

All's Fair?

In-House Counsel and Gender Parity Survey

2022



Introduction

This is the fifth year MHC has conducted an In-house Counsel and Gender Parity Survey. In previous years, our research showed female in-house lawyers grappling with the challenges of balancing work and home, while being under-represented at senior levels in their organisations.

This year, these trends have continued. Worryingly, in some areas, we appear to be going backwards. Not only has there been a lack of progress in achieving gender parity at senior leadership level, but it seems that the gender leadership gap is actually getting wider. The reported number of women in senior leadership positions in Ireland has declined in recent years, and it is notable that the figures being reported indicate that we have returned to 2019 research levels.

Pay transparency also remains an issue, with strong perceptions amongst respondents around pay inequality and the expectation that Gender Pay Gap reporting will find a discrepancy between male and female pay. This December, many organisations will be reporting for the first time. These reports may shine a light on where inequalities exist and encourage companies to formulate a plan to narrow the gap.

Along with Gender Pay Gap reporting, significant recent developments such as the EU “Women on Boards” Directive and the EU Work-Life Balance Directive could help drive the institutional and cultural change needed to address structural disadvantages and make gender parity a reality in Ireland.

“A woman may not always have the loudest voice in the room but may have the most considered response. She may have taken her time to fully appreciate and understand a situation before responding. This is often seen as risk adverse rather than being risk conscious and serving as risk mitigation. Women bring an alternative dimension to every situation.”

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About the Survey

The survey was carried out in September and October of 2022 and reflects the views of over 100 lawyers working in-house in Ireland, both male and female.



What sector do you work in?

28%
2022

27%
2021



Financial
Services

15%
2022

17%
2021



Technology

13%
2022

9%
2021



Public
Sector

6%
2022

0%
2021



Real
Estate

11%
2022

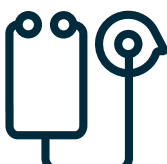
6%
2021



Insurance

6%
2022

7%
2021



Healthcare

6%
2022

3%
2021



Energy

15%
2022

18%
2021

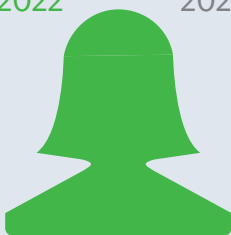


Other

Do you identify as:

82%
2022

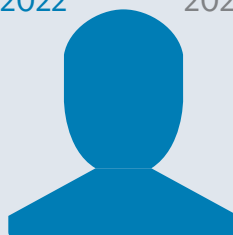
72%
2021



Female

18%
2022

26%
2021



Male

0%
2022

2%
2021



Other

Moving In-House

Based on feedback in previous surveys, we added more options on why someone might move in-house. Although many felt there was no one reason, some new themes did emerge. Interestingly, the work-life balance motive to move has reduced as a driver from 51% in 2021 to 33% in 2022. Potentially this decline is an increase in flexible working for organisations.

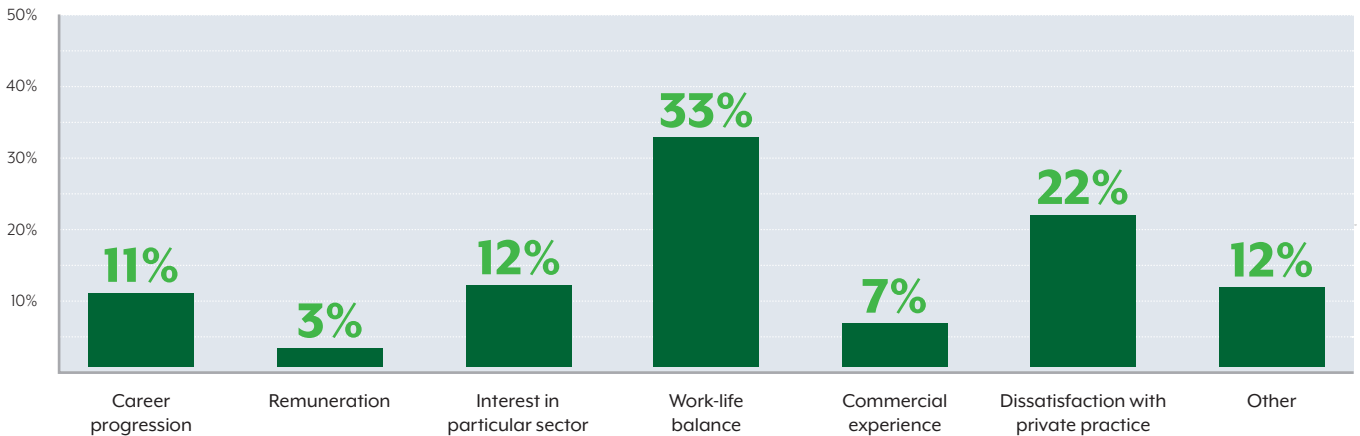
However, a new category for moving which did feature strongly was dissatisfaction with private practice, with 22% citing this as a reason for moving.

Other new categories such as Remuneration only ranked at 3% and commercial experience at 7%. So, if the issue of work/life balance is declining and factors such as money or commercial experience are still relatively minor, what is driving the dissatisfaction in private practice?

“Women bring an alternative dimension to every situation. Having boards comprised solely of men results in ideas and products solely influenced by men.”

“There wasn’t just one reason – Mainly interest in particular work, but also dissatisfaction with private practice.”

Why did you move to an in-house role?



Women in Senior Leadership

Unusually this year we saw a change in the organisational gender split with only 36% of respondees saying that male and female employee numbers were about equal, compared to 58% last year. Reported female CEOs also declined from 23% in 2021 to 18% this year. The figure peaked in 2020, with 26% having a female CEO.

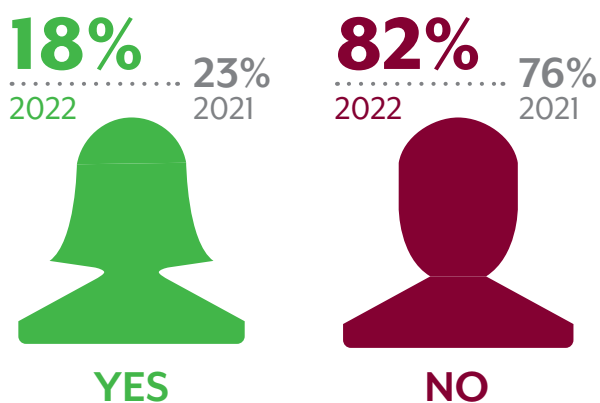
The parity between seniority of male and female employees in the workplace also seems to have changed for the worse. 43% reported in 2021 that the percentage of females at senior level was between 30% and 50%. This percentage fell, however, to 28% in 2022 and those reporting less than 30% female also increased from 47% last year to 58% this year. It is notable that many of these figures have since returned to the levels we reported from our survey results in 2019.

For non-executive boards, the performance seems to have improved very slightly, with those having over 50% female members increasing from 3% to 6% and those having no females declining from 11% to 8%. The pace of change still seems to be extremely slow.

We have seen increasing legislation and formal measures to increase female representation at board level. Respondents were extremely positive about the upcoming EU “Women on Boards” Directive, with 79% agreeing that it was the right approach.

“I believe intervention is required in order to move faster in this area. It’s a shame that more companies haven’t made more progress in this area.”

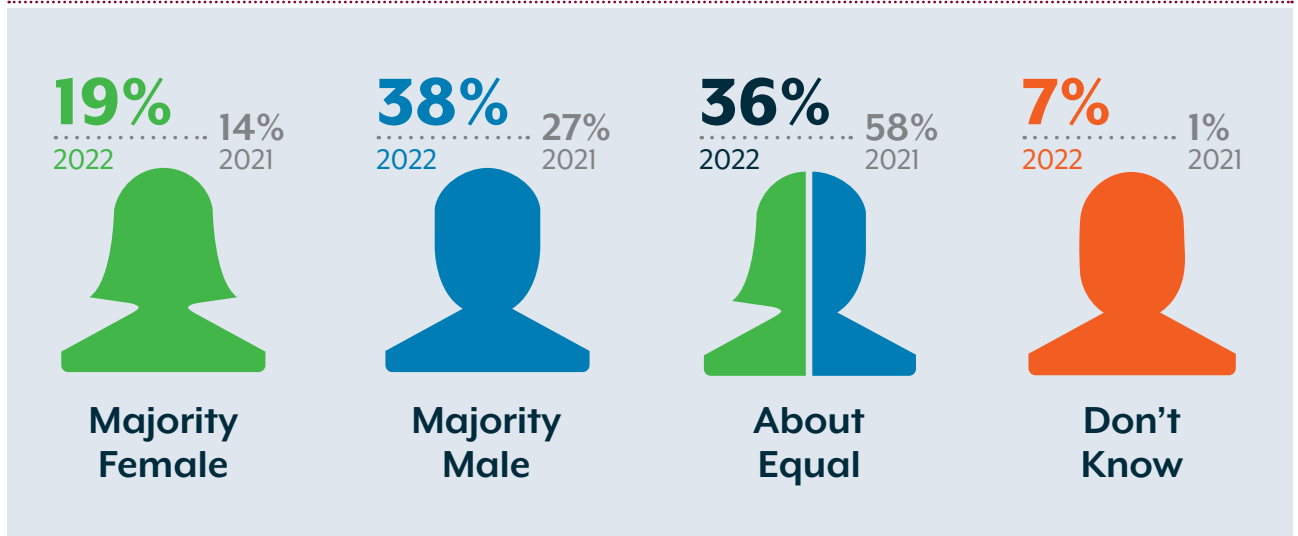
Is your CEO (or equivalent) female?



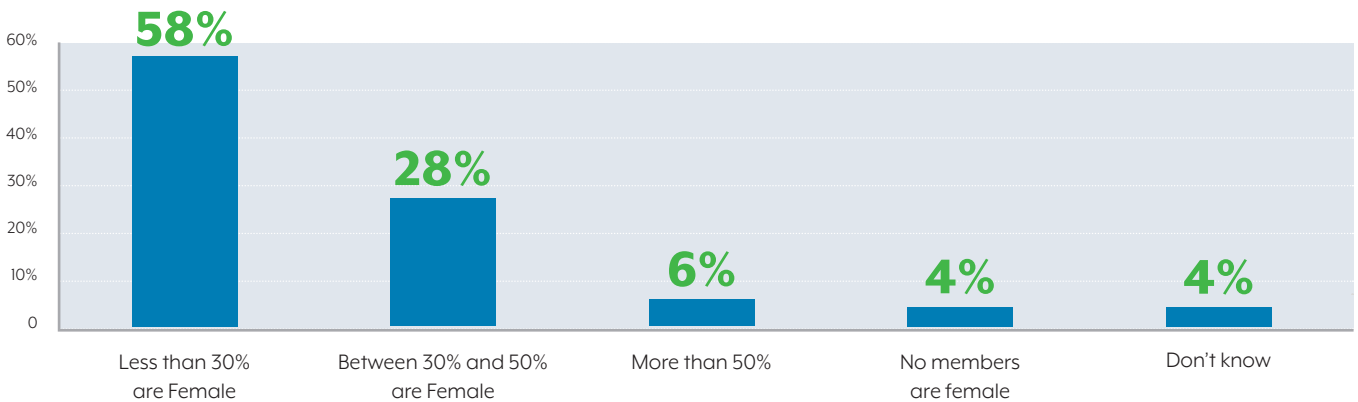
Do you agree with the EU “Women on Boards” Directive which seeks to ensure that at least 40% of non-executive director posts are occupied by the under-represented sex?



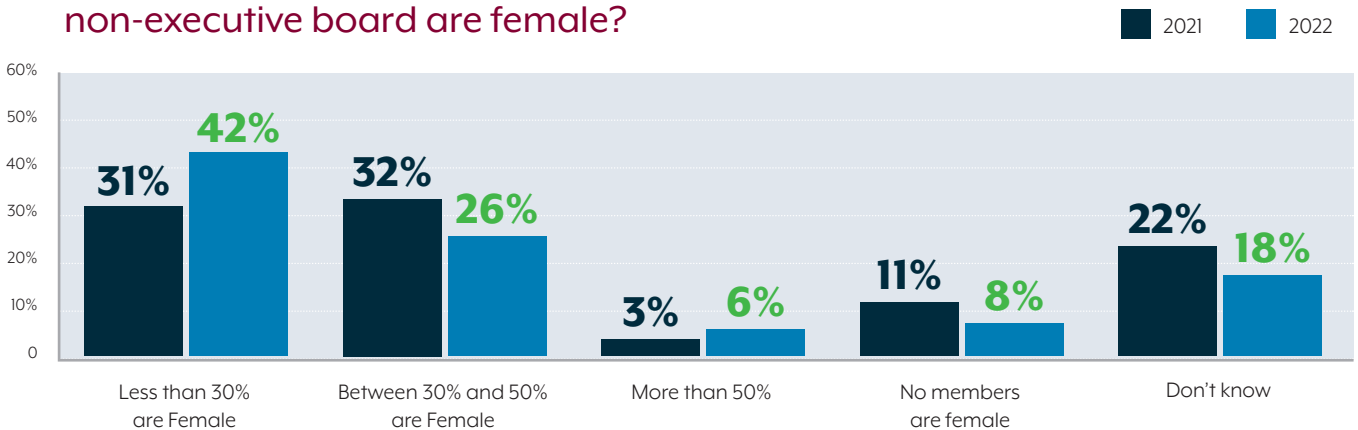
Is the workforce in your organisation:



How many members of the C-Suite Level/Executive Board level are female in your organisation?



How many members of your organisation's non-executive board are female?



The Gender Pay Gap

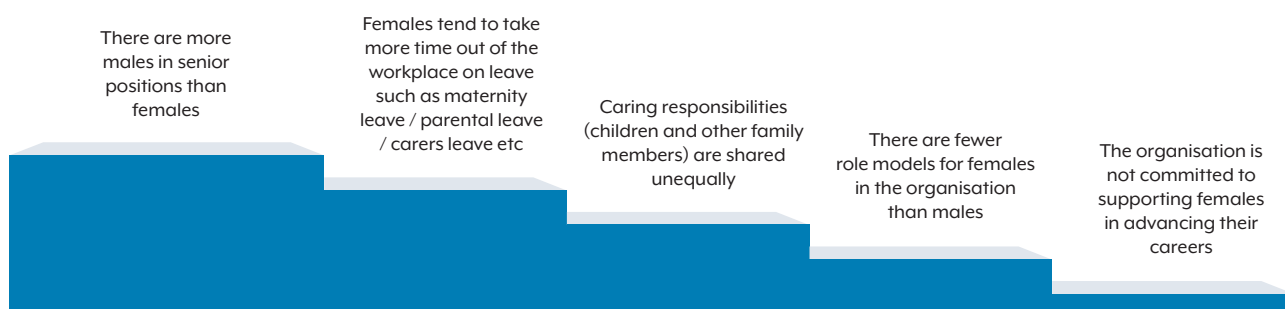
The long-awaited Gender Pay Gap Information Bill is now enacted in Ireland. We will see many organisations with more than 50 employees reporting for the first time this December.

We saw a decrease in the number of women that believed they were paid less than men, from 39% last year to 36% this year. The number of people that report not knowing will likely change in future years, but that figure currently stands at 26%.

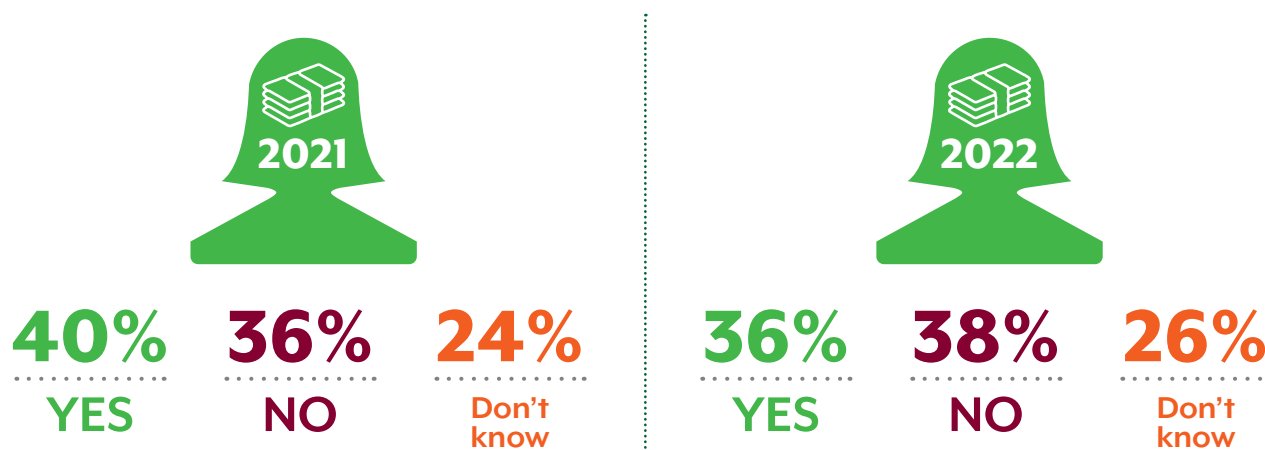
The majority of those surveyed, 49%, feel that Gender Pay Gap reporting will find a discrepancy between male and female pay.

In terms of causes for the gender pay gap, the lack of women in senior positions is perceived to be the driving reason, with 61% of respondents considering it to be the most significant factor. Caring responsibilities was second at 17%, and unpaid leave by women was third at 15%.

If you believe there is a gender pay gap in your industry, please rank the causes of the gap



If you identify as female, in your current role do you believe you are paid less than males in the same (or similar) roles?



We asked participants what they considered would be the single most effective measure in addressing the gender pay gap. Most selected was an improved transparency surrounding internal pay at 27%. This was followed by government legislation at 19% and companies pledging to have more women in senior roles at 11%.

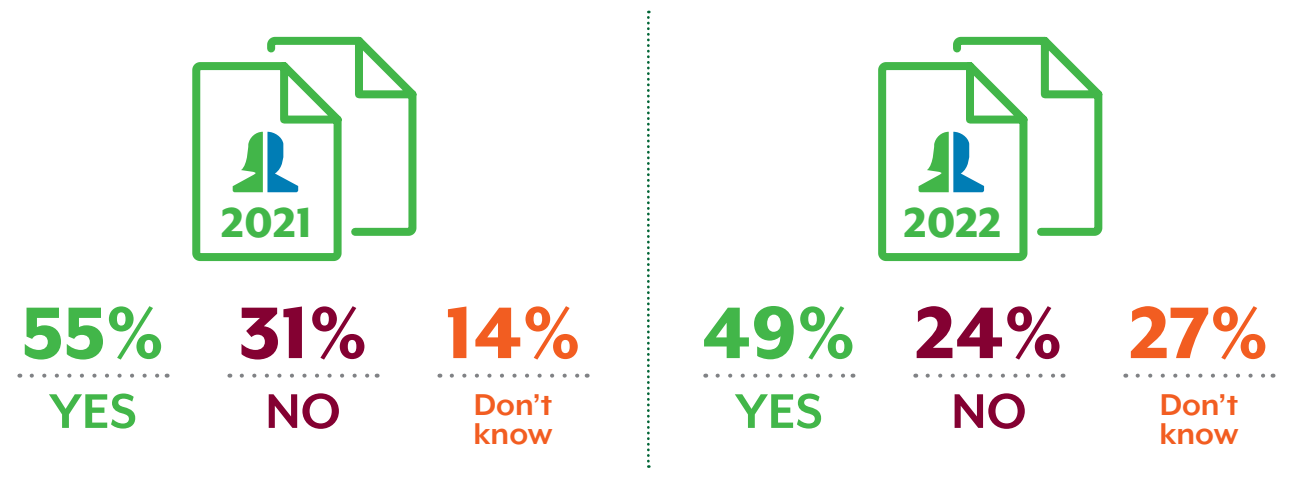
It is interesting to note that although lack of women in senior roles was the driving cause for the gender pay gap, it ranked third as a potential solution. Perhaps this indicates that people feel that organisations aren't the key drivers of change.

“Pay parity is not going to be addressed with quotas and prescriptive legislation.”

What do you believe would be the single most effective measure in resolving issues around the gender pay gap in Ireland today?



Do you believe that your employer's gender pay gap report will identify a gender pay gap between men and women?



Women in the Workplace

We looked at what additional supports might be provided to help females in the workplace. The top ranked measure by 31% was support to assist females to balance work, family and caring responsibilities. Training was seen as the next best measure by 21% to help females acquire skills to advance their career. Quotas was chosen by 18% as the third best measure.

However, we did get a lot of commentary on the number of systemic issues in the workplace, which can discriminate against women. It was felt that unless these were resolved, initiatives like training or supports were futile.

Hybrid and home working has become a reality for many and a 52% majority do not feel it will impact their salary or career progression.

In terms of what might impact career progression in the next 12 months, the majority, 56%, think that work-life balance is the critical issue. Surprisingly, market forces was only ranked at 21% as something that might impact career.

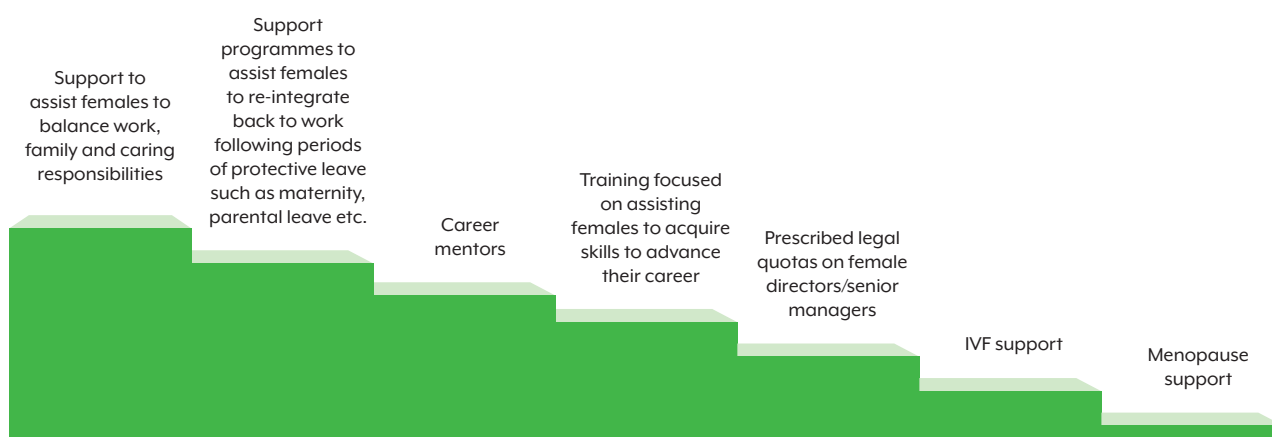
One theme that emerged very strongly from comments in the survey is the need for greater equality in the home and not just at work.

People felt the current structures around maternity and paternity leave seem to disadvantage women. A portion of the respondents believed that leave should be mandatory for both parents, and this might even the playing field for all.

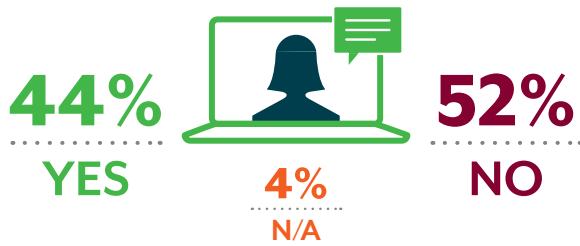
“Only when men take on more responsibility at home, and be supported in so doing, will the burden of this responsibility fall for women.”

“The current maternity/paternity leave structure perpetuates imbalances in care giving roles by making it less advantageous for men to take time from work.”

What measures should employers consider in supporting females in the workplace



Do you believe working from home will have a negative effect on your career in terms of salary increases and/or career progression?



What is the single biggest challenge to your career progression in the next 12 months?



Conclusion

The lack of progression and in some cases regression over the last year is concerning. While Gender Pay Gap reporting generally, in addition to the EU “Women on Boards” Directive are both very positive developments, ‘on-the-ground’ progress remains slow.

The survey shows that there is strong support for legislative action to address gender inequalities in the workplace, and there is a clear belief that Gender Pay Gap reporting will shine a light on where inequalities exist.

Gender pay gap data, however, can be limited. It doesn’t account for nuanced details such as the differences between specific roles, age or experience, but if the median woman is paid less than the median man, this may point to a structural inequality that needs to be addressed. To this end, the publication of the first Gender Pay Gap reports this December is to be welcomed and their findings will be closely observed.

The survey also paints a clear picture that gender inequality in the workplace continues to be exacerbated by an unequal sharing of domestic care responsibilities. Measures such as the EU’s Work-Life Balance Directive, which came into force this summer, could play a part in alleviating this burden and levelling the playing field.

Clearly, the fight for gender parity is far from over. More needs to be done to accelerate progress and responsibility for that action lies with both Government and individual organisations. Greater transparency, measures to improve work-life balance and indeed, quotas, are all measures that should be deployed in the battle against workplace gender inequality.

Dublin

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New York

San Francisco

