

A balancing act

Friday, 31 January 2014 (4 days ago) • Alison O'Connell • Strategy and management



LACCA research suggests that while many women find life easier in-house than in firms, senior roles are still male-dominated

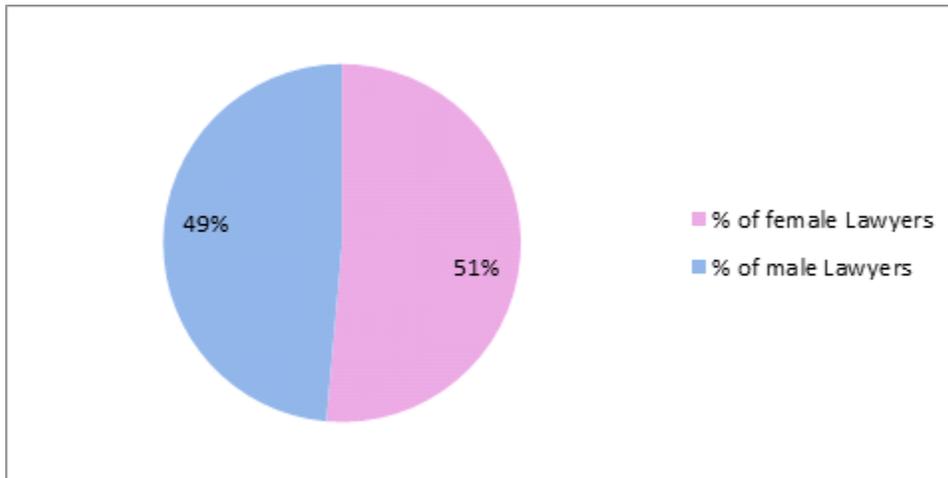
In every country and sector in the world, women are on the whole hired less, paid less, promoted less often and otherwise held back in their professional careers, most particularly in the upper echelons of business.

The legal profession is no different and remains a comparatively male dominated sector. While the scales of justice are beginning to rebalance as an increasing number of women enter the in-house legal profession, our research suggests that disparities remain when it comes to women in senior positions in corporate legal departments across the US and Latin America.

The results

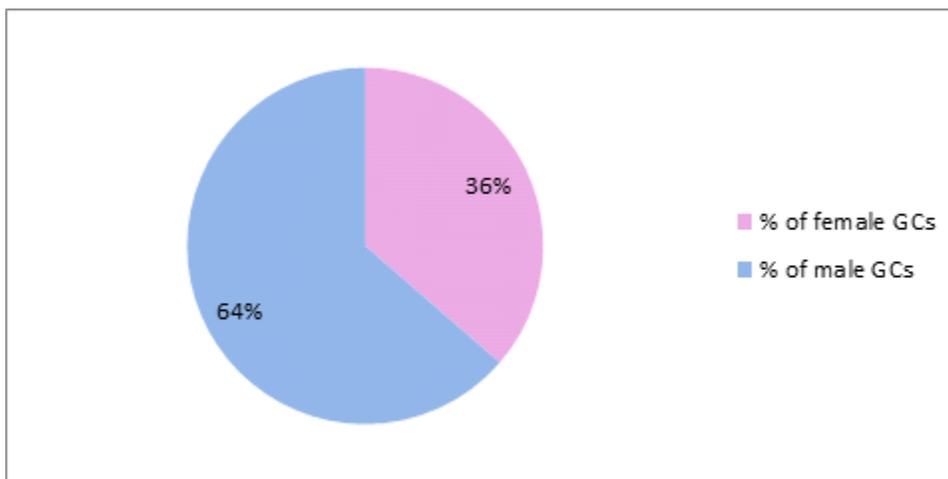
LACCA surveyed over 250 legal counsel to find out the gender composition of legal departments across the region. Our findings show that while the number of women working in-house slightly outnumbers those of men, the number of female general counsel is far below that of their male counterparts.

Fig. 1) Shows total number of male and female in-house counsel



Overall, 51 per cent of the lawyers that made up legal departments were women, yet only 36 per cent of companies reported a female in the position of GC.

Fig. 2) Shows total number of male and female GCs

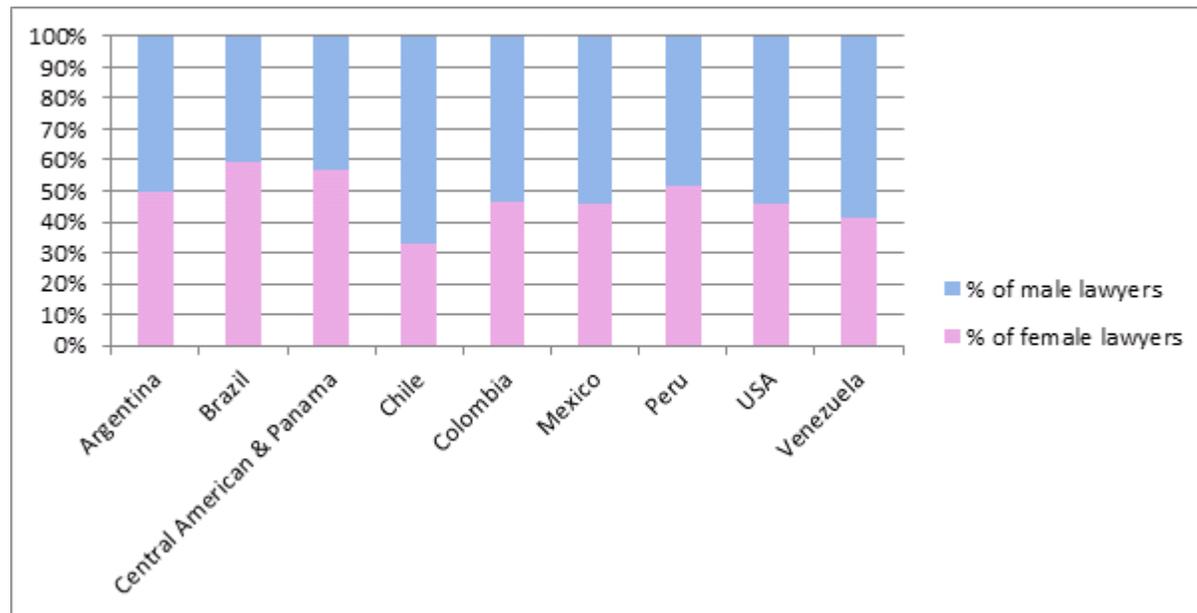


While the overall numbers suggest the gender gap widens when it comes to women represented in the higher organisational rankings, Latin American legal markets vary greatly among themselves.

Argentina, Brazil and Central America and Panama boasted high levels of female representation in legal departments, however, when it came to the number of female GCs, they held some of the lowest figures. For example, despite women making up 59 per cent of legal department in Brazil, less than 24 per cent held the position of GC. The same goes for Argentina where legal departments held an

equal division of men and women but only 18 per cent of those were female GCs. The figure was even lower for Central America and Panama, with men making up over 84 per cent of all the senior legal positions.

Fig. 3) Shows proportion of female lawyers in legal departments across the region



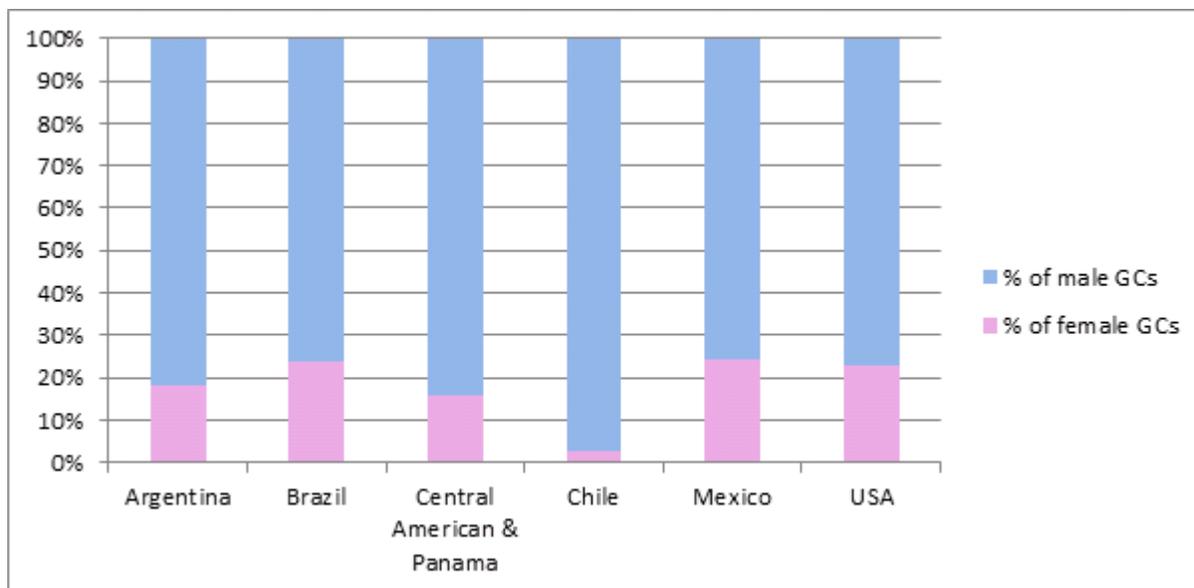
As one of the most traditional countries in the region, it is hardly surprising that Chile scored the lowest among all of the Latin American countries. Only 32 per cent of corporate departments are made up of women, and a meagre 2.5 per cent of those held the general counsel position. For Maria Paz Alvear, legal counsel at GasValpo in Chile, the problem is a cultural one. “Chile has still a very strong culture in which you do not find many women in the first line of decision-making, and not only in the legal profession. Just have a look at the compositions of different boards, and you will arrive to the same conclusion.”

According to statistics by the International Labour Organisation, Chile’s female labour participation rate is on average 19 per cent lower than other countries in Latin America, and is only equivalent to those in Mexico, and some countries in Central America. In fact, Mexico also registered one of the lowest levels of female GCs in our research, with only 25 per cent of women in GC roles as opposed to 76 per cent of men. This correlates with an earlier study on female participation by

Latin Lawyer which found female representation at the partnership level in law firms across the region to be the lowest in Chile and Mexico.

“In Mexico I have watched this first hand . . . with such few women partners in law firms, it is more difficult for younger female lawyers to have role models or meaningful mentors that can support them in advancing their careers, so they are discouraged by the male-dominated model in which billing, billing, billing (and rainmaking) is the name of the game”, says Valeria Chapa, general counsel for Honeywell International in Latin America.

Fig. 4) Shows proportion of female GCs across the region



Many have associated the problem with Latin America's long tradition of *machismo* which is still prevalent in many areas. “There is a general belief in the region that it is problematic for a younger woman to act as supervisor for older men. Male and female roles maintain stereotypes are more accentuated in some cultures and this makes it more challenging for some women to rise to higher positions,” explains Claudia Echavarría Uribe, international legal manager at Bancolombia.

The persistence of gender inequality in the workforce is not limited to Latin America however, and surprisingly, the trend is also found across legal department in the US, the number of female GCs in the US was in fact slightly

lower than some of those in Latin America, reaching only 23 per cent. The problem also appears in law firms according to research by the National Association of Women Lawyers with only 15 per cent of equity partners despite a 46 per cent rate of female associates.

A better work/life balance?

Despite the persistent gender gap found across jurisdictions, respondents from our survey all seemed to agree that life was easier for women working as corporate counsel rather than in a law firm - which is backed up by a look at the statistics.

Our sister publication Latin Lawyer recently conducted research which revealed that while the number of female associates at law firms across the region numbered approximately 49 percent, the figure fell below 20 per cent when it came to women at the partnership level.

“I firmly believe that is easier for women, who besides their professional goals, have a family and kids to raise, to work in a company rather than in a law firm,” says Claudia Drago Morante, chief legal officer at Graña y Montero Group in Peru. “If you work in a law firm, you will need to adapt to your clients’ requirements, with less flexibility than as an in house lawyer.”

The research shows that success at higher levels is more easily attainable for women lawyers in-house, with 15 per cent more holding senior positions compared to women in law firms. The structure of law firms seems to be the source of the divide. The focus on billable hours in firms provides a barrier for women seeking to advance in their careers at the same time as raising a family, and programmes such as part-time or flex-time can often put your career on hold in a firm, according to many of the female counsel we surveyed.

The skills set to progress in a firm are also highlighted as an impediment to women seeking a partnership. “In companies, the professionals (both women and men) are measured in a number of ways, while in law firms, usually it’s the billable hours that is the topic that really matters,” says Josie Jardim, general counsel for Amazon in Brazil. “Companies also tend to have a very strong process to promote

their professionals, which is not so much attached to the 'likes and dislikes' of a senior partner.”

Isabelle Girard, regional legal lead for Pfizer in Latin America, agrees that the more diverse skills sets required for progressing in-house can be an advantage. “In a company, different criteria are relied upon when considering someone for a promotion such as business focus, leadership skills, efficient problem-solving abilities and management skills, among others.” These days, law firms promote based on your ability to contribute financially to the rest of the partnership; companies can promote who they believe is the best all-round professional.

That implies of course that women find rainmaking more difficult, and indeed, in Latin American societies in which professional networks can be male-dominated, it remains a challenge. More importantly, in wooing a client, a law firm lawyer must make that client the top priority. Companies offer women – who still shoulder the heaviest burden in childcare and other family duties – more flexibility and control.

“Even if you do the same amount of work as lawyers in a firm, as an in-house counsel you have more control over your schedule,” agrees Bancolombia’s Uribe. “You generally have the option not to participate in meetings that might be unnecessary or to agree to artificial deadlines, whereas, at a firm when you are facing clients you are subject to your client’s schedule and preferences.”

Not everyone agrees that one avenue is more difficult than the other, focusing instead on personal priorities. Says Ana Carolina de Salles Freire, director of compliance and legal affairs for AES Brasil and a former law firm partner: “I don’t necessarily think it’s harder for women to become partner than it is for men. However, from a personal perspective, a woman partner may have more difficulties to balance work and family. This is for me one of the biggest challenges for women in senior positions nowadays whether working in a company or a law firm.”

Irrespective of the comparative opportunities offered in-house and by firms, everyone agrees that deciding and focusing upon your personal goals is key. For example, some women may feel that it is impossible to have a family and make partner and take themselves off the partnership track, even before they have

children. “Women themselves often have a stereotype in their minds regarding what they should or should not aim for. They are afraid of embracing certain opportunities or challenges that they believe they might not be able to keep up with in the future,” says Valeria Plastino, VP and general counsel for Level 3 in Latin America.

An imagined glass ceiling is, if anything, more powerful than a real one. “In my opinion, progressing in a career depends on one's own personality and choices and the risks each person is willing to take . . . I was lucky to have successful female professional examples throughout my life . . . which helped to nurture a ‘no female/male limit’ mind-set, essential to face professional difficulties and to see myself as competitive and equal to other professionals, indifferent to gender,” says Carolina Strobel, managing counsel at Intel Capital Latin America.

Other than self-belief, another more practical tactic could be useful – change companies. For promotion and development may not always depend where you work but who you work for. As Emi Fujio, managing director of the legal department at Mitsubishi in Brazil points out, “I thought that being a woman would be an impediment to go higher, but I see at Mitsubishi that it is a hurdle I created in my own mind, and all depends on the results you achieve along your professional life.”

Culture is all-important. “I think some companies in Brazil still tend to prefer men in management or leadership positions,” says Brazilian legal director for Nokia, Alessandra del Debbio, “but that is not the case at Nokia. I have had equal opportunities from day one . . . So, personally, I had not faced difficulties inside the company, but confess that outside of Nokia, I have faced prejudice.”

So, when it comes to definitely answering the question of whether it's easier for women in-house or in a law firm, the answer will change depending on the individual and the company or firm they work for.

“Work/life balance does not exist.” says Violeta Longino, general counsel for Grupo Amper, “Different issues take priority at different times. You can have it all but not at the same time. Learn to prioritise and invest yourself 100% on your priorities!”

Copyright © 2014 Law Business Research Ltd. All rights reserved.

87 Lancaster Road, London, W11 1QQ, UK | Tel: +44 207 908 1188  / Fax: +44 207 229 6910 

<http://www.laccanet.com> | editorial@laccanet.com