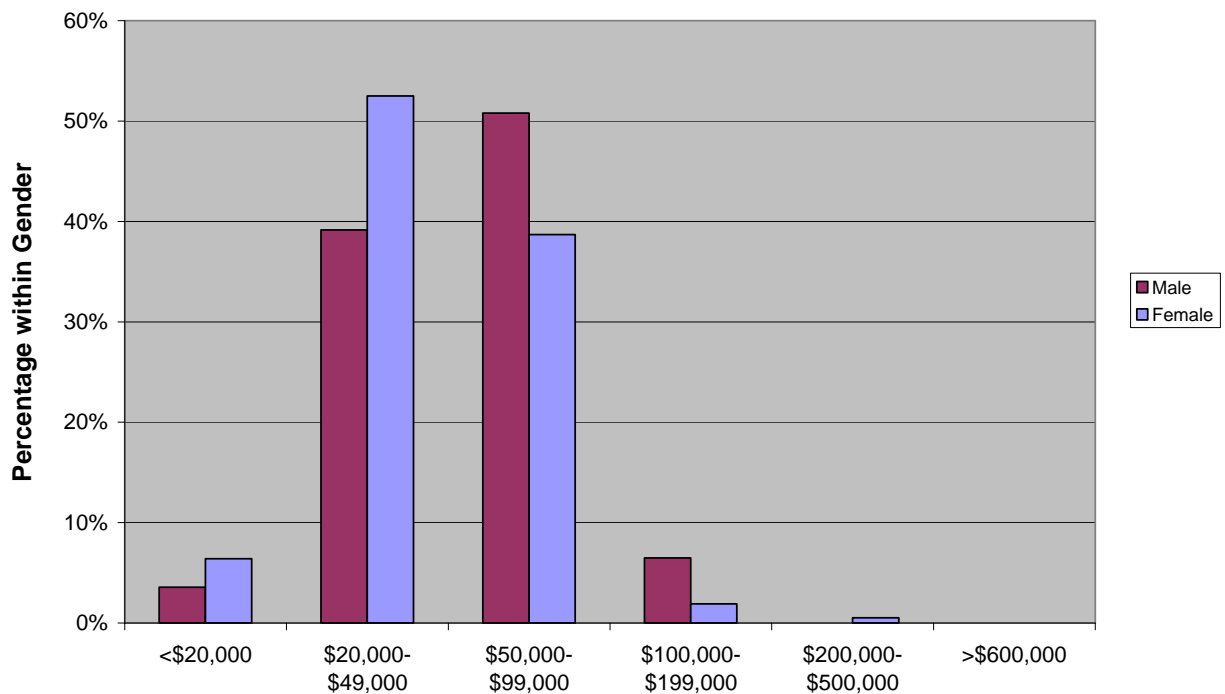


Gender/Earnings Distribution for Salaried Partners

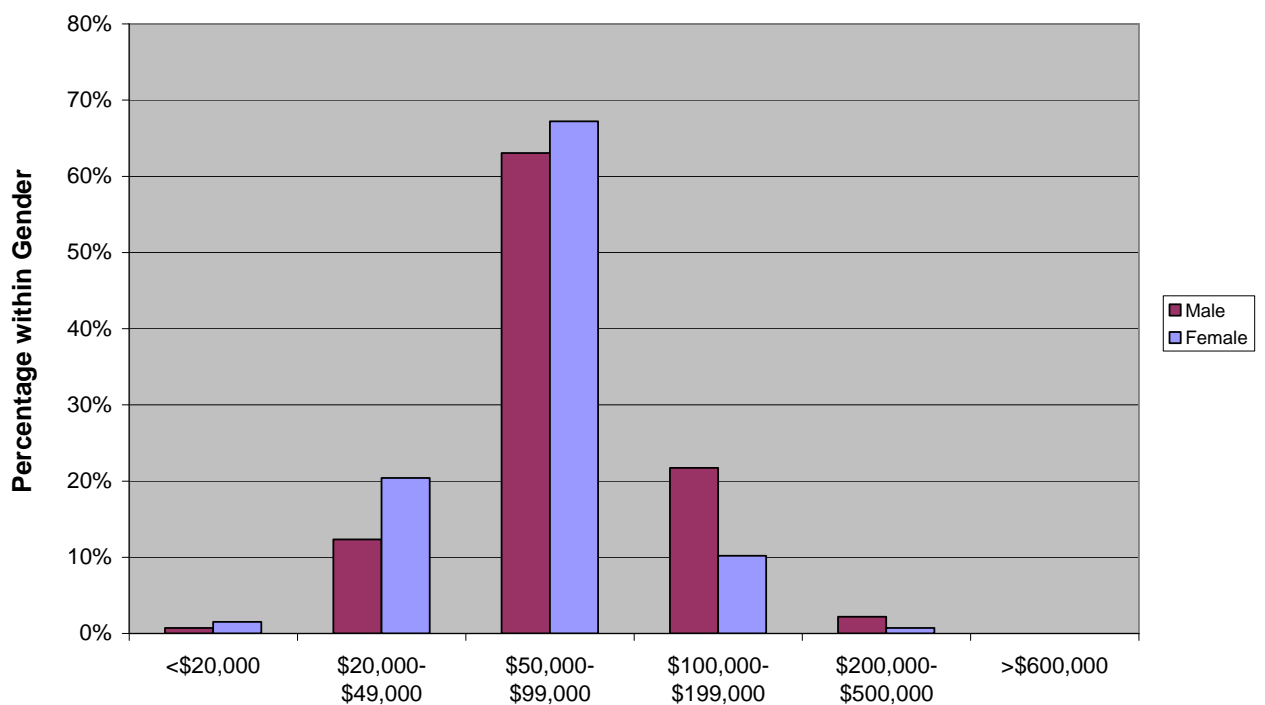


The differences were also evident in the groups of employed solicitors and associates.

Gender/Earnings Distribution for Employed Solicitors



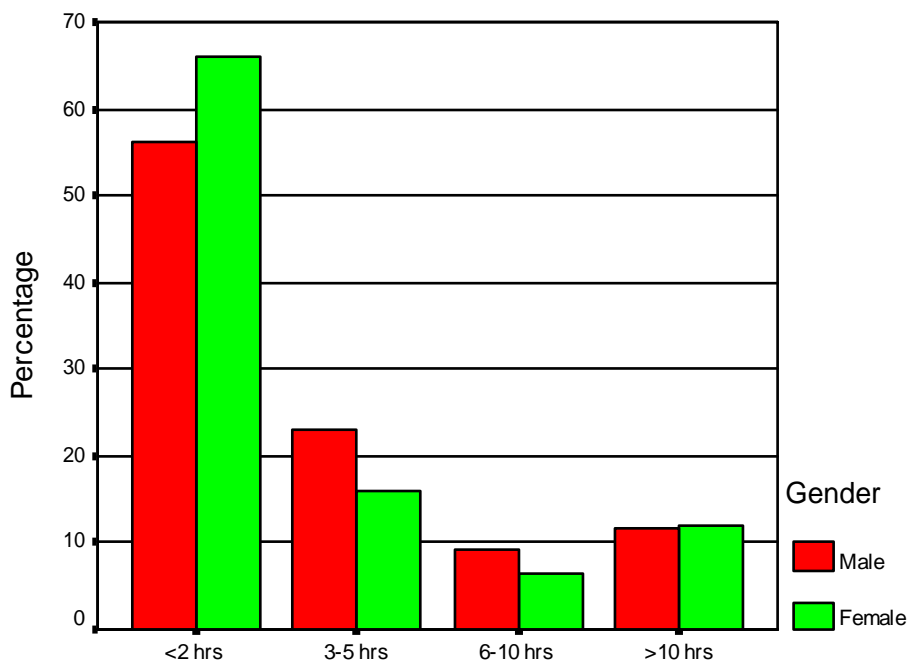
Gender/Earnings Distribution for Associates



There was a marked and statistically significant difference between the earnings scores of males and females across the levels. The magnitude of this difference was large.

Pro Bono Work

The pattern of pro bono work for male practitioners and their female counterparts differs a little. A large proportion of practitioners were involved in pro bono work (87.7%). The following chart demonstrates the response for this query including the breakdown of the responses according to gender.

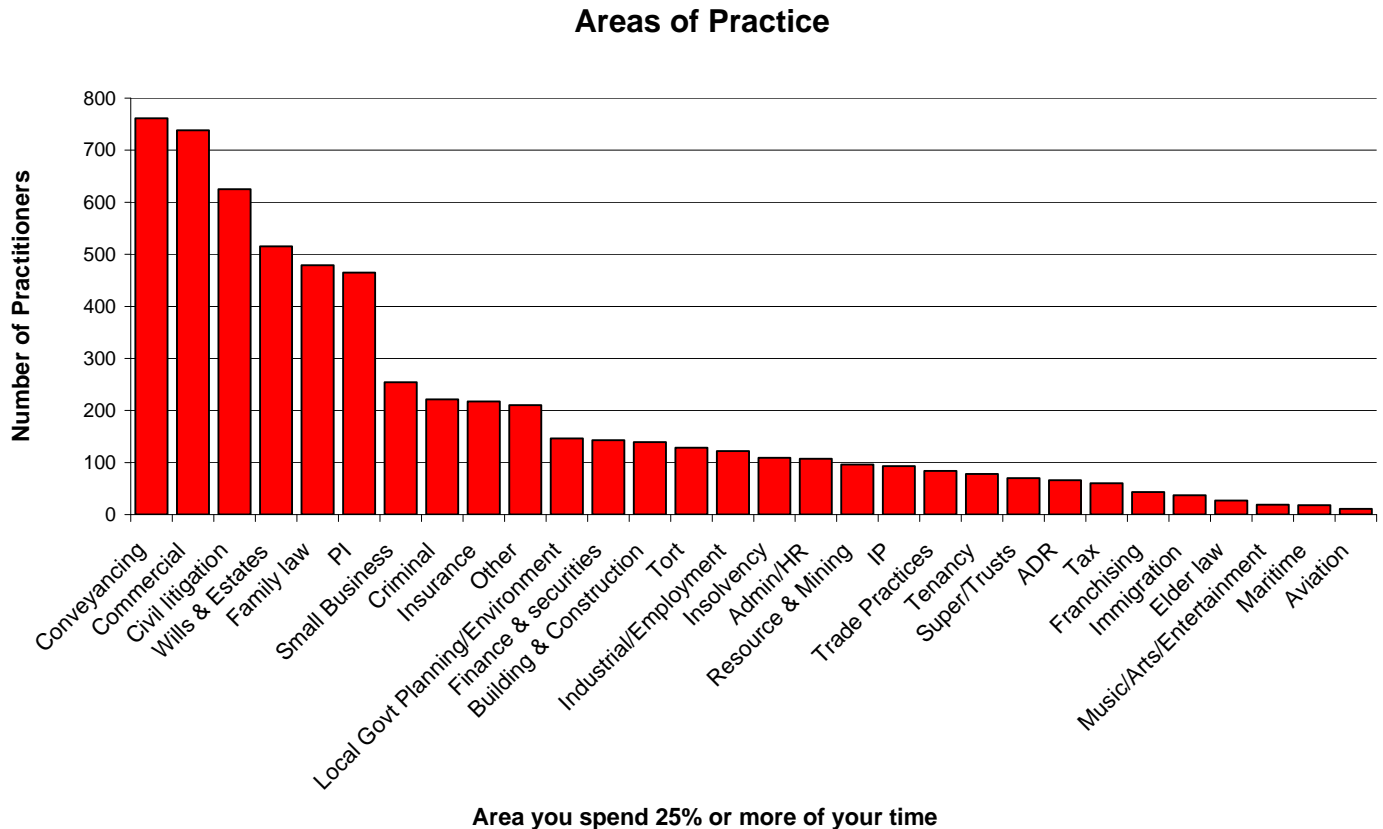


Hours of probono work per average week in FY2001-02

It would seem more women were doing small amounts of such work (under 2 hours), whereas those male practitioners involved in this work were reporting more time spent on it. Those practitioners who were very committed to pro bono work, whether male or female, were averaging over 10 hours per week, and these groups form similar percentages of the whole.

Areas of Practice

A further question covered the areas of practice. Respondents were asked to indicate in which area they spent 25% or more of their time. The predominant areas of practice were conveyancing, commercial, civil litigation, wills and estates, family law, and personal injuries.



Of those areas, 23.8% of female respondents reported working in family law as compared to 16.4% of male respondents. Women also were prominent in industrial & employment law, insurance, intellectual property, trade practices, torts, superannuation & trusts, resources & mining, and administration & human resources. Male respondents were prominent in conveyancing (35.7% of men worked in this area as against 19.1% of women), commercial law (32.9% of men as against 21.9% of women), criminal, wills & estates, and small business. This may be because men are over-represented in small firms (under two partners), with small firms undertaking more conveyancing work and perhaps wills & estates. The 'Other' areas that respondents identified as taking 25% or more of their time included native title, leasing/property, corporate/commercial, information technology/ecommerce and property development.

Equalising Opportunities and Diversity

Diversity within the profession is of major interest taking into account the need to reflect the growing diversity within the wider Australian population. A mere .2% of the respondents identified as being from an Aboriginal or Torres Strait islander group, 4.8% from a group who had English as a second language, and 1.3% as a person with a disability.

Summing Up

These responses give a wide ranging view of Queensland practitioners in 2003. It points to a group who were evenly divided between older and younger practitioners, with many of the younger set being female. The group is homogenous in that the representation of equity groups is negligible. Those in the profession are working long hours but there is still a good satisfaction rating. Female practitioners are not solidly represented in the higher echelon and they are certainly not earning the high amounts enjoyed by their male counterparts.

6. Reported Discrimination and Harassment in the Workplace

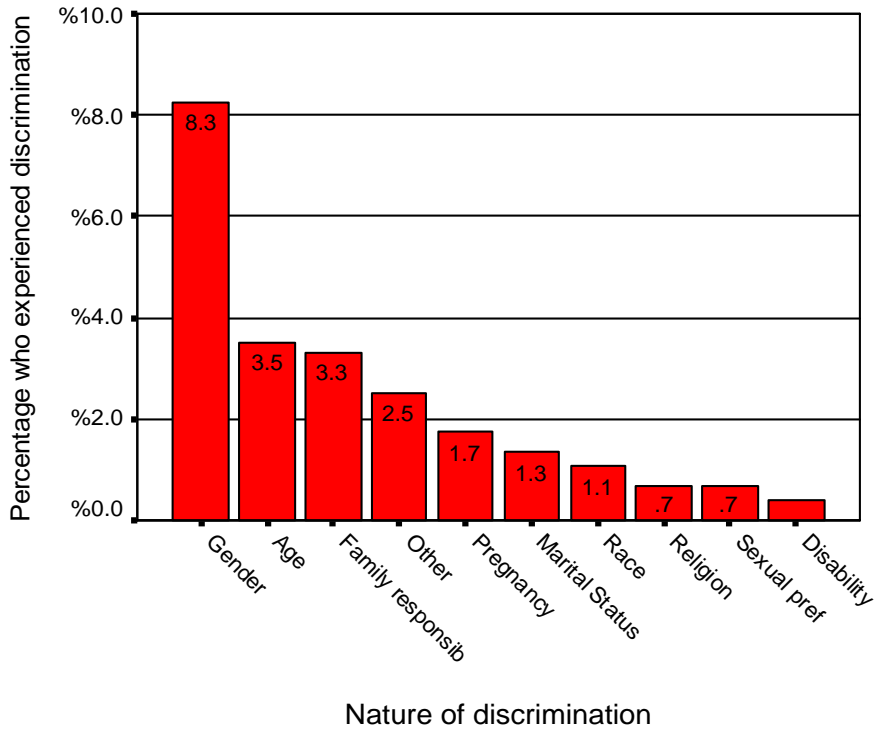
Question 14 of the Survey asked:

‘Have you ever experienced harassment / discrimination during your legal career based on any of the following factors?’

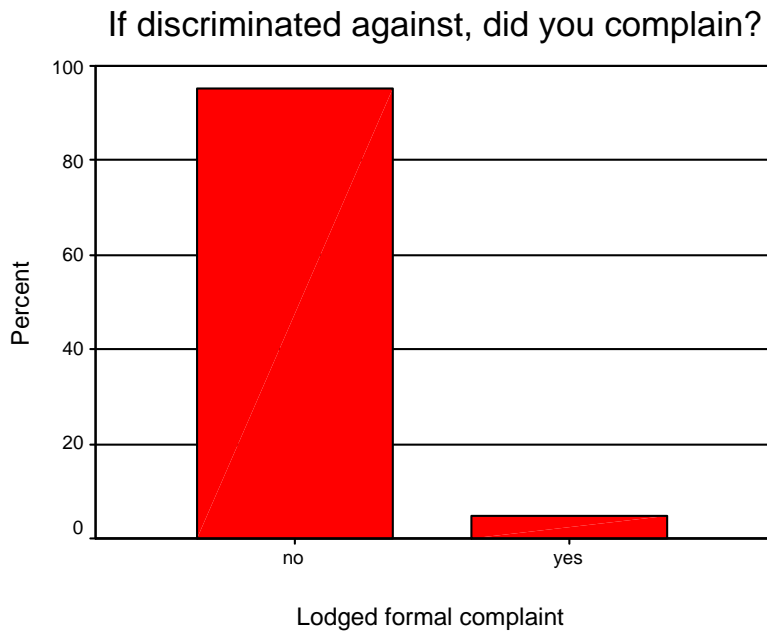
The categories provided were race, religion, gender, marital status, family responsibilities, sexual preference, age, pregnancy, disability and ‘other’.

Of all the respondents, approximately 15% reported some form of discrimination.

The types of discrimination reported included gender (8.3%), age (3.5%), race (1.1%), family responsibilities (3.3%), sexual preferences (.7%), pregnancy (1.7%), disability (.4%), religion (.7%), marital status (1.3%), and ‘other’ (2.5%). There were a total of 259 women reporting any kind of discrimination against 122 men. This means that women were more than twice as likely to perceive discrimination. This is despite the fact that among all those surveyed there were approximately twice as many men as women (1667 men and 867 women).

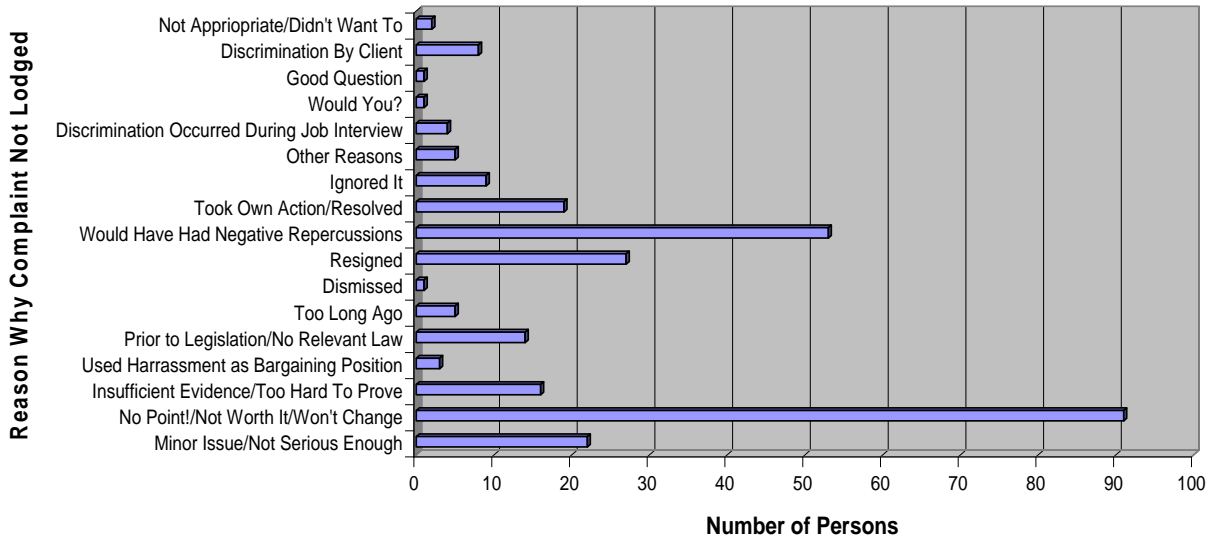


There were 381 respondents who reported experiencing discrimination but only 18 formally complained.



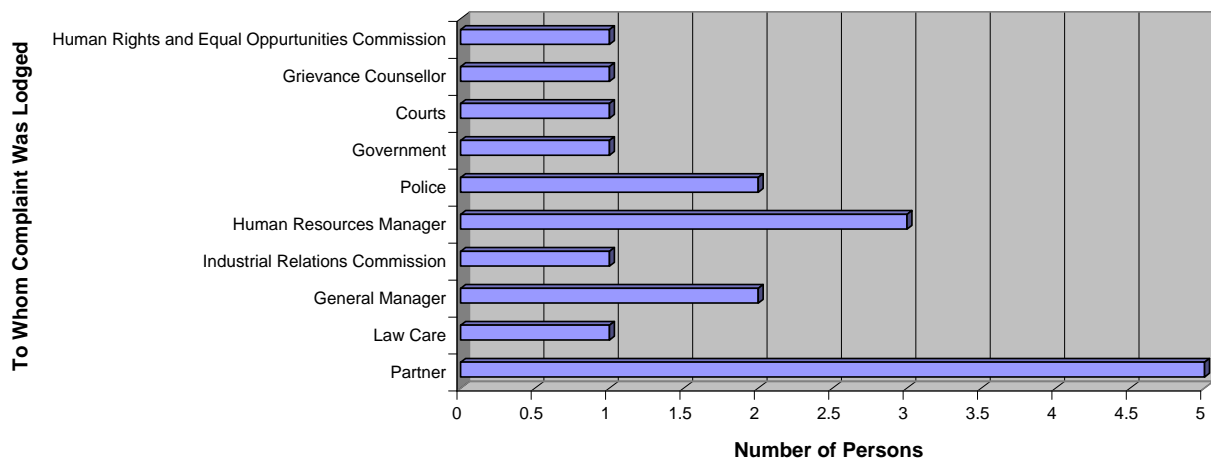
The rates of formal complaints for all categories of discrimination were very low. If they did not lodge a complaint the respondents were asked why. Some of these responses were a little concerning for example ‘would have negative repercussions’ and that there was no point in doing so because nothing would change.

Question 15(1)
If You Answered Yes To Any of The Above, Did You Lodge a Formal Complaint - No - Why Not?

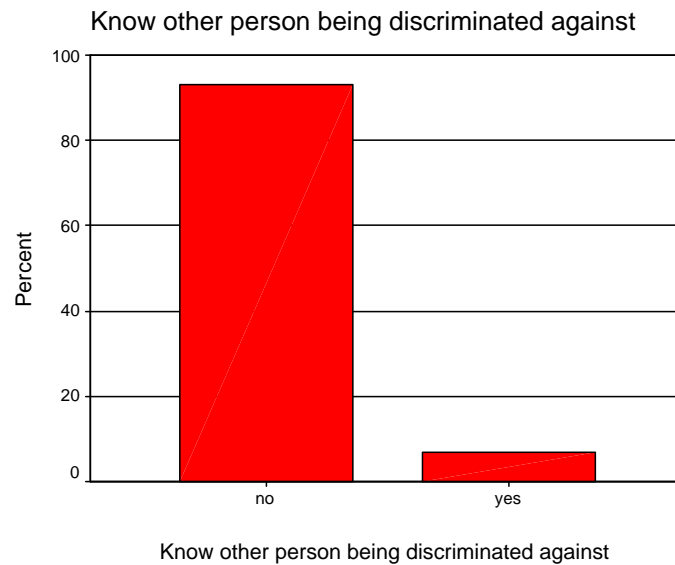


If the respondents had complained they were asked where they had lodged their complaint. Most had approached one of the partners in the firm.

Question 15(2)
If You Answered Yes To Any of The Above, Did You Lodge a Formal Complaint - Yes - With Whom?

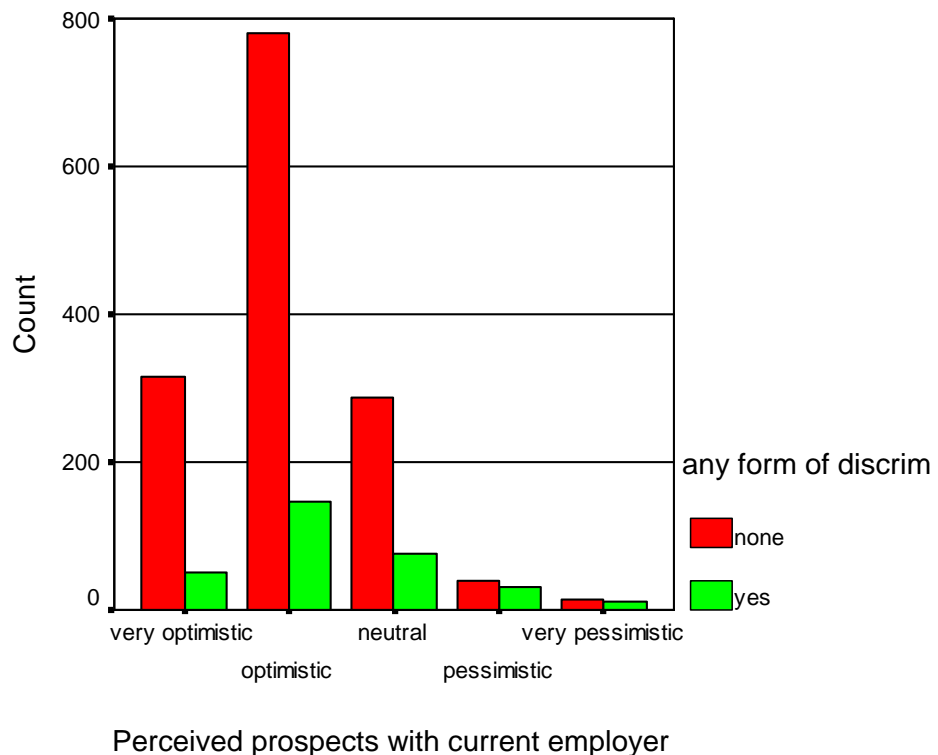


Respondents were also asked if they knew of other persons being discriminated against. Once again there were missing responses, but 68.3% answered no to this question. However, 5.1% (n=130) answered Yes.

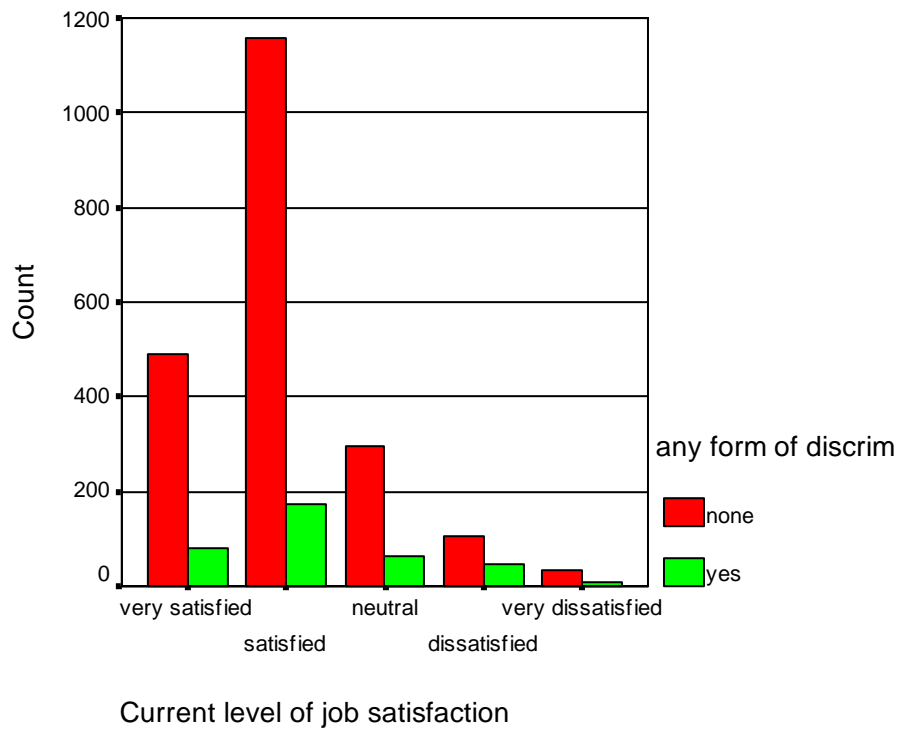


Respondents were asked if there were EEO practices in the firm. A large 80.2% (n=2034) answered 'Yes' but 241 answered 'No' or were Unsure.

Discrimination did seem to affect the respondents' perception of their future prospects in the firm.

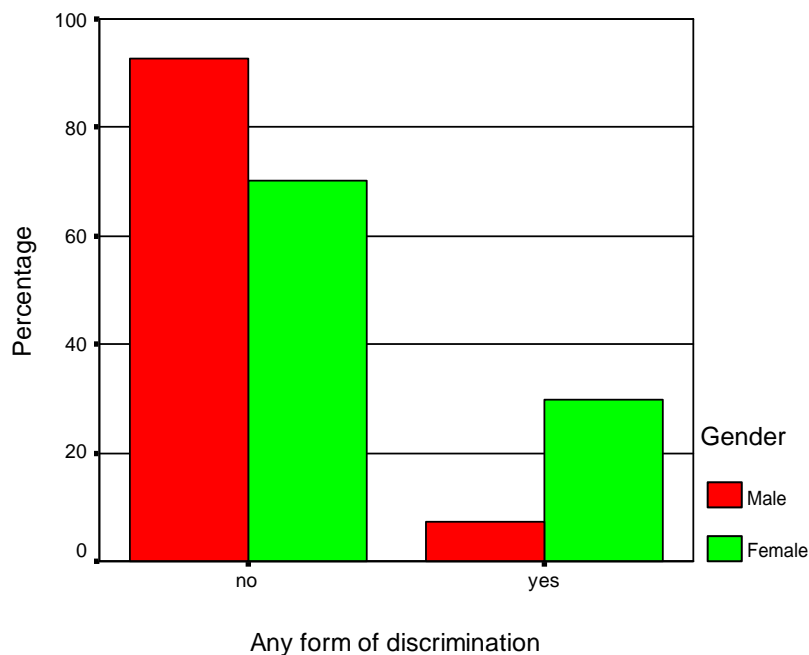


Discrimination also seemed to affect respondents' reported job satisfaction.

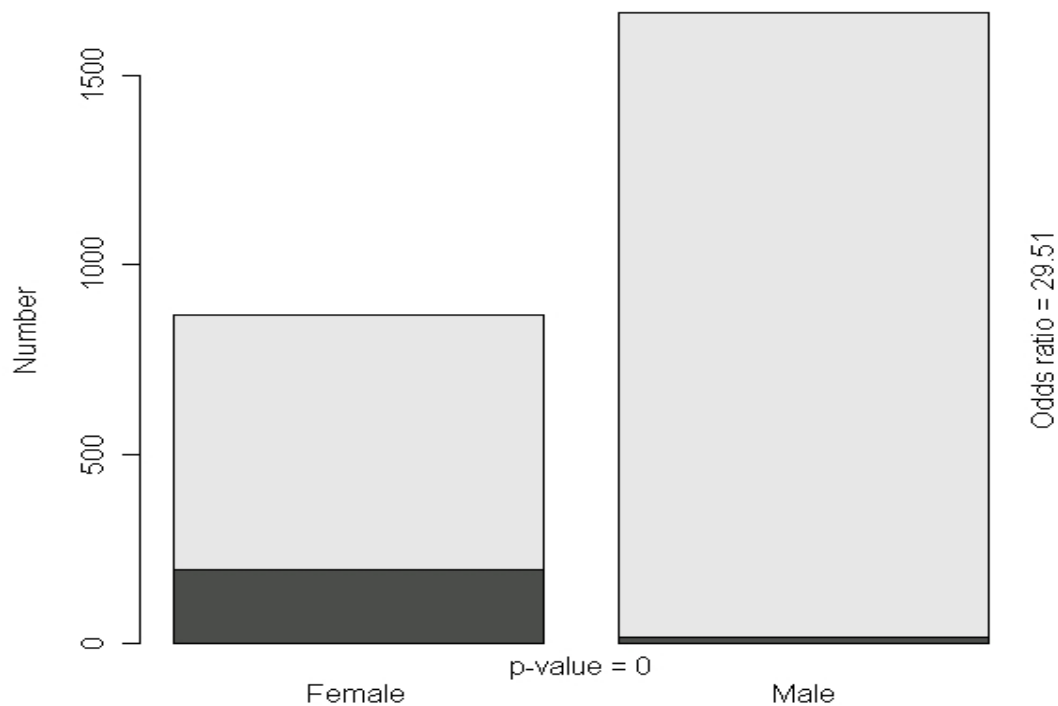


Discrimination on the Basis of Gender

Of the 8.2% of respondents (n=209) reporting discrimination by gender, not surprisingly, the greater proportion were women. Females in the population of 2536 comprise 34% (n=867). Of those reporting discrimination by gender, 92.3% (n=193/209) were female. Males represented 66% (n=1667) of the respondents. Of those reporting discrimination by gender, 7.7% (n=16/209) were male.



Perceived discrimination by gender



The portion of the group that are discriminated against are darkly shaded. Using this plot, it is easy to see that females were more likely to perceive themselves as discriminated against on the basis of gender. The odds ratio shows that those persons discriminated against on the basis of gender were more than 29 times likely to be female (odds ratio=29.51).

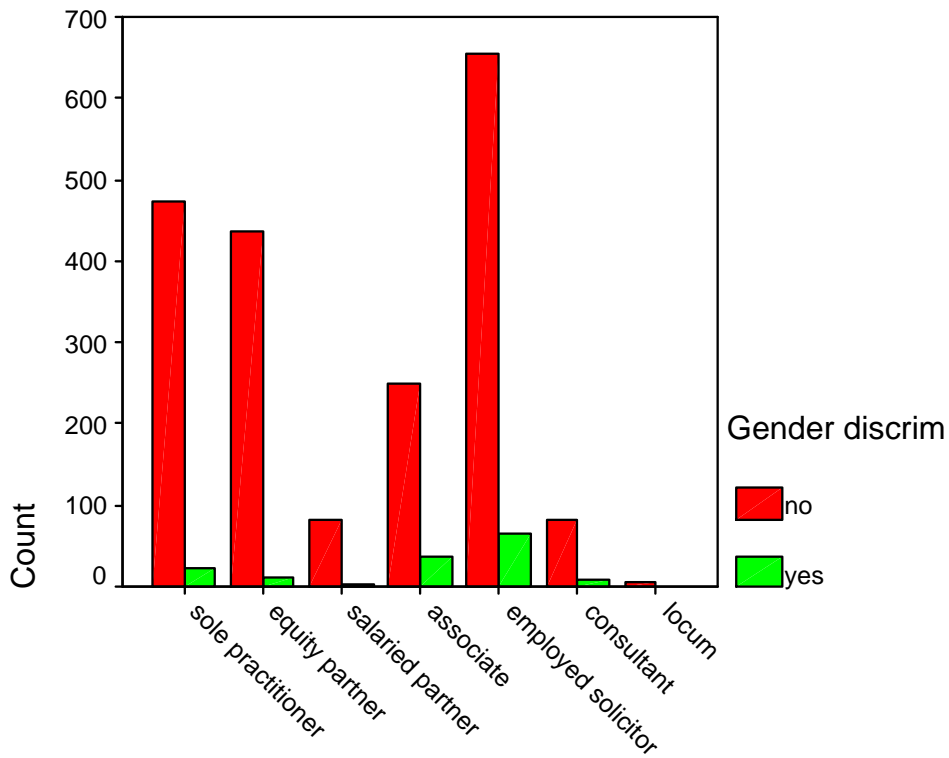
Those women reporting discrimination on the basis of gender were in the younger age bracket. People discriminated on the basis of their gender were nearly twice as likely to come from the 25-29 year old age group. The over 50 group do not report a high incidence of discrimination by gender. In that age group 88.8% (n=532/1667) were male.

The study shows that people reporting gender discrimination were slightly more likely to be practising in the 6-9 year group (odds ratio=1.46). Discrimination on the basis of gender amongst 20-29 year practice group was over 1.5 times less likely to occur.

Those reporting discrimination on the basis of gender were slightly less likely to practice in rural Queensland and were slightly more likely to practice in Queensland Districts and in Brisbane CBD.

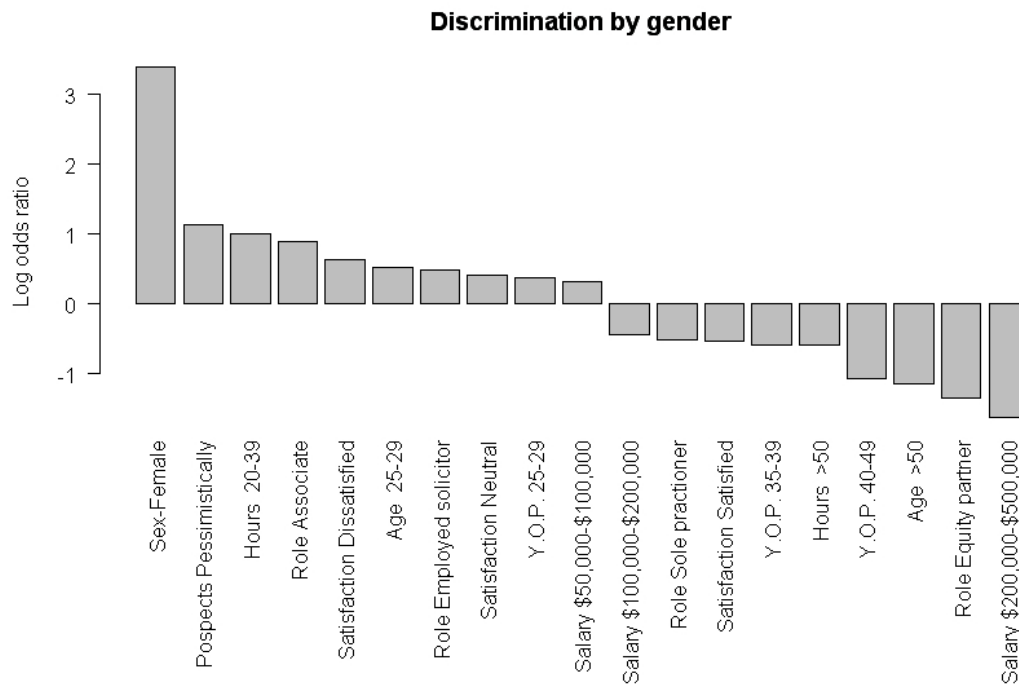
Persons reporting discrimination on the basis of gender were nearly three times as likely to practice in the government legal area (odd ratio=2.71)

Those persons reporting discrimination on the basis of gender were nearly twice as likely to be an associate.



Your role in firm, if in private practice

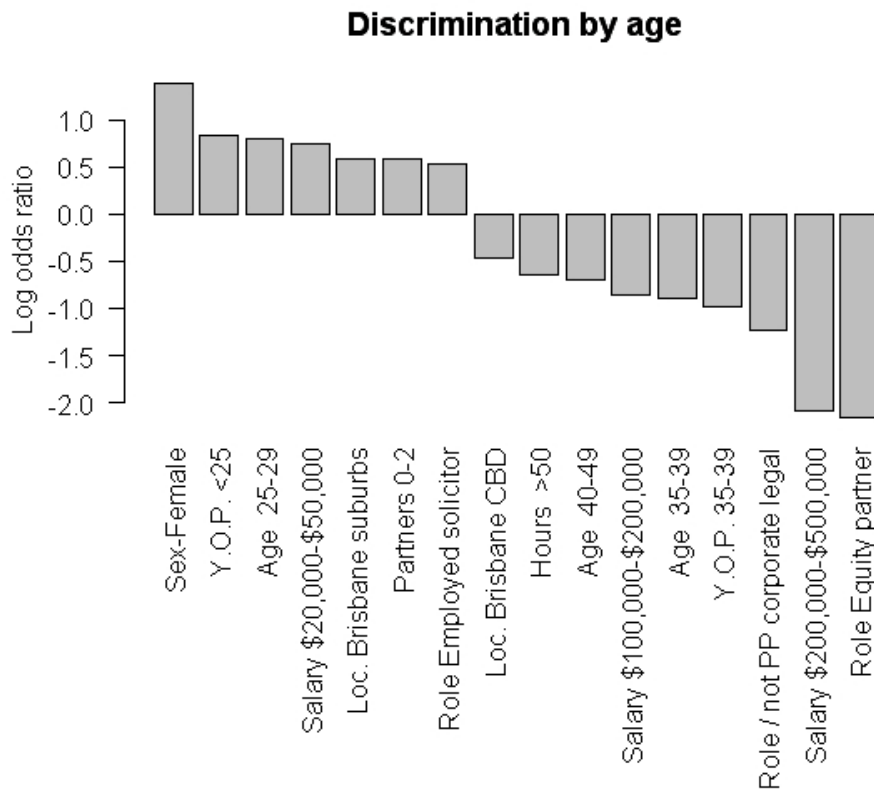
Persons reporting discrimination on the basis of gender were just over 1.5 times less likely to report a satisfactory rating of their job (odds ratio=0.60).



The figure above highlights the attributes of those respondents who reported perceptions of discrimination because of their gender. These respondents were predominantly younger female employed solicitors or associates who viewed their prospects pessimistically and had high dissatisfaction levels. Older practitioners who had been in practice for over 35 years and who were on higher salaries were less likely to perceive discrimination of this nature.

Discrimination on the Basis of Age

There were 3.5% of respondents (n=89/2536) reporting discrimination by age. Women were more likely to report discrimination by age than men. Persons reporting discrimination on the basis of age were nearly four times more likely to be female (odds ratio=3.98). Males represented 66% (1667) of the respondents, yet of those reporting discrimination by age, only 33.8% (n=30/89) were male. Persons reporting discrimination on the basis of age were two and a half times less likely to be male (odds ratio=0.40).

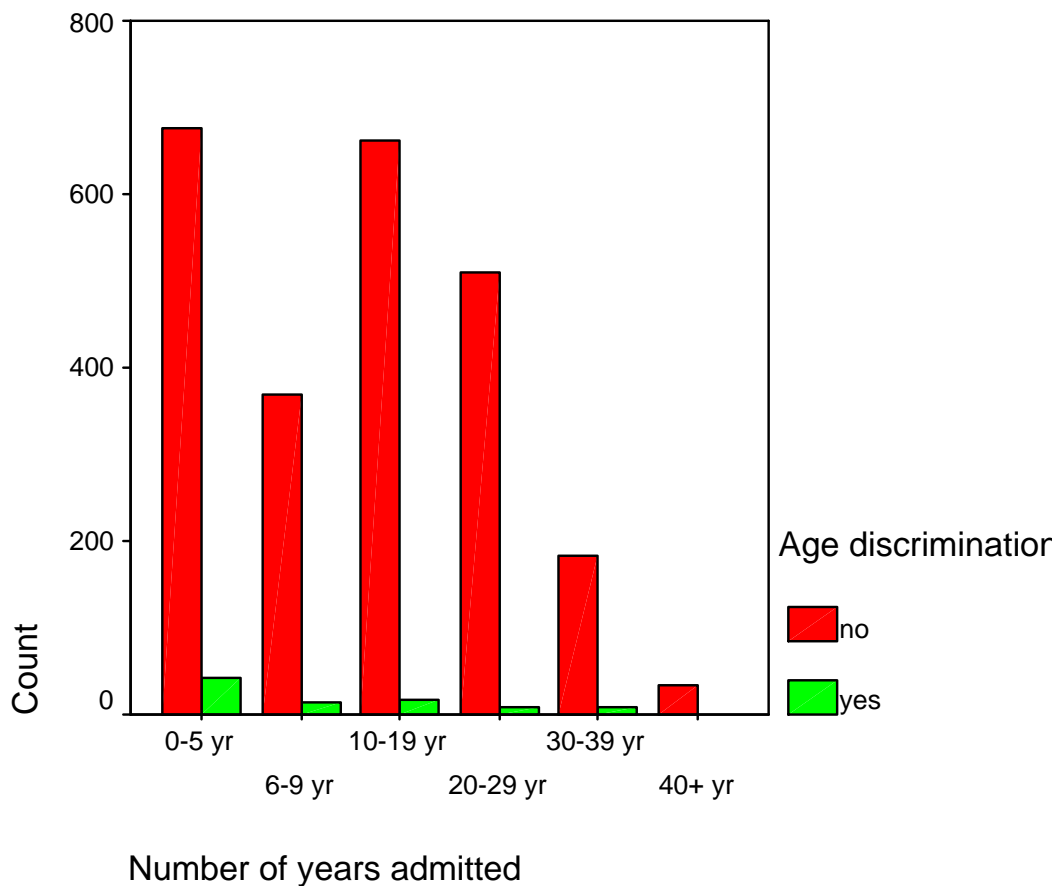


Of those respondents reporting discrimination by age, 28% (n=25/89) came from the 25-29 year old age group. This is much higher than that age group in the general population of respondents which was 15.4% (n=392/) and is significant. Persons reporting discrimination on the basis of age were 2.2 times more likely to come from the 25-29 year old age group (odds ratio=2.21).

The other group demonstrating higher reportage rates for age discrimination were the 50+ age group who reported 31.4% (n=28/89) in terms of the general population for this age group which was 23.6% (n=599). It was found that persons reporting discrimination on the basis of age were 1.5 times more likely to be age 50 or over (odds ratio=1.51).

Of those reporting discrimination by age in the under 29 group, 83% (n=25/30) were female. Of those reporting discrimination by age in the 50+ age group, 57.1% (n=16/28) were male.

Of those respondents reporting discrimination by age, 47.2% (n=42/89) were in the 0-5 year in practice group. A person reporting discrimination on the basis of age was over two and a half times less likely to be from the 20-29 year practice group (odds ratio=0.38).



Of those respondents reporting discrimination by age, 24.7% (n=22/89) were practicing in the Brisbane Districts, this is compared to 15.5% (n=392) of persons in the practising area generally. Persons reporting discrimination on the basis of age were nearly twice as likely to come from the Brisbane Districts (odds ratio=1.84). Of those reporting discrimination by age 36% (n=32/89) were practicing in the Brisbane CBD, this is compared to 45.8% (n=1160/) of persons in the practising area generally. Persons reporting discrimination on the basis of age were one and half times less likely to practice in the Brisbane CBD (odds ratio=0.65).

Those who were reporting discrimination on the basis of age 11.2% (n=10/89) came from the government legal group, compared to 5.4% (n=142/) of the population surveyed. It was found that persons reporting discrimination on the basis of age were more than twice as likely to come from the government legal sector (odds ratio=2.22).

It was found that persons reporting discrimination on the basis of age were ten times less likely to be equity partners (odds ratio=0.1).

Discrimination by age did not appear to affect the satisfaction rating with respondents' work and positions. This can be compared to gender discrimination. Gender discrimination led to significant findings of dissatisfaction. This does not appear to be the case for age.

Discrimination on the Basis of Family Responsibilities

There were 3.3% of respondents (n=84) reporting discrimination on the basis of family responsibilities.

Of those reporting discrimination on the basis of family responsibilities, 77.4% (n=65/84) were female. Women were more likely to report discrimination by family responsibilities than men. Persons reporting discrimination on the basis of family responsibilities were almost 8 times more likely to be female (odds ratio=7.028).

Of those respondents reporting discrimination on the basis of family responsibilities, 22.6% (n=19/84) came from the 35-39 year old age group, and 36.9% (n=31/84) came from the 40-49 year old age group. This is much higher than that age group in the general population of respondents, which was 12.3% (n=313) and 26.9% (n=683) respectively and is significant. Those discriminated on the basis of family responsibility were over twice as likely to come from this 35-39 year old age group (odds ratio=2.14). It has also been calculated that persons reporting discrimination on the basis of family responsibilities were over one and half times more likely to come from the 40-49 year age group (odds ration=1.61).

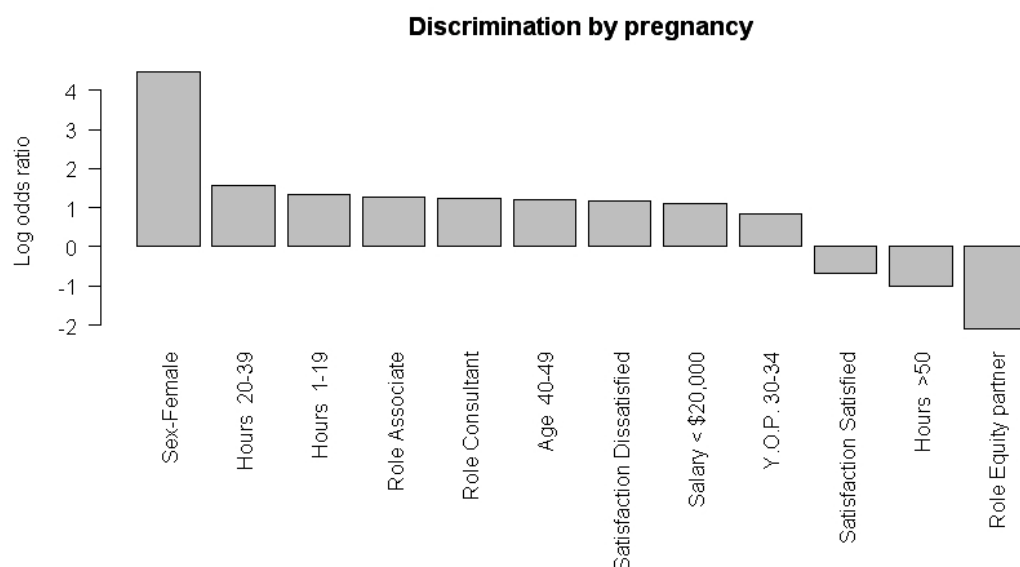
Both men and women were reporting discrimination on the basis of family responsibility within their age group.

The most significant statistic in this area for those reporting discrimination on the basis of family responsibilities was those in the 10-19 years practice group. Here 46.4% (n=39/84) were discriminated against on the basis of family responsibilities. This is compared to 26.7% (n=678) of persons in the practice group generally.

Conversely, of those reporting discrimination on the basis of family responsibilities 17.9% (n=15/84) were in the 0-5 year in practice group, compared to 28.34% (n=718). So this group were reporting less discrimination on the basis of family responsibilities than the general population – they were over one and half times less likely to come from the 0-5 year practice group (odds ratio=0.54). Common sense would suggest that this group consists of younger practitioners who are less likely to have children or family constraints on their time.

Those respondents reporting discrimination on the basis of family responsibilities were nearly one and half times less likely to come from the Queensland Rural practice area (odds ratio=0.71). Persons discriminated against on the basis of family responsibilities were twice as likely to be associates in the firm (odds ratio=2.04). Those reporting discrimination on the basis of family responsibilities were generally more dissatisfied and less satisfied.

Discrimination on the Basis of Pregnancy



There were 1.7% of respondents (n=44) reporting discrimination on the basis of pregnancy, and 97.7% (n=43/44) were female.

Of those respondents reporting discrimination on the basis of pregnancy, there was no significant correlation between the reported discrimination and their age group except for those in the 40-49 year age group. Persons discriminated against on the basis of pregnancy were three times more likely to be in the 40-49 year age group (odds ratio=3.33).

Of those reporting discrimination on the basis of pregnancy, 45.5% (n=20/44) were in the 10-19 years practice group compared to 26.7% (n=678) of persons in the practice group generally. Persons discriminated against on the basis of pregnancy were over

two times more likely to be in the 10-19 years practice group (odds ratio=2.32) and were twice as less likely to be in the 0-5 years practice group (odds ratio=0.47).

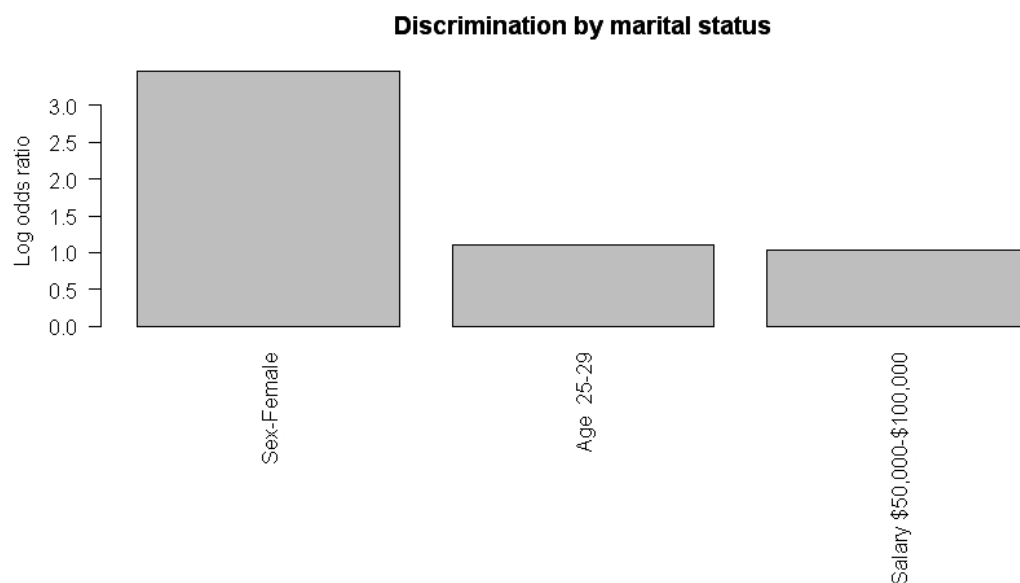
Of those from the corporate legal field, 11.4% (n=5/44) reported discrimination on the basis of pregnancy compared to 4.85% (n=123) of those surveyed in the corporate legal field generally.

Out of those who reported discrimination on the basis of pregnancy, only 2.27% (n=1/44) were equity partners. Also, out of the 85 salaried partners (3.41%) none reported discrimination on the basis of pregnancy. On the other hand, 25% (n=11/44) of associates reported discrimination on the basis of family responsibilities, compared to 11.4% (n=288) of associates surveyed.

Persons discriminated against on the basis of pregnancy were over two and a half times more likely to be associates in the firm (odds ratio=2.66).

Persons discriminated against on the basis of pregnancy were three times more likely to be dissatisfied with their employment (odds ratio=3.10).

Discrimination on the Basis of Marital Status



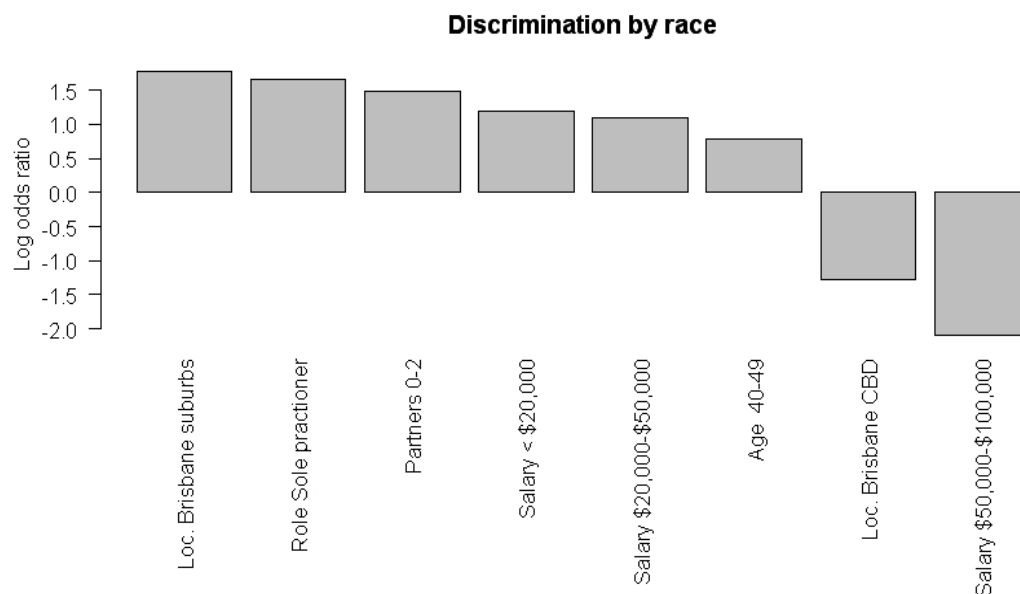
There were 1.3% of respondents (n=34) reporting discrimination on the basis of marital status, and 94.1% (n=32/34) were female.

Of those reporting discrimination on the basis of marital status, 35.3% (n=12/34) came from the 25-29 year old age group. Of those reporting discrimination on the basis of marital status 35.3% (n=12/34) were in the 0-5 years practice group compared to 28.3% (n=718) of persons in the practice group generally. Persons discriminated against on the basis of marital status were nearly twice as likely to be from the 10-19 years practice group (odds ratio=1.94). Of those reporting

discrimination on the basis of marital status 58.8% (n=20/34) were from the Brisbane CBD, compared to 45.8% (n=1160) of persons in the practice area generally.

Of those who reported discrimination on the basis of marital status, 35.3% (n=12/34) were employed solicitors. Persons discriminated against on the basis of marital status were over two and a half times more likely to be dissatisfied with their employment (odds ratio=2.15).

Discrimination on The Basis of Race



There were 1.1% of respondents (n=27) reporting discrimination on the basis of race. Of those reporting discrimination on the basis of race, 81.5% (n=22/27) were male. This is much higher than the general population of males at 65.8% (n=1667).

Of those respondents reporting discrimination on the basis of race, those in the 40-49 year age group were more likely to be discriminated against.

Persons discriminated against on the basis of race were slightly more likely to be in the 0-5 years practice group (odds ratio=1.27).

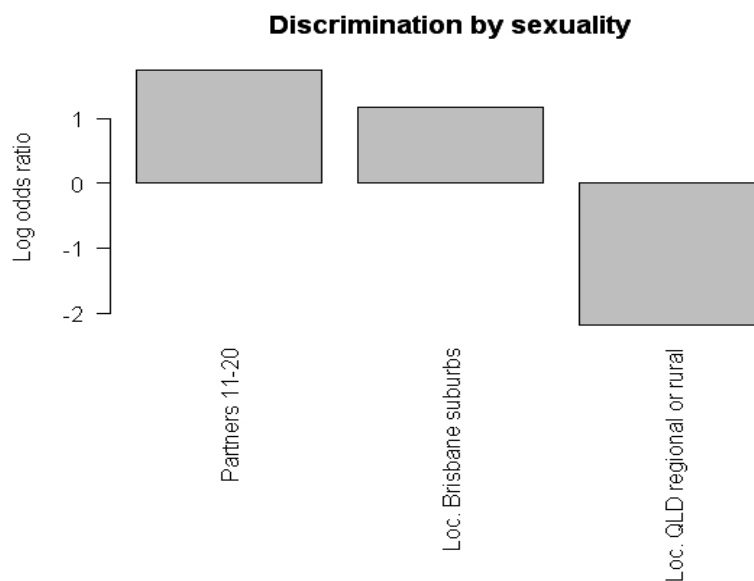
Persons discriminated against on the basis of race were nearly five times more likely to practice in the Brisbane Districts (odds ratio=4.98).

Persons discriminated against on the basis of race were more likely to work in the community legal sector (odds ratio=2.93).

Interestingly of those who reported discrimination on the basis of race, there were no Associates, Consultants, Locums (0/385) and very few equity partners. Persons discriminated against on the basis of race were over two and half times more likely to be employed as a sole practitioner (odds ratio=2.87).

Persons discriminated against on the basis of race were over four and half times more likely to be very dissatisfied with their employment (odds ratio=4.81).

Discrimination on The Basis of Sexual Preferences



There were 0.7% of respondents (n=17) reporting discrimination on the basis of sexual preferences. Of those persons reporting discrimination on the basis of sexual preferences, 58.8% (n=10/17) were male and 41.2% (n=7/17) were female. Persons discriminated against on the basis of sexual preferences were slightly more likely to be female (odds ratio=1.35).

Persons discriminated against on the basis of sexual preferences were one and a half times more likely to come from the 35-39 year age group (odds ratio=1.53).

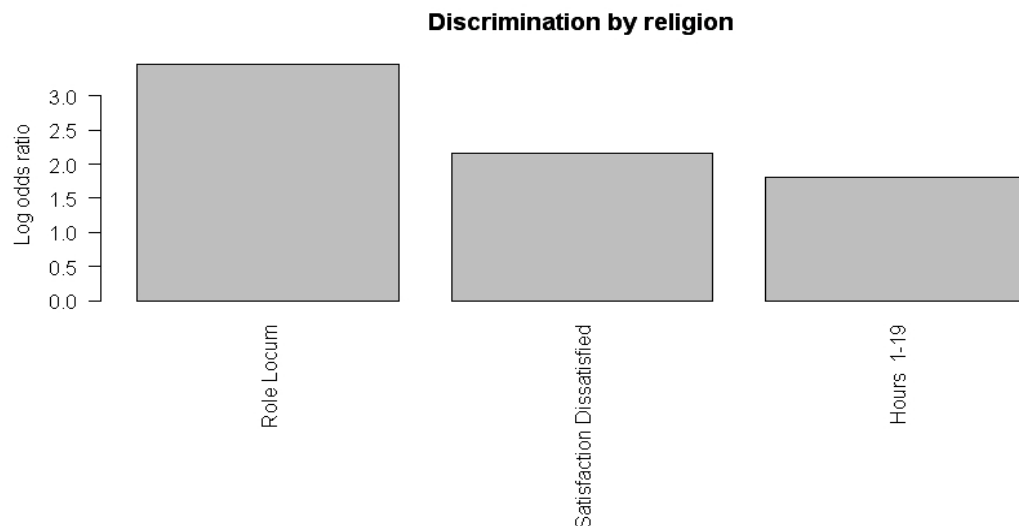
Persons discriminated against on the basis of sexual preferences were slightly more likely to come from the 0-5 year practice group (odds ratio=1.38).

Of those reporting discrimination on the basis of sexual preferences, there were far higher percentages from Brisbane CBD and Brisbane Districts compared to that of Queensland Rural.

Persons discriminated against on the basis of sexual preferences were four times more likely to practice in the corporate legal sector (odds ratio=4.28).

Persons discriminated against on the basis of sexual preferences were over one and a half times less likely to be employed as equity partners (odds ratio=0.62). They were half as likely to be employed as an associate (odds ratio=0.49).

Discrimination on The Basis of Religion



There were 0.7% of respondents (n=17) reporting discrimination on the basis of religion. Of those persons reporting discrimination on the basis of religion, 35.3% (n=6/17) were female. This is considerably lower than the general population of females at 34.2% (n=867). Of those reporting discrimination on the basis of religion 64.7% (n=11/17) were male. This is much higher than the general population of males at 65.8% (n=1667).

Persons discriminated against on the basis of religion were nearly one and a half times more likely to be from the 40-49 year age group (odds ratio=1.48).

Persons discriminated against on the basis of religion were over two and a half times less likely to be from the 6-9 years practice group (odds ratio=0.35), and were nearly twice as more likely to be from the 10-19 years practice group (odds ratio=1.93).

Of those reporting discrimination on the basis of religion there were far higher percentages from Brisbane Districts and Queensland Rural compared to Brisbane CBD.

Persons discriminated against on the basis of religion were over twice as more likely to practice in the government legal sector (odds ratio=2.26).

On the other hand, of those who reported discrimination on the basis of religion 11.8% (n=2/17) were Consultants.

Persons discriminated against on the basis of religion were three and a half times less likely to be satisfied with their employment (odds ratio=0.28).

Discrimination on the Basis of Disability

There were 0.39% of respondents (n=10) reporting discrimination on the basis of disability. Of those persons reporting discrimination on the basis of disability, 40% (n=4/10) were female and 60% (n=6/10) were male. This is much higher than the general population of males at 65.8% (n=1667).

Of those reporting discrimination on the basis of disability 70% (n=7/10) came from the 40+ year old age groups, compared to the general population of that age which was 40.5% (n=1282).

Of those reporting discrimination on the basis of disability 20% (n=2/10) were in the 30-39 years practice group compared to 7.57% (n=192) of persons in the practice group generally. Persons discriminated against on the basis of disability were three times more likely to be from the 30-39 years practice group (odds ratio=3.07).

Of those reporting discrimination on the basis of disability there were far higher percentages from Brisbane Districts and Queensland Rural compared to Brisbane CBD.

Persons discriminated on the basis of their disability were overrepresented in all fields except for the Government Legal Sector where there were none (0/142).

Interestingly, of those who reported discrimination on the basis of disability there were no Associates, Consultants, Equity Partners, or Locums (total of 0/810). This finding is of moderate statistical significance (p-value=0.036). One explanation for persons with a disability not being discriminated against in a higher position could be that persons with a disability cannot attain those positions because of some other factor: illness or possibly discrimination itself?

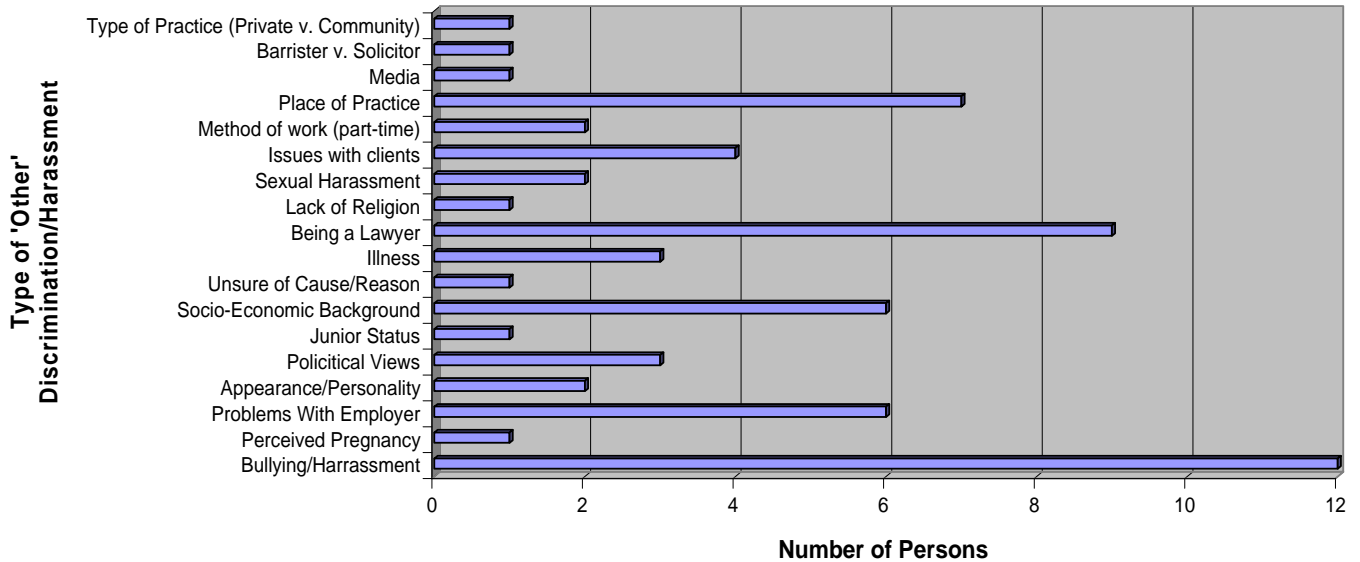
Persons discriminated against on the basis of disability were one and a half times more likely to be employed as a sole practitioner (odds ratio=1.77).

Persons discriminated against on the basis of disability were over five times more likely to be either very dissatisfied or dissatisfied with their employment (odds ratio=5.36).

Discrimination on the Basis of an ‘Other’ Form of Discrimination

Men were more likely to be discriminated against in areas other than the ones surveyed, with males representing 68.8% (n=44/64) of those reporting an ‘other’ form of discrimination. In total, there were 2.5% of respondents (n=64) reporting an ‘other’ form of discrimination. The main forms of ‘other’ discrimination identified were bullying and harassment.

Question Fourteen
Have You Ever Experienced Harrassment/Discrimination During Your Legal Career
Based on Any of The Following Factors - Other?



Persons discriminated against on the basis of an ‘other’ form of discrimination were one and half times more likely to be from the 20-29 year practice group (odds ratio=1.55).

Those respondents reporting an ‘other’ form of discrimination 37.5% (n=24/64) were less likely to be practicing in the Brisbane CBD, and slightly more likely to come from the Queensland Rural Practice area.

Persons from the government legal sector were 3 times as likely to have reported an ‘other’ form of discrimination than the general population (odds ratio=3.28)

Out of those who reported discrimination on the basis of an ‘other’ form of discrimination, only 9.38% (n=6/64) were equity partners, and 20.3% (n=13/64) were employed solicitors. Of interest is the large group of respondents who were discriminated against on the basis of an ‘other’ form of discrimination. That is 29.7% (n=19/64), compared to 15.6% (n=386) of those surveyed non-respondents. Those reporting discrimination on the basis of an ‘other’ form of discrimination were generally more dissatisfied and less satisfied.

7. Recommendations

The challenges highlighted for the profession from this basic survey are fairly clear and echo themes identified in other reports. The Law Council of Australia has been seeking to advance solutions to these issues through its various committees, such as the Equalising Opportunities in the Law Committee, which include representatives from the state law societies and other concerned associations such as the Women Lawyers. From these results it would seem that:

1. The Society needs more and better statistics on the profession including the costs of attrition, so as to encourage firms to review their recruitment practices and their work condition policies. The progress of women in the legal profession should be monitored and reported to encourage change. Perhaps this can be accomplished by another follow-up survey of the Queensland profession in order to map the effectiveness of any changes occurring. The Society should encourage a national study possibly in conjunction with the Law Council of Australia.
2. The Society needs to include sex discrimination, bullying and sex harassment provisions in the rules of professional conduct.
3. The Society needs to include equal opportunity affirmative actions and sex harassment issues in training courses and mandatory continuing legal education programs, as well as education on equity issues for members.
4. While there is legislation in place that can be used to enforce rights, the profession seems reluctant to use these avenues.³⁶ More appropriate ways of handling grievances should be investigated.
5. The Society should be encouraging and assisting employers to address the barriers to the career advancement of women lawyers and lawyers from the various equity groups. Guidelines should be developed to promote equal employment opportunity in law firms.³⁷
6. The Society needs to develop some minimum standards or benchmarks for employment related issues such as billable hours of work and telecommuting.³⁸ We should develop and implement changes to work practices to accommodate the family responsibilities of both men and

³⁶ New South Wales Attorney-General's Department and Department for Women, *Gender Bias and the Law: Women Working in the Legal Profession* Report of the Implementation Committee, October 1996.

³⁷ *Response to Gender Bias and the Law: Women Working in the Legal Profession in New South Wales*, New South Wales Department for Women, October 1995

³⁸ 157.

women lawyers.³⁹ There should be an attempt made to develop ‘best practice’ guidelines for enterprise agreements in law firms.⁴⁰

8. Conclusion

The challenges for progress evident from this report are obvious, but the pathway to change is more difficult to determine. The main themes emerging are the need to continue to monitor the situation in Queensland through another comparative study. Reliable and standardised national statistics would be of even greater assistance. The professional conduct rules need to be amended to state that sexual harassment, workplace bullying and discrimination constitute unprofessional conduct. There needs to be more allowance made for flexible work practices and for more equal opportunity information and training to be provided at all levels of the profession. These were all recurrent themes in the literature from the last decade. The more recent reports are suggesting that the answer to many of the work issues being highlighted in this study lies in a better work-life balance particularly in the legal firms.⁴¹ This would benefit the whole legal workforce and in so doing would be especially beneficial to women.

³⁹ Goodluck, 3.

⁴⁰ *Response to Gender Bias and the Law: Women Working in the Legal Profession in New South Wales*, New South Wales Department for Women, October 1995

⁴¹ For a full bibliography on this issue see T. Hutchinson, ‘Women in the Legal Profession’ (2005) 13 (2) *Australian Law Librarian* 23-35.