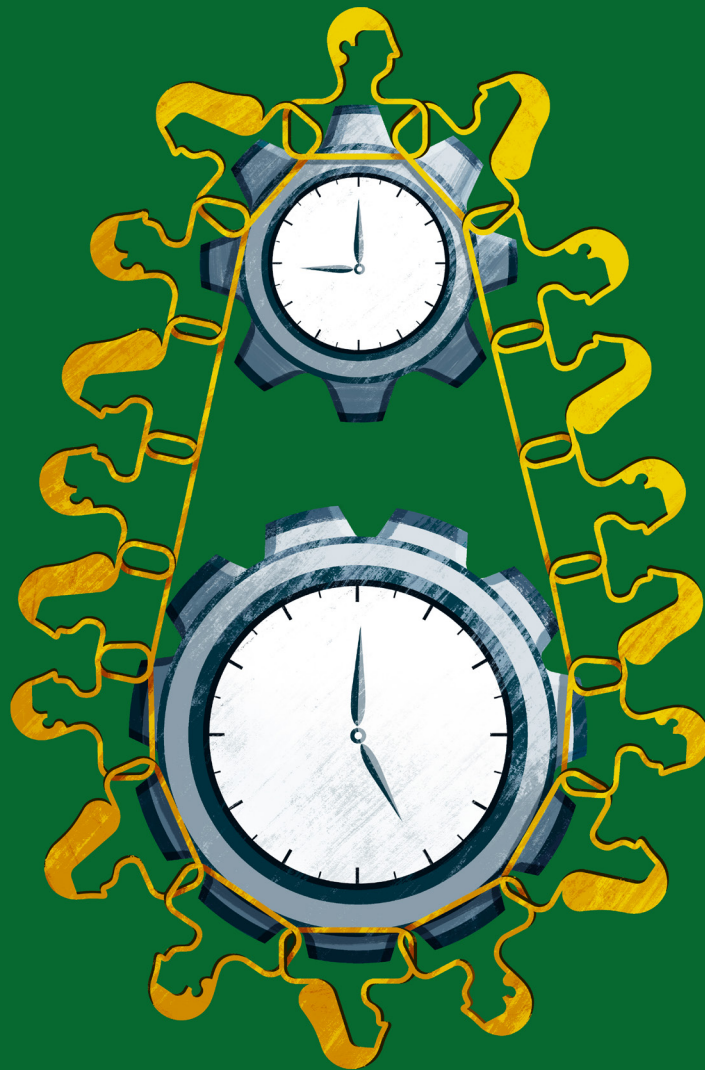


All's Fair?

In-House Counsel and Gender Parity

2019



Introduction

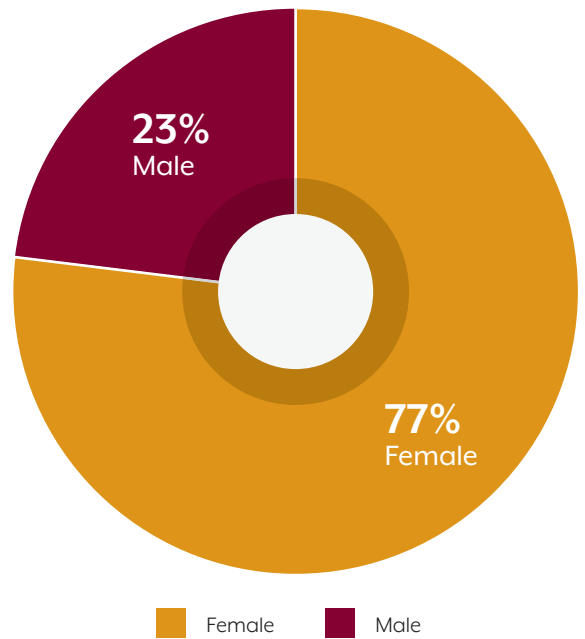
Our survey, carried out in Q2/ Q3 of 2019, reflects the views of over 160 male and female lawyers working in-house in Ireland. We carried out this survey for the first time in 2018 with female in-house lawyers, and are pleased to include the views of male in-house lawyers in 2019. As with the 2018 survey, this year's results show female in-house lawyers trying to balance work with home. There are also some interesting differences between the perceptions of female and male in-house lawyers on the issues of the gender pay gap, and why women tend to be in lower paid roles.

2019 has seen the introduction of new parental leave entitlements for employees. However, commentary from our survey participants suggest that there are structural and societal changes that need to take place in order to encourage more men to take parental leave, making sure that women are not suffering from a "motherhood penalty".

2019 also saw the second year of gender pay gap reporting in the UK, and here in Ireland we are coming closer to reporting becoming a reality with legislation likely to be enacted soon. Gender pay gap data measures the difference between the earnings of males and females irrespective of their position or seniority in an organisation and not equal pay (though one of the underlying reasons for a gender pay gap can be pay equality). The gender pay gap data gives an employer useful information to look at the structural reasons underpinning it

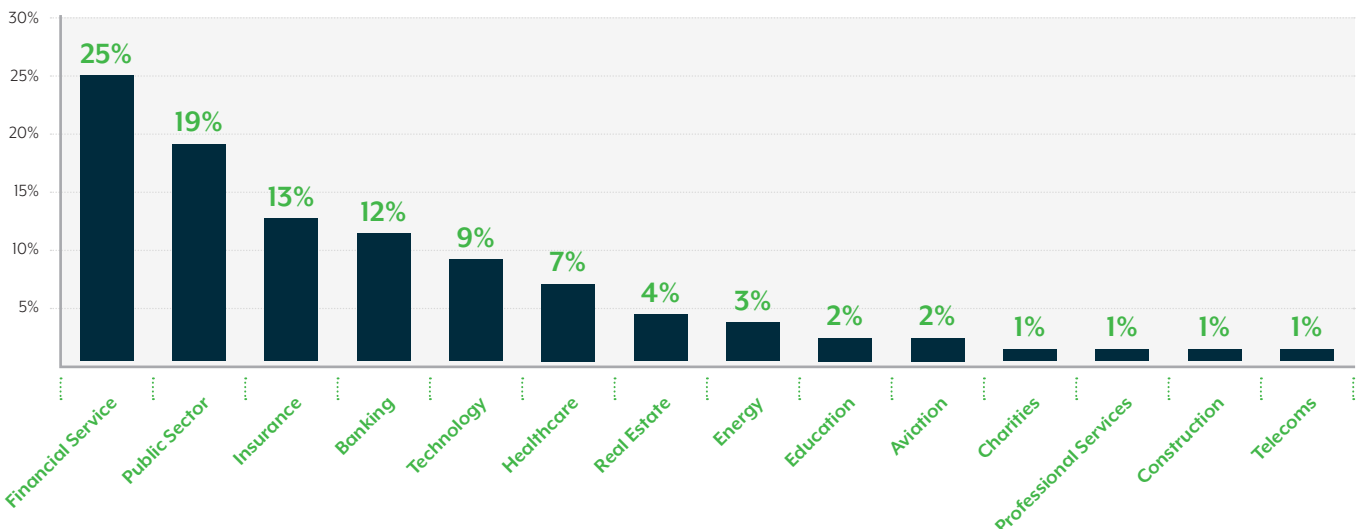
such as the culture in the organisation, promotional criteria, occupational segregation, part time working etc. and to take initiatives to reduce the gender pay gap.

Survey Respondents by Gender



"Nothing will change if the gender pay gap is not addressed. I do the same hours as my male colleagues so I should be paid the same."

Survey Respondents by Sector

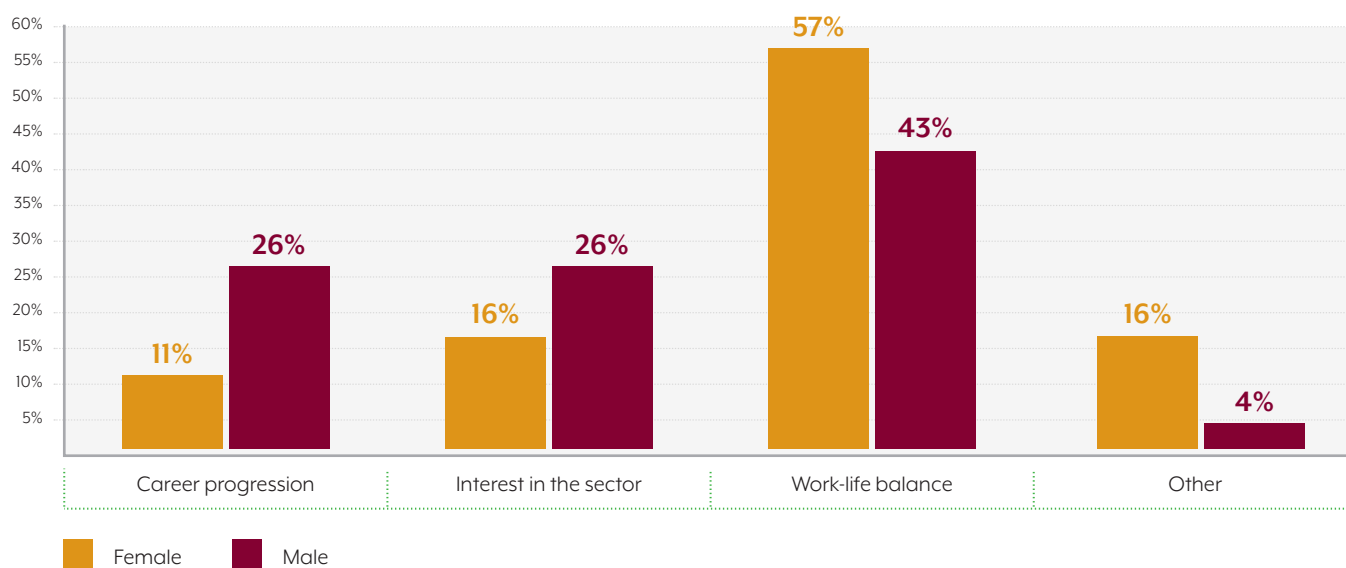


Moving in In-House

In last year's survey, 50% of respondents stated that they moved to an in-house role in order to improve their work/ life balance. This year, this was also the most popular reason for a move in-house, with 54% stating that this is why they made the move. This was true irrespective of gender, with 57% of female and 43% of male respondents giving this as their motivation. This is an interesting result, as typically there is a perception that it is mostly women who look for work/live balance, but this is not borne out by these results.



Why did you move to an in-house role?



“I have no reason to believe I would not be a partner if I had remained in private practice but I cannot see how I could have achieved the balance which I have now.”

“Work-life balance is not any better in-house.”

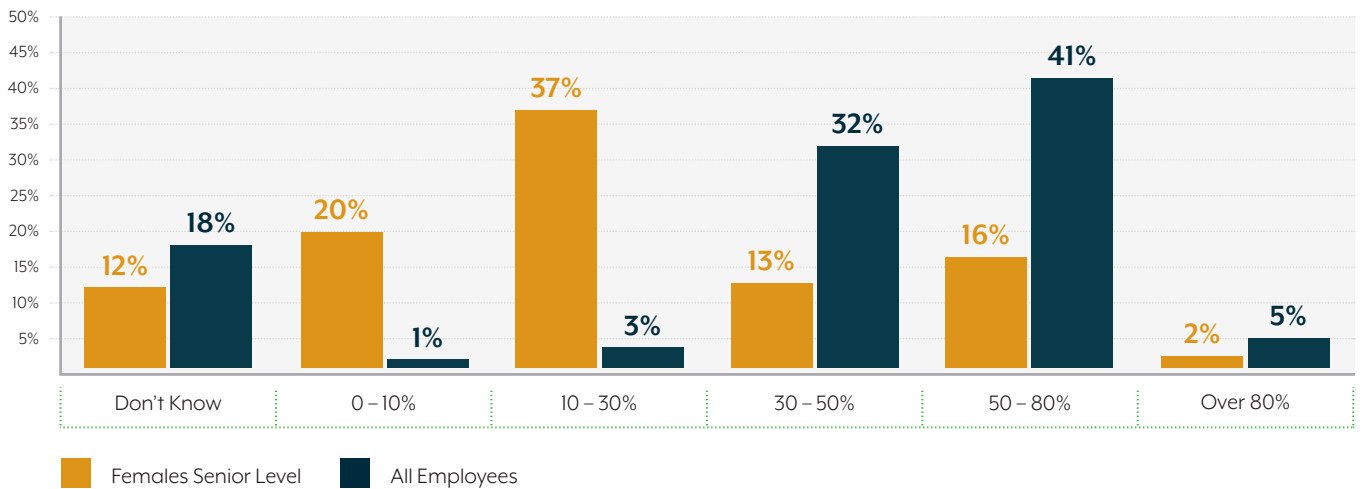
Moving up the ladder?

Last year, 40% of respondents stated that the percentage of females working in their organisation was 50% or higher, this year this has increased to 46% of respondents.

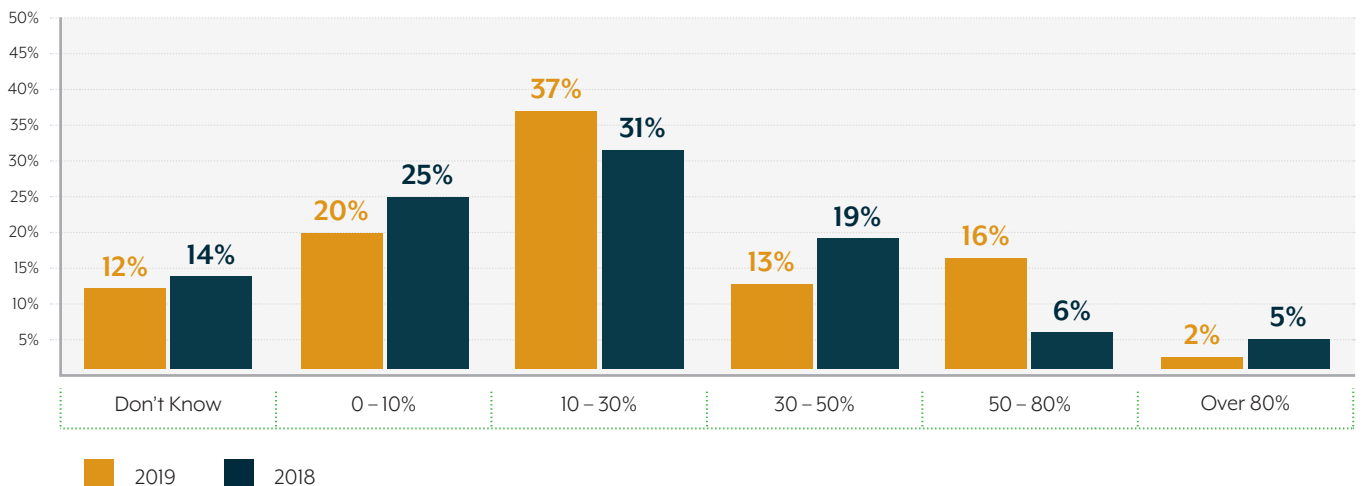
At senior level there also seems to be positive movement. In 2018, 11% of respondents reported that the percentage of females in senior roles in their organisation was 50% or higher. This has nearly doubled in 2019, with 18% stating that over 50% of senior roles are taken up by females, pointing to more women breaking through to senior levels.

“Culture matters as much as quotas, legislation and statements. If men are invited on a golfing trip with partners, are closer to senior figures, are mentored more, are involved in informal business decisions, they are viewed more as the “next leaders”. Consequently, men are often more likely to be promoted, and therefore be in higher paying roles.”

2019 – % of Females All Employees v. Senior



Females at Senior Levels 2018 v. 2019



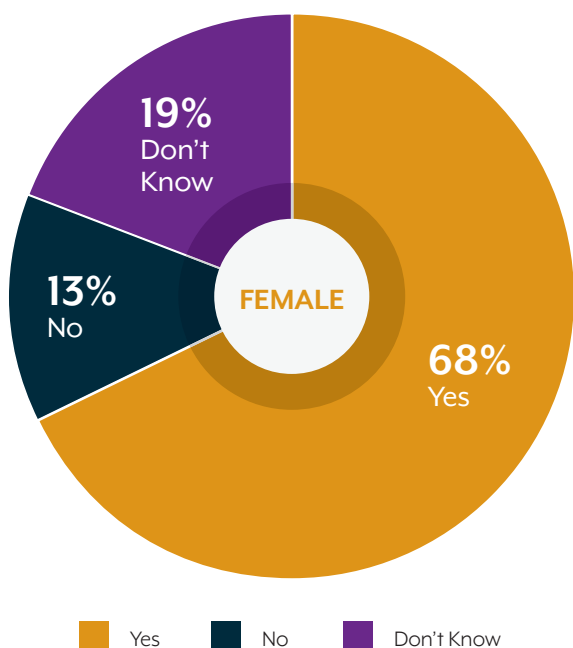
The Gender Pay Gap

When we carried out the survey for the first time last year, the Gender Pay Gap Information Bill had recently been approved by Cabinet. Now, we are much closer to this becoming law with an enactment likely to take place over the coming months.

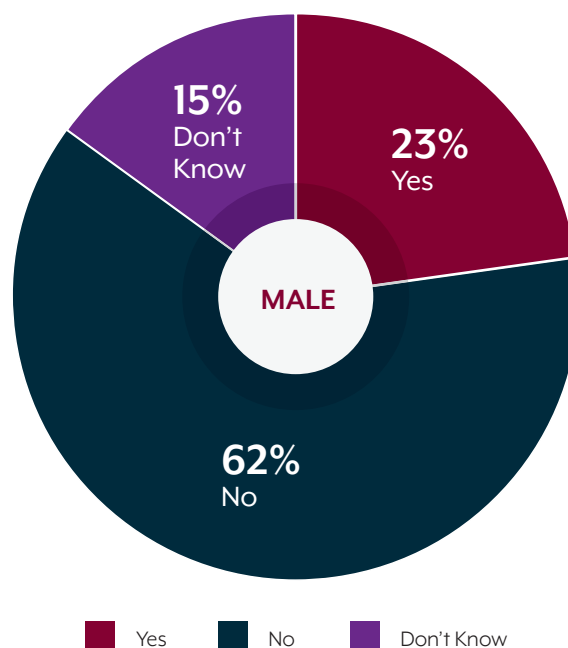
Last year, 66% of respondents stated that the gender pay gap was an issue in their particular industry. This year, overall 58% of respondents felt that it was issue but, looking at the male and female responses, a very different picture appears of their views on this matter. 68% of females, slightly higher than last year, believe the gender pay gap is an issue while 23% of male respondents in 2019 believe that the gender pay gap is an issue in their industry.

Despite this difference in views, the majority of respondents see the publication of gender pay gap data as a positive thing. However, very few organisations have carried out an analysis on their pay gap data – only 23% of respondents stated that their employer had carried out an analysis, a slight increase on 21% in 2018. Given that businesses of a certain size will soon be mandated by legislation to calculate their pay gap, this indicates that not all organisations are prepared for the introduction and will have a good deal of work to do in terms of preparing the data and communicating it effectively to their people.

Is the Gender Pay Gap an issue in your industry?



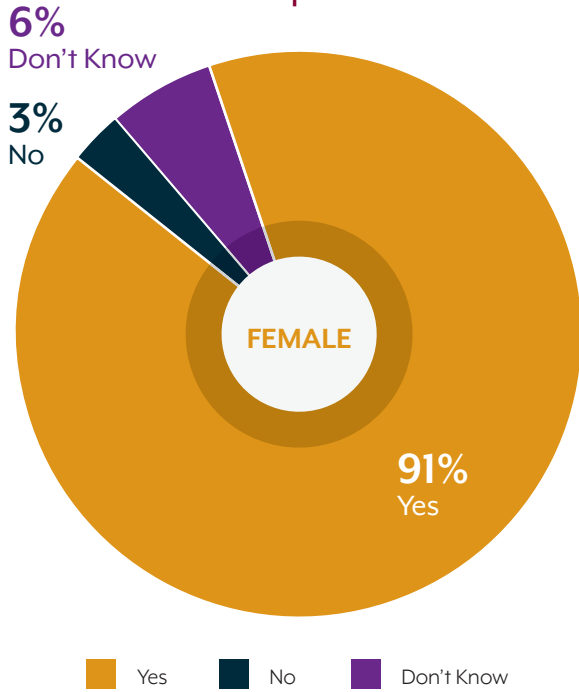
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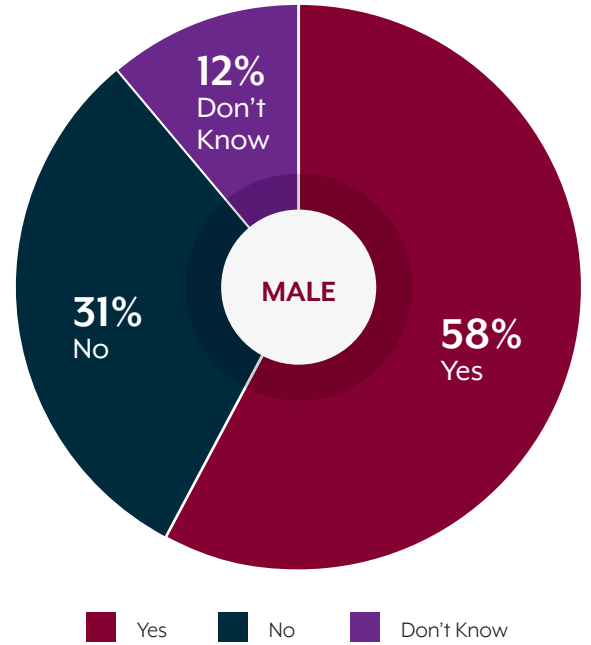
“The gender pay gap is a function of institutional discrimination against women and overcoming it will require systemic change.”

“The divergence in pay and opportunity for females arises from motherhood rather than us being female.”

Compulsory Publication of gender pay gap data a positive development?



Compulsory Publication of gender pay gap data a positive development?

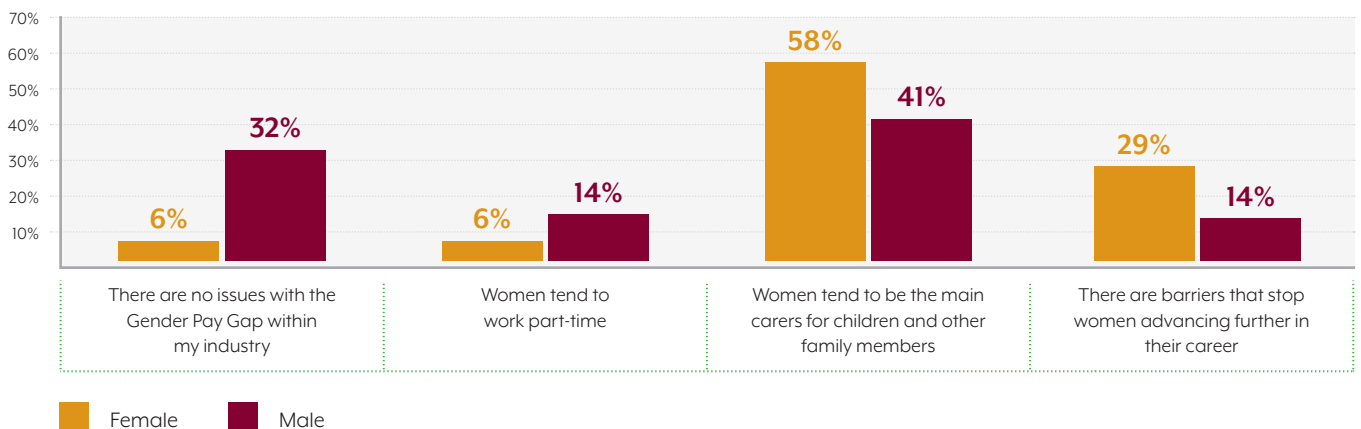


Causes of the Gender Pay Gap

Male and female respondents may diverge on some of the issues but they are both agreed on one: the main cause of the gender pay gap is that women tend to be the main carers for children and other family members.

The announcement this year of the new Parental Leave Scheme by the Government is a positive development and is open to both mothers and fathers, however it would appear that there is still a lot of work to be done in order to encourage fathers to avail of this leave at a similar rate to mothers.

What are the causes of the gender pay gap?

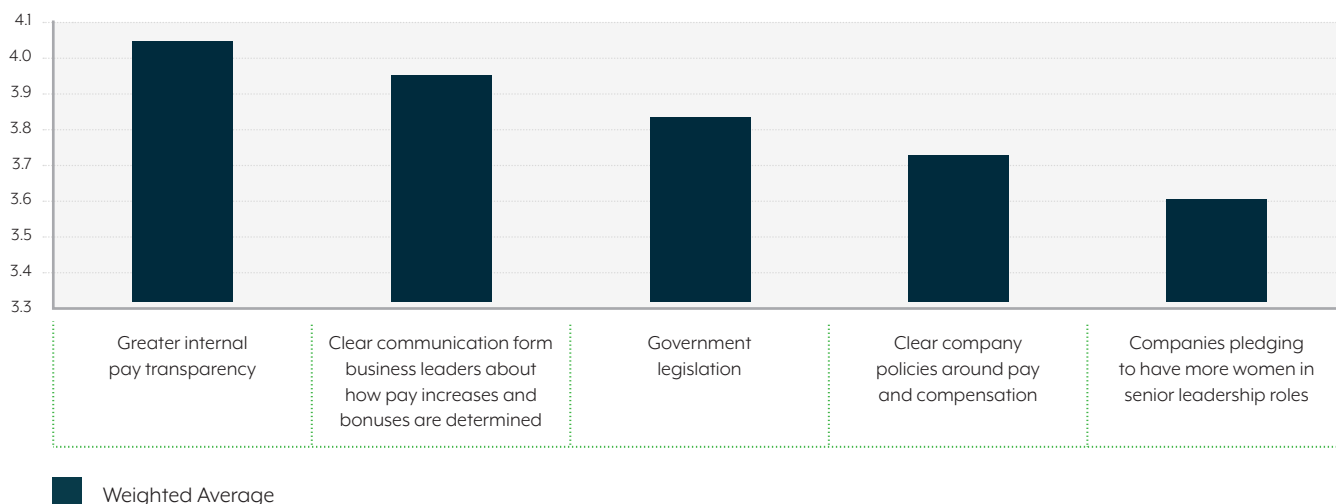


How to fix it?

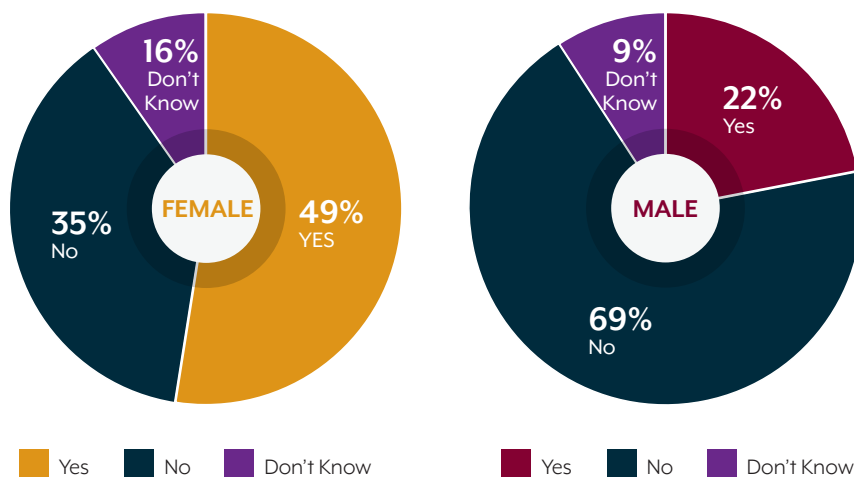
For solutions, the survey respondents favour intervention at the company level over Government legislation, with the majority of respondents choosing greater internal pay transparency and clearer communication from management on how pay and bonuses are determined.

One potential solution that has been implemented in some sectors is still proving controversial, as it did in the 2018 survey. 43% of all respondents are in favour of positive discrimination policies such as quotas while 42% are not. Not surprisingly, female respondents view quotas differently to male respondents, with 49% of females surveyed in favour, as opposed to 22% of male surveyed.

How successful do you believe the following measures would be in resolving any issues around the gender pay gap in Ireland today?



Are you in favour of quotas?



“I am totally against quotas.”

“The workforce was dominated by men for a very long time and to compensate for that positive discrimination is the only way to address it.”

Conclusion

There are now more practicing female lawyers in Ireland than male. The survey results show that, despite the higher volumes of women entering the legal profession, they are still likely to encounter a penalty if the role of family carer falls on their shoulders.

The publication of gender pay gap data, while by no means perfect, should be a useful tool in terms of shining a light on where inequalities may exist and encouraging companies to formulate a plan around narrowing the gap. To this end, we await the possible enactment of the Gender Pay Gap Information Bill in autumn 2019.

Recent Awards



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