

51%! Is it a level playing field?

Baseline Study on the Working Conditions of Male and Female Lawyers

in Kuala Lumpur and Selangor:

A Summary Report



COMMISSIONED BY **ASSOCIATION OF WOMEN LAWYERS (AWL)**
26 JUNE 2014

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FOREWORD

Women lawyers represent 51 percent of the Malaysian Bar ("the Bar"). Statistically, this validates the position that the recruitment of women into the legal profession is fair.

Once in though, do equal opportunities abound and are their voices heard?

The Baseline Study is a project commissioned by Association of Women Lawyers (AWL) in collaboration with SUHAKAM (Human Rights Commission, Malaysia) and Women's Aid Organisation, Malaysia (WAO). The Bar in supporting this Survey, has displayed its commitment to achieving equality within its ranks. This is heartening, for the Survey has raised many issues and provided much needed data that points to the uneven playing field for women within the profession.

**Are women represented equally in leadership positions within the Bar?
Of the 15 members of the Bar Council Committee, only 5 are women.
Of the past 27 Bar Presidents, only 2 have been women. The constitution
of committee members at the various State Bars, also show that women
are gravely under-represented.**

What of legal positions within the profession itself? The Survey has shown that 68% of legal assistants today are female and yet men dominate in the positions of consultants, sole proprietors and partners. This is indicative of the existence of barriers of upward mobility that affect women – unfortunately, in a profession that should be the bastion of equality and fairness. Even the respective areas of practice were touched upon, revealing a delineation of areas by gender and current social expectations.

What of working conditions for women? We are all familiar with the notions of sexual harassment and sexual propositioning. The only issue is, whether they should be tolerated.

At the recent Bar AGM, a male member of the Bar passed a sexist comment. It was received with amusement, without any backlash. There was neither a show of disapproval, nor a reprimand from the Bar Council members at the time the comment was made.

This would not have been the case had it been a racist comment, or a speech peppered with 'hate' remarks. The Bar, our fortress of justice, would have immediately expressed outrage and demanded a retraction of all or any statements.

Freedom of expression is often used as a response when women condemn sexist statements. However, should we use that, or tolerate it being used, to venture away from the paradigm of human rights? There is no hierarchy of rights, and the freedom to express oneself does not trump over the right to live a life free of violence and abuse, be it verbal or otherwise. There are limits, more so when the wonderful concept of 'freedom' is involved. Freedom of expression there should be, as long as it neither impinges on, nor obstructs other human rights.

Society today has set the parameters for hate speech and racist comments. The same should apply for comments with sexist connotations.

This Survey relates to a particular group of women, namely, lawyers. The Survey has also, through its qualitative research, confirmed that gender inequality exists within the legal professional sphere. The Bar now has to rise to the fore. It is uniquely placed to be the forerunner in eradicating gender inequality amongst our ranks. Fairness, equal treatment, equal opportunity and equal access, regardless of gender, should now be the ethos it promulgates and applies across the board.

The Survey confirms the uneven playing field that female lawyers are faced with. The challenges that female lawyers face are distinct and unique from male lawyers. The most obvious challenge is striking a family-work balance. We are beyond the debate about whether men and women are equal in the legal profession. Whilst men and women have similar professional demands, women have different demands that society expects of them when it comes to home life and it is these differences that need to be recognized.

The Survey and its findings, has been invaluable in raising the issues that have previously been left to brood and fester in dark places. It will help create awareness, and will also be a step forward towards making us conscious of how we inadvertently (or sometimes consciously as the case may be) propagate sexism through our words and conduct in our daily doings at the workplace, in court and at home.

AWL acknowledges the important contribution of Dr Lai Suat Yan as the chief consultant who spent sleepless nights working on this Baseline Study within a short time frame that was given to us. Dr Lai also played a critical role in providing a feminist perspective to this study, which had a major impact on the study. A big thank you to Dr Kuppusamy Singaravelloo, as our most able statistician, from whom I have personally learnt so much about statistics now. My sincere thanks to Dr Nurjaanah Chew Li Hua and Dr Sarina Mohamed for being part of the research team. It was Datuk Khaw Lake Tee of SUHAKAM to whom I owe much of my gratitude, for personally introducing me to the team of researchers from the University of Malaya. Datuk Khaw diligently attended and gave valuable input at all our research meetings despite her heavy schedule. My sincere thanks to Ivy Josiah, Executive Director of WAO for her contribution, in particular towards the questionnaire.

The study would not have been possible but for my dear friend Sheena Gurbakash, who spent countless lattes with me in 2010, lamenting issues faced by women lawyers. The discussions that we had, formed the genesis of this Baseline Study. Tashia Peterson who came to my rescue to assist in summarising the report was a huge relief personally for me. The support and friendship from the AWL Executive Committee over the years has been essential in ensuring that this study took off the ground. Our appreciation to United Nations Population Fund (UNFPA) Malaysia for their generous financial support.

Finally my sincere thanks to the many respondents who participated in this survey and in particular, to those who spoke out frankly about their challenges to the researchers, is much appreciated.

On a final note, the AWL Executive Committee 2014, would like to propose that the Bar consider introducing a Gender Sensitisation Programme for all lawyers entering the legal profession. This will set the context and train young legal minds to be more respectful and sensitive to the opposite sex and to avoid violating and offending the rights of others.

Thank you.

Meera Samanther
President
Association of Women Lawyers

TABLE OF CONTENTS

1. Introduction	2
2. Methodology	2
3. Main findings of the study	4
3.1 Status and profile of female lawyers in KL and Selangor	4
3.1.1 Number of registered female lawyers	4
3.1.2 Legal positions held by female lawyers	5
3.1.3 Areas of practice for female lawyers	5
3.1.4 Female lawyers in leadership positions	7
3.2 Working conditions of female lawyers	9
3.2.1 Perceptions of gender preferences	9
3.2.2 Sexual propositioning	10
3.2.3 Pay and benefits	10
3.2.4 Mentoring	12
3.2.5 Impact of family commitments	12
3.2.6 Attrition rate	14
3.2.7 Opportunities to network	14
3.3 Issues and areas of concern for female lawyers	15
3.3.1 Sexual propositioning	15
3.3.2 Bias towards a particular gender	17
3.3.3 Bias against working mothers	17
3.3.4 Bias against female lawyers in litigation, particularly criminal litigation	18
3.3.5 Gender discrimination in terms of salary and promotion (career advancement)	18
3.3.6 Bias against successful female lawyers	18
3.3.7 Exertion of power dynamics	19
4. Conclusion	19
Appendix 1: Questionnaire for the survey	21
Appendix 2: Qualitative Interview: Interview Questions Pertaining to being Sexually Propositioned	33
Appendix 3: Qualitative Interview: Interview Questions Pertaining to Gender Discrimination / Gender Issues at the Workplace	34

1. Introduction

The legal profession upholds the rights of the people and supports the judicial system of the country. It however also has a reputation of being a male-dominated profession and somewhat biased against women practitioners. Anecdotes and jokes of women lawyers and gender bias are rampant within the profession. In 2011, the Association of Women Lawyers (AWL) decided to commission a study to examine the working conditions of male and female lawyers as well as the level of awareness among lawyers on gender bias and specific issues like sexual harassment.

The research project was a collaborative effort amongst AWL, researchers from University Malaya (UM), the Human Rights Commission of Malaysia (SUHAKAM) and Women's Aid Organisation (WAO). The Baseline Study on the Working Conditions of Male and Female Lawyers in Kuala Lumpur and Selangor (the Baseline Study) contains valuable information and data derived from this research project.

This summary report highlights the main findings of the Baseline Study and given the complexity of the subject matter, raises more questions around areas where further research might be considered. The report is divided into three main parts: (i) the methodology which explains how this research was put together and carried out, (ii) the main findings of the study which is further broken down into three areas based on the objectives of the study, and (iii) the conclusion.

2. Methodology

The objectives of the Baseline Study were to look into the following areas:

- (i) The status and profile,
- (ii) Working conditions, and
- (iii) Issues and areas of concern for female lawyers in Kuala Lumpur (KL) and Selangor.

As a whole, the idea was to get a sense of the prevalence of gender discriminatory practices or other gender-based issues that may affect female lawyers in the profession. The intention is to use the findings to:

- (i) Raise awareness of the status, working conditions and concerns of female lawyers within the legal profession in KL and Selangor,
- (ii) Raise awareness of the existence of a sexual harassment complaints mechanism within the Bar Council and to sensitise the Bar Council on gender discrimination issues, and
- (iii) Engage with the Professional Standards and Development Committee of the Bar Council for the formulation of appropriate programs to effectively address the issues identified.

The Baseline Study covered both female and male lawyers so as to get a more balanced picture of the existence and perceptions around gender discrimination and bias in the legal profession. The study also adopted the understanding that gender discrimination can be directly or indirectly¹ experienced by women and it was important for both dimensions of discrimination to be captured in the research. For this, insight into the various aspects of a lawyer's working life as well as documenting specific relevant experiences were required.

¹Direct discrimination occurs when a person is treated differently as a result of her gender. This could include discriminatory laws or policies that directly make reference to excluding or limiting women's access to rights or opportunities. It also includes unwelcome sexual behaviour, suggestive comments or physical advances. Indirect discrimination is more subtle and occurs in situations where demands are made of women without due regard of its impact on women based on social expectations or other prevailing conditions. For example, demanding long hours at work or entertaining clients after work without consideration of what her family circumstances might be.

Based on the above, the Baseline Study was modelled to include:

- (i) A review of the data of female and male lawyers in KL and Selangor within the Bar Council and the State Bar Committees. Data from the registrars were studied to provide a baseline profile of the numbers and an analysis of the gender trends in leadership roles.
- (ii) A quantitative survey consisting of 45 key questions to gather data on working conditions of both female and male lawyers within KL and Selangor. The questionnaire for the survey is attached as Appendix 1.
- (iii) In-depth interviews to gather personal feedback on specific gender concerns and issues faced within the legal profession. The questionnaires for the interviews are attached as Appendices 2 and 3.

The application of both quantitative and qualitative methods to obtain data, gave the opportunity to add breadth to the research by encompassing a much larger sample group as well as depth through interviews with selected female and male respondents. The inclusion of qualitative interviews also allowed for any other related issues to be highlighted and to hear about them directly from the respondents, from their perspective and in their own words.

A team of four consultants, which included a gender expert-cum-social scientist, two legal experts, and a statistician all from UM, carried out the research. Questions were crafted based on the objectives of the research, initial questions provided by AWL and a literature review of the topic. Throughout the process, AWL, SUHAKAM and WAO were consulted and provided input.

The respondents

The initial plan was to carry out the survey on approximately 450 respondents, comprising of both female and male lawyers. The list of registered lawyers as at December 2012 was used as the basis to select respondents. To avoid researcher bias in the selection of respondents, a desktop-based stratified random sampling procedure was applied based on:

- (i) Gender (female and male),
- (ii) Position (sole proprietors, partners, legal assistants, consultants),
- (iii) Ethnicity (Malay, Chinese, Indian, others),
- (iv) Age (36 years and below and above 36 years), and
- (v) Location (urban and rural).

Ultimately, a total of 198 responses to the quantitative survey were documented. This reduced number of respondents was due to time constraints that came about due to the respondents' busy schedules and the project timeline². From this figure, 52% were female lawyers.

For the qualitative research, interviewees were identified from the 198 respondents who had answered in the affirmative to having been sexually propositioned³ and/or those who raised gender issues as an area of concern in response to the following specific questions in the survey:⁴

- Can you think of an occasion at work where you felt you were treated less favourably or discriminated against due to your gender?
- Are you of the view that female lawyers are treated less favourably than male lawyers or vice versa in terms of remuneration, working hours, promotional opportunities, mentoring and appraisal / performance management?
- Is there anything else on gender issues at your workplace that you wish to share with us?

²Three consultants were in the end omitted from the quantitative part of the study due to the small figure not being statistically significant in analysing the data. However, they were included in the qualitative aspect of the study as it adds more in-depth understanding of the issue at hand.

³This was question 25 in the questionnaire.

⁴These were questions 43, 44 and 45 in the questionnaire.

In addition to that, interviewees for the qualitative research were chosen based on:

- Ensuring various gender issues were highlighted.
- Ensuring there were at least two persons raising the same issues so as to get a better understanding of that particular issue, its effect and manifestations.
- The frequency that respondents rated the occurrence of an incident.
- Ensuring representation of the two age groups (40 years old and below as well as those above 40).
- Including those of different ethnicity, age and geographical location.

The selection was based on the male to female ratio of 3:7 (based on the proportion of respondents by sex who answered in the affirmative to any of the above questions). Finally, 30 respondents were chosen for the interviews. These consisted of 21 female and 9 male lawyers. Out of the 30 respondents, 23 interviews were conducted face-to-face and the remaining 7 via telephone.

3. Main findings of the study

3.1 Status and profile of female lawyers in KL and Selangor

The following data provides a baseline profile of female lawyers in KL and Selangor and where they stand within the profession. Are female lawyers able to practise within their area of choice or are they limited by virtue of their gender? Do female lawyers face barriers becoming leaders within the profession?

3.1.1 Number of registered female lawyers

The Baseline Study reviewed the number of registered lawyers between March 2011 and December 2012. Chart 1 below shows the distribution of lawyers by gender for three time frames (i.e. March 2011, December 2011 and December 2012) as provided in the Bar Council's Registry. The total number of lawyers for each period showed a steady increase with the number of female lawyers also increasing. In March 2011, there were approximately 51% male lawyers and 49% female lawyers. By December 2012, there was an increase in female lawyers resulting in a reversal of representation to 51% female lawyers and 49% male.

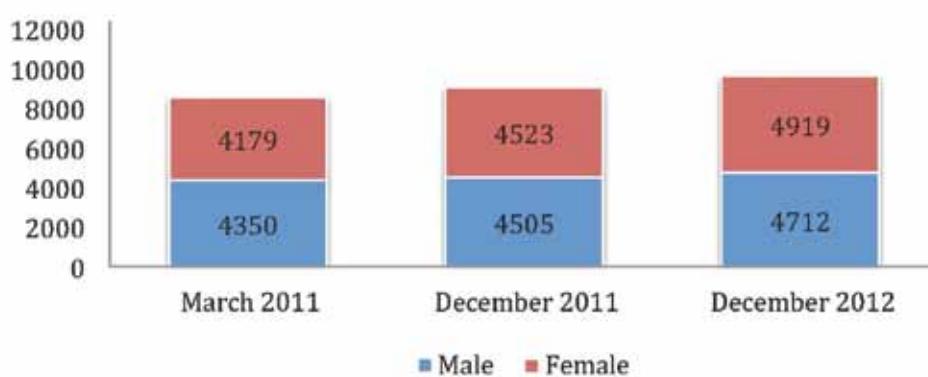


Chart 1: Number of registered female and male lawyers within Kuala Lumpur and Selangor

3.1.2 Legal positions held by female lawyers

Chart 2 below reveals the male domination of positions of consultants, sole proprietors and partners within the legal profession. Within the period in question there were approximately:

- 75% male consultants compared to 25% female consultants;
- 65% male sole proprietors compared to 35% of female sole proprietors, and
- 58% male partners compared to 42% female partners.

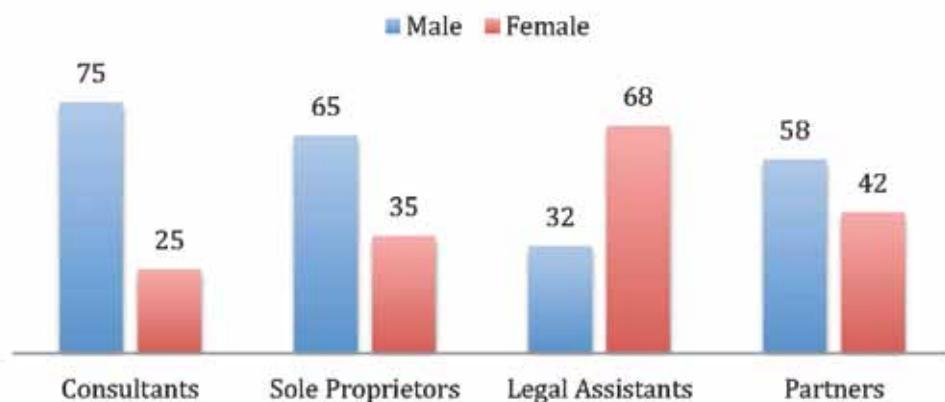


Chart 2: Percentage of female and male lawyers within various legal positions as at December 2012

Female lawyers however outnumber male lawyers in the position of legal assistants. In December 2012, 68% of the legal assistants were female. New lawyers would generally enter the profession as legal assistants and attempt to work their way up to being a partner of the firm or eventually setting up their own practice as a sole proprietor. The revelation that female lawyers make up the majority of those at the lower end of the legal profession hierarchy raises some concerns. Is there a glass ceiling impeding the upward mobility of female lawyers? Or are there other barriers that cause female lawyers to exit the profession before they have the chance to rise within the profession?

3.1.3 Areas of practice for female lawyers

In the quantitative survey respondents were asked to identify firstly, their main area of practice and secondly, all areas of law that they might work on in the course of their legal practice. The results revealed some delineation of areas of practice by gender and along the lines of social expectations.

Chart 3 below shows that the main areas of practice for female respondents are conveyancing (52%) and civil litigation (22%). Chart 4 reveals that for the male respondents this was reversed with the main area being civil litigation (36%), followed by conveyancing (27%). Criminal litigation was only identified as a main area of practice by the male respondents (11%). Not a single female lawyer in the survey indicated this as her main area of practice.

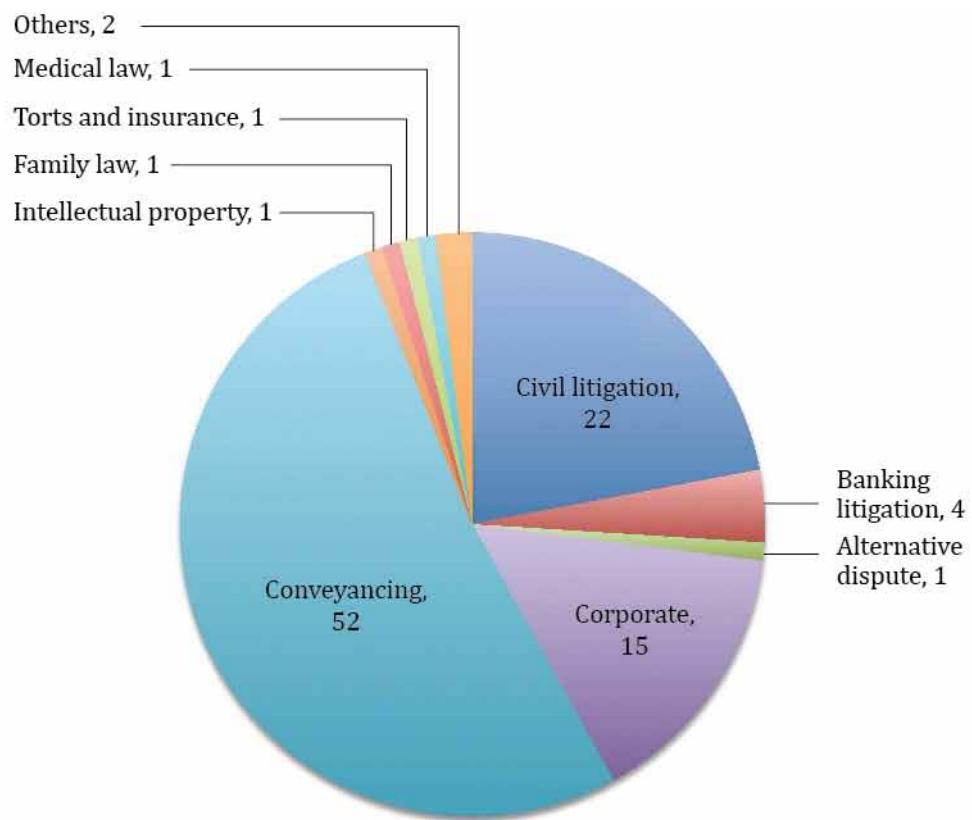


Chart 3: Main areas of practice for female lawyers (percentage)

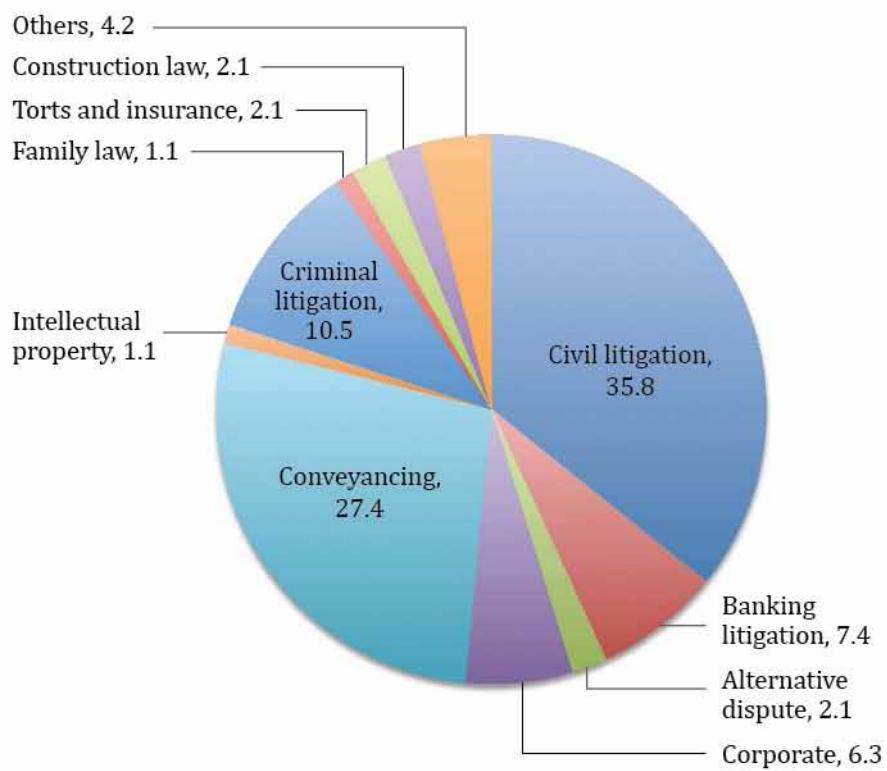


Chart 4: Main areas of practice for male lawyers (percentage)

The survey also captured data on all other areas of practice that a lawyer might be engaged in and the dominance of male lawyers in the general area of litigation is apparent as shown in Chart 5 below. More male respondents indicated working in civil litigation (33% male and 26% female), banking litigation (25% male and 11% female) and criminal litigation (15% male and 10% female). Female lawyers showed a higher involvement in family law, will drafting, administration and taxation work than male lawyers.

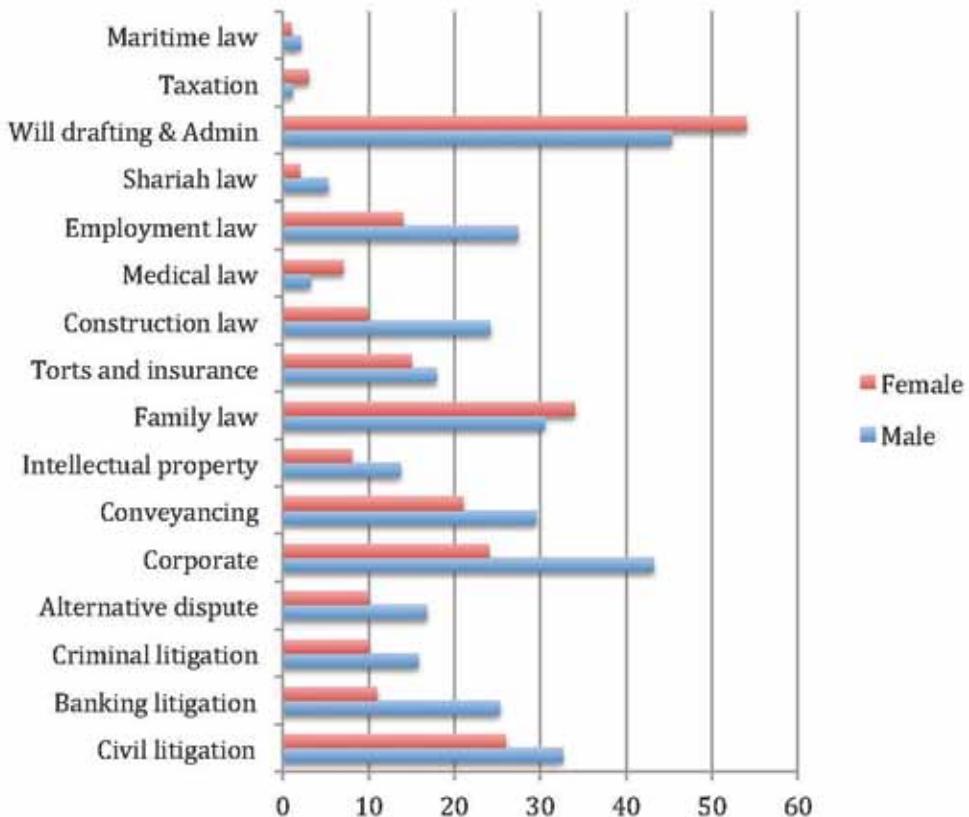


Chart 5: Percentage of the multiple areas of practice for female and male lawyers

What is the impact of such gendered division of areas of practice among legal practitioners? If litigators are considered the more prestigious of legal practitioners, if corporate lawyers are better paid and have more prospects for upward mobility within the profession, then are female lawyers losing out? Is this gendered division of areas of practice, as noted from the data, discriminatory in any way towards female lawyers?

3.1.4 Female lawyers in leadership positions

Despite the relatively equal numbers of female and male registered lawyers, as indicated in Chart 1 above, this is not reflected in the levels of participation of women in the different executive committees of the Selangor Bar, KL Bar or Bar Council. Charts 6, 7 and 8 below reveal that female representation within these executive committees is significantly lower.

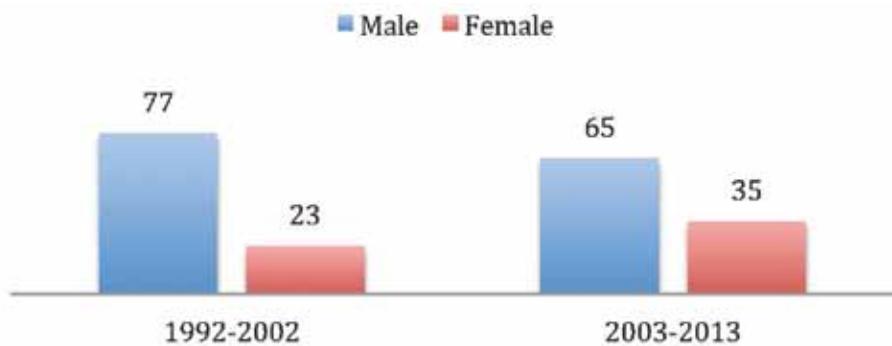


Chart 6: Percentage of female and male representation in the Selangor Bar Executive Committee

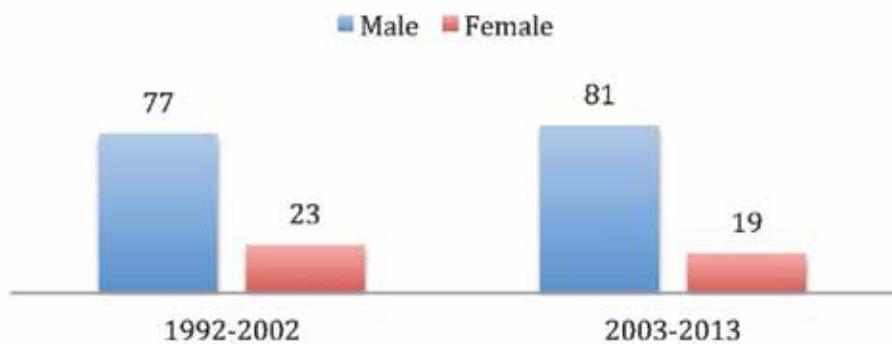


Chart 7: Percentage of female and male representation in the KL Bar Executive Committee

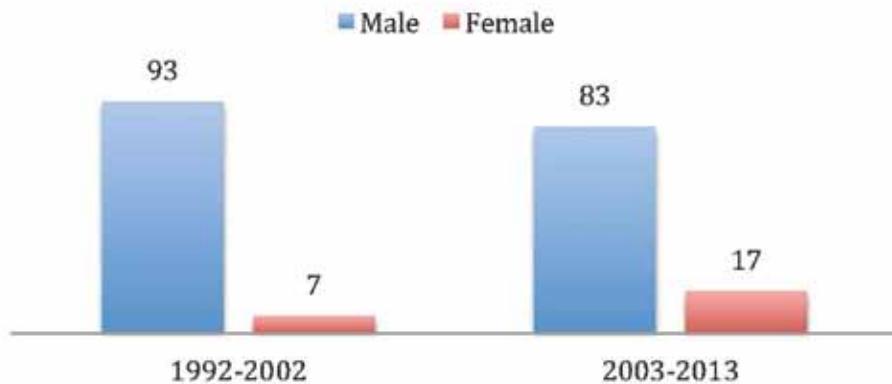


Chart 8: Percentage of female and male representation in the Bar Council Executive Committee

The representation of women in the Selangor Bar showed the most increase over the duration (Chart 6). This was followed by the Bar Council that also showed an upward trend in relation to the number of women in the executive committee (Chart 8). The KL Bar on the other hand, showed a decline in female participation within the leadership roles (Chart 7). Neither the Selangor nor the KL Bar has ever had a woman as chair / president. However, out of the Bar Council's 27 presidents, two have been women⁵.

There is clearly a deficit in terms of female lawyers in leadership roles within the profession. Among the respondents of this study, only 7% of females confirmed having held such positions. The extremely low representation of women in leadership positions needs further study so as to understand the barriers and environment that might be inhibiting their full and active participation.

3.2 Working conditions of female lawyers

Having reviewed the baseline information on the status and profile of female lawyers within KL and Selangor, the Baseline Study proceeded to assess whether gender discrimination might be experienced by lawyers in the course of their legal practice. The following information was drawn from both the quantitative and qualitative research conducted.

Overall, the Baseline Study identified almost equal levels of dissatisfaction with working conditions among female and male respondents (41% and 44% respectively). These figures, in fact, represent the majority sentiment among both female and male respondents towards their working conditions which covered issues of financial rewards, long working hours, ability to spend time with family, flexible work policy, etc⁶.

The following are some of the specific areas studied in relation to working conditions.

3.2.1 Perceptions of gender preferences

Almost a quarter (24%) of the female respondents felt that male lawyers command more respect than female lawyers. Close to one third (32%) of female respondents agreed that female lawyers are requested to dress attractively when meeting clients. A quarter (25%) of all male respondents and 20% of female respondents agreed that they often get comments about their appearance and attire at work. Further, 20% of all male respondents and 15% of female respondents agreed that clients prefer male lawyers in handling their cases.

These responses, although not the majority view, could be indicative of underlying gender preferences and biases within the legal profession. To what extent would such preferences impede female lawyers' advancement within the fraternity? To what extent might gender preferences be a reason for the low number of women representatives in leadership roles within executive committees as mentioned above?

⁵Hendon Hj Mohamed served as president from 1995-1997. Ambiga Sreenevasan served as president from 2007-2009. http://www.malaysianbar.org.my/past_presidents.htm (accessed 27 March 2014).

⁶This was question 24 in the questionnaire.

3.2.2 Sexual propositioning

Out of 195 respondents in the survey, 19 (9.7%) revealed that they had experienced some form of sexual propositioning in the course of their work.⁷ These 19 respondents were made up of 16 females and 3 males. As with other research on sexual harassment,⁸ it is not uncommon to discover cases of men experiencing some form of sexual harassment. In its essence, sexual harassment is due to unequal power relations. However, as with other studies, it is predominantly women who are subjected to it.

Related to that, the Baseline Study wanted to assess the level of awareness among lawyers of the Code of Practice on the Prevention and Eradication of Sexual Harassment (the Code) that was adopted by the Bar Council in 2007. The survey indicated that slightly more than half (55%) of all the all respondents, across all positions (sole proprietors, partners, legal assistants) were not aware or are unsure of the existence of the Code. There also appears to be a perception among a few of the lawyers that the Code has no legal effect and that there was no one to oversee the implementation of the Code within the Bar.

The existence of sexual propositioning within the profession and the extent of its impact on female lawyers and their practice is something that needs an in-depth study. Additionally, there is a need for more awareness on the issue and the existence of a mechanism of redress within the Bar Council.

Further details as to frequency and types of incidents are provided under paragraph 3.3.1.

3.2.3 Pay and benefits

At the point of entry into the legal profession, the earnings of female lawyers appear to be lower than that of male lawyers. Close to 80% of females earned RM35,000 and below per annum when they started practising as compared to 60% of male lawyers.

Chart 9 below shows that there are times and for certain categories of income, where the income of female lawyers did exceed that of male lawyers after a few years in practice. However across the categories of income, it is clear that there are more women at the lower end of the pay scale. It begs the question of why this is so and further, the extent to which this could have impacted female lawyers' choices to stay or leave the profession early on in their career.

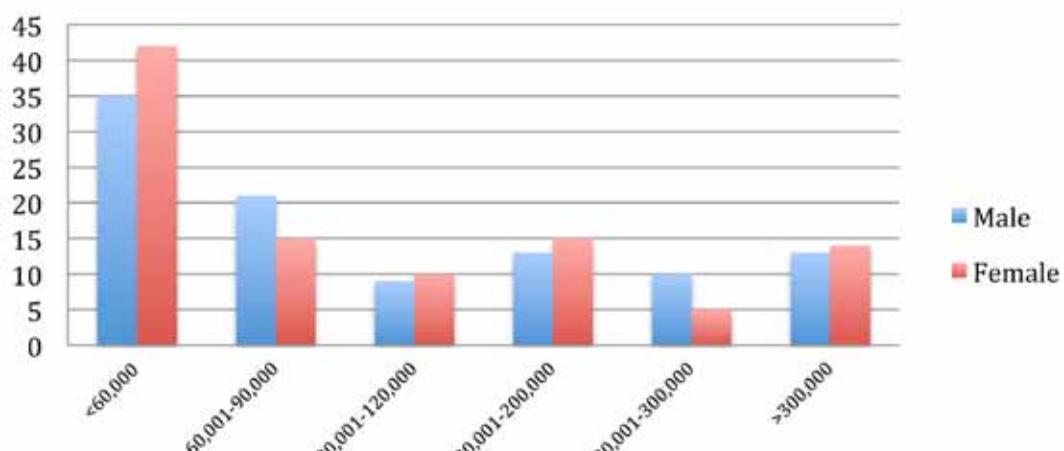


Chart 9: Categories of income in 2012 (percentage)

⁷ When the three consultants are included with a total of 198 respondents, 20 (10%) comprising of 17 females and 3 males indicated that they have experienced being sexually propositioned in the legal profession.

⁸ For example, see Ng, Cecilia and Zanariah Mohd Nor. 2001. "Sexual Harassment and the Code of Practice in Malaysia (A study of pioneer companies implementing the Code)". Selangor: All Women's Action Society (AWAM) and Women's Development Collective (WDC).

Chart 10 below shows that among female and male respondents, the majority had average to high levels of satisfaction with their pay. This might be related to the income levels at the higher end, which, as shown in Chart 9 above, do not reveal any clear gender discrimination. However, it is significant to note that among those with low levels of satisfaction about pay, the majority are women respondents (20.4%).

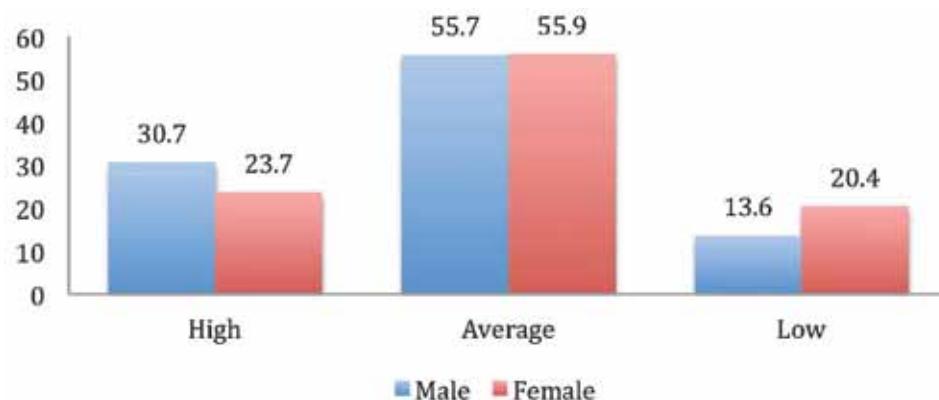


Chart 10: Level of satisfaction about pay (percentage)

Data in Chart 11 below shows that more female than male lawyers (32% as compared to 25%) place benefits as highly important to motivate them to work at their current firm. The questions in the survey identified benefits as annual bonus, salary increments, celebration or fun team-building events, insurance coverage, paid trips and good prospects for career development.

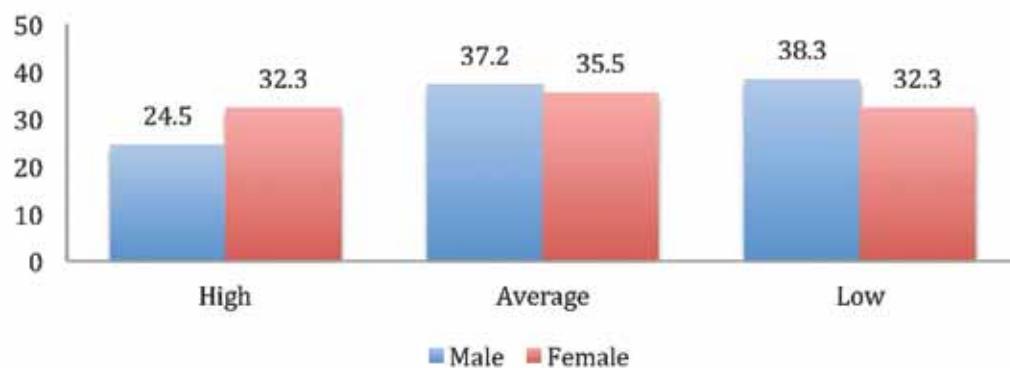


Chart 11: Level of importance placed on benefits (percentage)

Although the Baseline Study showed that gender did not appear to have much influence on most items that made up the bonus, however deeper analysis is needed to explore whether the female lawyers who placed more importance on benefits is correlated with those who indicated low levels of satisfaction with their pay.

3.2.4 Mentoring

The Baseline Study showed that many of the respondents received mentoring in their career (88% of females and 78% of males). Interestingly, the majority of female and male respondents were mentored by male mentors as shown in Chart 12 below.



Chart 12: Percentage of male, female or both as mentors

The question is whether these low figures for women mentors imply there are less female lawyers taking on roles as mentors within the profession. If so, whether the low figures are a result of female lawyers not staying in the profession long enough to become mentors or whether other commitments outside work prevent them from incorporating mentoring into their daily work or that it could also be partly because they were not allocated any mentee by those in decision-making positions.

3.2.5 Impact of family commitments

Chart 13 below shows the majority of female respondents (41%) had said having children had a high impact on their career. This is as compared to the majority of male respondents (43%) who felt it had a low impact on their careers.

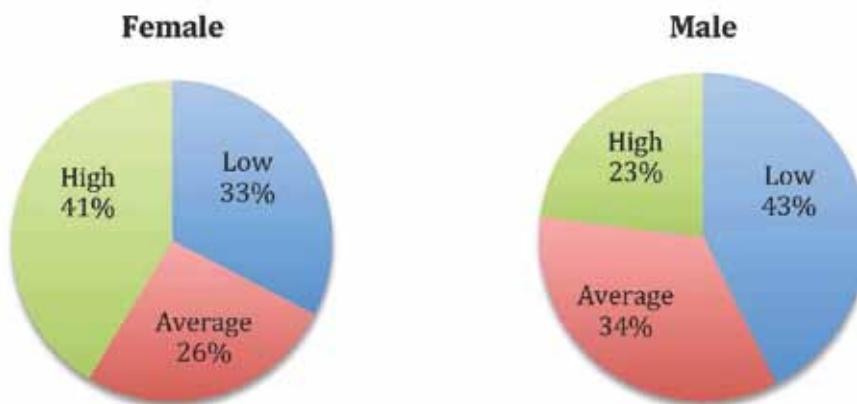


Chart 13: Percentage of impact of having children on career

Among the respondents, 70% were married. For the male married respondents, almost a third of their wives were homemakers. In contrast, 93% of female respondents' husbands worked full time. Due to the existing societal expectations and gender stereotypes around women's roles within the home, the above profile would clearly result in female lawyers experiencing the double burden of both earning a living and running a household. This would most certainly bear weight on how impactful family commitments or having children would be on one's career advancement or development.

Bypassed for promotion

Out of 11 respondents who felt they were bypassed for promotion, six (55%) felt that having children had a high impact on their career. Four of them were female lawyers who felt that they were bypassed for promotion as a result of their need to attend to children or other members of the family. This impact is most felt by female respondents with children under seven years old.

Caring for other family members

More females (33%) as compared to males (19%) stated that caring for other members of the family had an impact on their career. Many of those with no children (47%) said that caring for other family members had an average to high level of impact on their careers. It was thought this might be due to their availability to care for other family members. A significant 71% of respondents felt that their involvement in caring for family members had led to them being bypassed for promotions. Younger respondents appeared to have to care more for other members of the family than older respondents.

Reason for female lawyers establishing sole proprietorship

When asked about perceptions of priority, a high proportion of female (76%) and male (64%) respondents agreed and strongly agreed with the statement that 'female lawyers are perceived to place family commitments over career'. As shown in Chart 14, this seems to be one of the driving reasons for female lawyers to establish their own practice be it as sole proprietors or equity partners. As compared to male respondents, females identified more time to care for children and other family members as very important reasons to set up their own practice. Notably, both females and males regard the monetary aspect of having their own practice in equal measure.

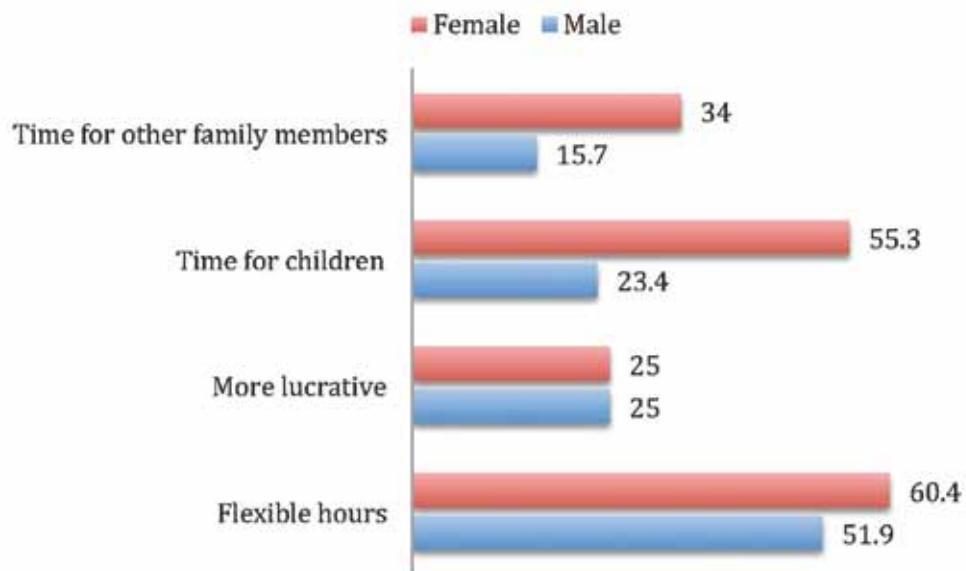


Chart 14: Percentage of how highly important reason is for establishing own practice

3.2.6 Attrition rate

Related to this is the assessment of attrition rates among the female and male lawyers. Chart 15 below shows that more male lawyers remained in the same firm as opposed to female lawyers. There was a slightly higher percentage of female lawyers who quit from practice. This mirrors the findings in another study in Canada, which established that this is 'due to female lawyers' dissatisfaction with the ability to balance their work and personal life⁹.

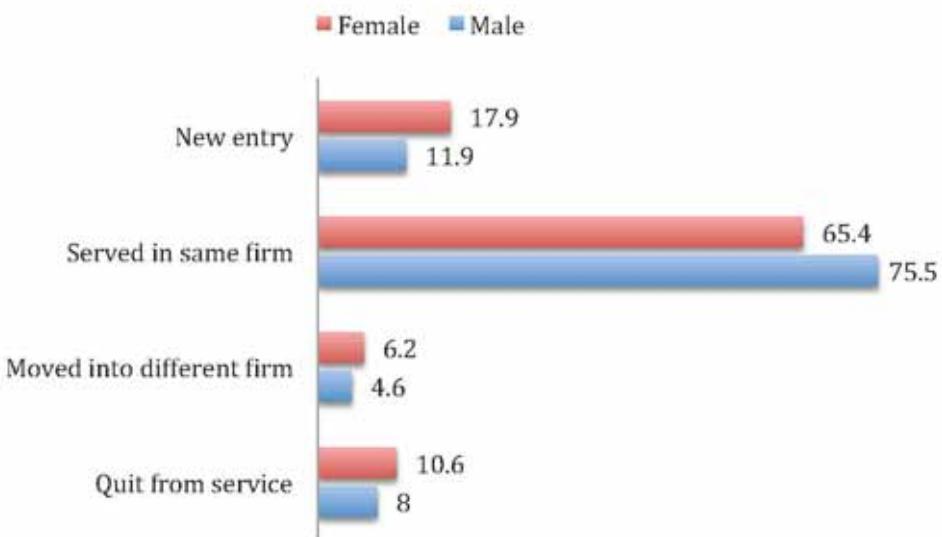


Chart 15: Employment status of lawyers between December 2011 and December 2012 (percentage)

3.2.7 Opportunities to network

From the quantitative survey, an almost equal proportion of female (69%) and male (71%) respondents indicated that they were satisfied with the opportunity to network with lawyers or clients. Marital status did not appear to have a significant impact on this aspect. The data also revealed that generally, contrary to expectations, having children did not restrict opportunities for networking. However, the proportion of lawyers who were satisfied with their opportunity to network declined with the increase in the number of children below seven years old.

The in-depth interviews with respondents, who had indicated experiencing some form of gender discrimination, threw up some indications of biases in one's ability to gain opportunities for networking. There appears to be a perception that male lawyers have better social networking opportunities, as they are able to engage in drink and socialise more freely. The Baseline Study highlighted that this can particularly affect female Muslim lawyers who don the headscarf as it can have an effect on the salary and business generated for the firm.

"As noted by a female partner, male lawyers were not restricted in this regard and could indulge in the nightlife which included going out for drinks and massages as part of networking to entertain clients. She further cited this as the reason why she would not get corporate work."
(The Baseline Study, p.84)

⁹Fiona, M. Kay. 2002. "Crossroads to Innovation and Diversity: The Careers of Women Lawyers in Quebec", McGill Law Journal, Vol. 47. pp. 699-745.

3.3 Issues and areas of concern for female lawyers

Out of the 198 respondents, 61¹⁰ had indicated that they had been sexually propositioned and / or faced gender issues or gender discrimination at the workplace. This amounts to approximately 31% of respondents who have raised these issues as a concern. Of the 61 respondents, approximately 70% were female. The Baseline Study concluded that this is very likely due to female lawyers facing more obstacles and discrimination at work.

Out of the 61 affirmative responses for one form of gender discriminatory practices or other, 20 lawyers (10%) with 17 females and 3 males indicated that they had been sexually propositioned. In addition, 53 of them indicated that they had experienced and/or witnessed or know of gender based issues/discrimination at the workplace.

From the qualitative interviews with respondents, the Baseline Study was able to elaborate on the concern of sexual propositioning and further, together with the written responses to gender discriminatory practices, were able to identify six types. It is to be noted that a respondent may cite more than one category of gender discriminatory practices.

3.3.1 Sexual propositioning

Table 1 below gives an indication of the frequency of the sexual propositions experienced by male and female respondents. Out of the 195 respondents, 176 never experienced sexual propositioning. However, out of the 19 respondents who had experienced sexual propositioning, most of them were one-off encounters but there were some who had experienced it as many as six times.

	0 (never)	1	2	3	4	5	6	7 (very often)
Number	176	5	6	5	0	1	2	0
Per cent	90.3	2.6	3.1	2.6	0	0.5	1.0	0

Table 1: Frequency of sexual propositions experienced by respondents (male and female)

The range of those who had sexually propositioned these lawyers included a colleague, client, boss as well as figures of authority like prison guards, police officers and even a judge. One respondent shared her experience of being wolf-whistled at and sexually harassed by prison guards and police officers in the course of seeing her client for criminal cases.

¹⁰There were actually 63 respondents however, two were not counted as their response was either unrelated to gender issues or the respondent had indicated not having any knowledge of the matter despite answering the question in affirmative.

Age

Younger lawyers appeared to be more likely to be the targets of sexual propositions.¹¹ Eight of the female lawyers who had experienced such propositions were 40 years old and below. Nine of the female lawyers were above 40 years old, however five of them clarified that the incident had happened when they were younger, including while they were undergoing pupillage. Having advanced in the profession and being their own bosses now, these incidents happened less or have stopped. Even the three male lawyers who indicated having been sexually propositioned, were between 20 and 30 years old or were still new to the profession.

Categories

From the responses, three broad categories of sexual propositions were noted:

(i) Suggestive remarks / verbal harassment

Six female respondents shared the following cases:

- Inappropriate remarks such as comments on their physical body parts, appearance.
- Being told they resemble a particular pornographic actress by a male colleague.
- Inappropriate use of terms of endearment, such as 'baby', 'darling' in a professional setting instead of their names.
- Cracking of dirty jokes.
- Using offensive language such as 'screw' in their presence.

(ii) Physical harassment

Four female and three male respondents shared the following cases:

- Clients trying to physically take advantage of them.
- Inappropriate touching such as holding of hands, sitting on their lap and even trying to kiss them without consent.

(iii) Suggestive invitations

Ten female and two male respondents shared the following situations:

- Subtle invitations to seemingly innocent activities such as lunch, drinks or after-work social functions.
- Clients asking them out on the pretext of discussing work matters.
- Asked out by colleague; asked to stay late by senior colleague.
- Offered to go on a fully paid holiday trip by a client, spend a weekend on a yacht.

Non-reporting

Most of the respondents did not report these incidents for various reasons:

- They felt the incident was a one-off incident and they were able to handle it.
- It would be difficult to prove that it happened as there were no witnesses.
- Concern how reporting such incidents might impact their career advancement. This was especially a concern for young female lawyers.

"A young female lawyer shared that the strategy she adopted was to avoid or find an excuse to move away politely due to fear of offending the client and lose the business for the firm."

"A female lawyer indicated that she lost her long term client after she rejected his advances. She observed that while she was in a position to do so as it was her own business, others may not be as lucky as she was."

(The Baseline Study, p.81)

¹¹This finding is consistent with the results of a study of the legal profession conducted in the metropolitan areas of the United States that junior compared to senior associates are more likely to be the target of sexual harassment. For details see Marla H. Kohlman. Fall 2004. "Sexual Harassment within the Legal Profession: Estimating Average Levels in Metropolitan Areas", Michigan Sociological Review, Vol. 18. pp. 64-81.

These incidents left them feeling 'uncomfortable' 'upset', 'angry', 'shocked', 'disrespected' and 'violated'. There were feelings of self-blame and some questioned whether it was their fault. However none felt the incident affected their work as they were one-off and they had no dealings with the perpetrator after that as well as they felt they were able to handle the situation.

3.3.2 Bias towards a particular gender

From the analysis of 53 written responses that indicated having experienced, witnessed or know of gender discriminatory practices in the course of their work as well as from the interviews conducted, 22 females and nine males shared experiences of gender bias.

Bias in favour of males

Most of the responses (three from males and 21 from females) indicated that there has been bias behaviour in favour of males in the legal profession. This could take the form of being given more work opportunities by bosses, offered big cases or allocated more files. There are several stereotypes or gendered perceptions that respondents identified as fueling this bias:

- Clients prefer male lawyers.
- Male lawyers are more confident and aggressive.
- Female lawyers are incapable and carry lower levels of trust.
- Male lawyers have better social networking opportunities – the ability to drink and socialise more freely.

There were also two female and six male respondents who highlighted biased behaviour in favour of females. Reasons given for this include:

- Social networking opportunities by virtue of them being more approachable.
- Preferred by bosses as they were more meticulous, paid attention to detail.
- Superiors tended to treat female lawyers better, giving them more flexibility at work.

3.3.3 Bias against working mothers

The issue of discrimination against female lawyers who are working mothers was picked up by 15 female and six male interviewees. Three female and one male respondent said that working mothers were seen as being less efficient and more inclined towards their family commitments which hampers their chances of promotion or career advancement.

"A female respondent stated that female lawyers who took a few months of maternity leave did not obtain the same remuneration as their male counterparts, such as not getting a bonus or increment, even though they had worked productively throughout the months where they were not on leave. This indicates that there is systemic discrimination against working mothers in the firm."

(Baseline Study, p.86)

The Baseline Study highlighted that long working hours have resulted in female lawyers with very young children quitting their jobs to care for their children. There is also stereotyping towards working mothers which has led to the notion that female lawyers have to fight harder to prove their capabilities in the workplace. This is consistent with the quantitative data that found caring for children has a greater impact on female lawyers than males. Studies have shown that such impact could include an income gap¹² for female lawyers and the tendency to feel depressed.¹³

¹² Robert G. Wood, Mary E. Corcoran and Paul N. Courant. July 1993. "Pay Difference Among the High Paid: The Male-Female Earnings Gap in Lawyers' Salaries", Journal of Labor Economics, Vol. 11, No. 3. pp. 417-441.

¹³ John Hagan and Fiona Kay. March 2007, "Even Lawyers Get the Blues: Gender, Depression and Job Satisfaction in Legal Practice", Law & Society Review, Vol. 41, No. 1. pp. 51-78; and C. Chiu, 1998. "Do Professional Women have Lower Job Satisfaction than Professional Men? Lawyers as a Case Study", Sex Roles, Vol. 38, Nos. 7/8. pp.521-537.

3.3.4 Bias against female lawyers in litigation, particularly criminal litigation

Female lawyers are also considered less able but also less suited for criminal litigation. Safety issues are usually cited as the main factor that has driven this perception among both male and female lawyers themselves. Along with this are the long hours and stress associated with this area of practice. Further, male lawyers are perceived to have the 'oomph' factor for this kind of work. According to a female lawyer's experience, even the judge seemed to treat male counsels more favourably than female counsels in court proceedings. One female respondent observed there is a preference in the litigation world especially for male Indian lawyers.

The results of the survey clearly reflect this perception as not a single female lawyer indicated criminal litigation as her main area of work (see Chart 3). Female lawyers who have handled criminal cases before explain that in actual fact it is not so much the client but the hostile environment encountered at the police station and prison that deterred her continuing practice in this area. Two female lawyers observed that there are generally very few senior female lawyers in litigation. The exception is in the area of family law, which is perceived as better suited for women along with banking litigation where women have made some inroads. However, the survey also showed that even in civil litigation, the majority of practitioners were male lawyers (see Chart 5).

3.3.5 Gender discrimination in terms of salary and promotion (career advancement)

Four female lawyers indicated having experienced discrimination in terms of salary and promotion. According to the baseline study it is perpetuated by the societal perception and "cultural mentality" that males have more responsibilities in the family and carry the greater financial burden.

"A female lawyer left her previous firm to open her own firm as there was no career advancement for her. Instead of promoting her as a partner, she was asked by the managing partner (male) to join as an in-house lawyer for a client's company. Since all the partners at the firm were male, she strongly felt a certain degree of chauvinism amongst them. There seems to be blatant discrimination in this particular firm as senior female legal assistants who expressed interest to be made partners are typically sent off as in-house lawyers to other firms. Notwithstanding that this offer may be a good one, the fact remains that the advancement of female lawyers as partners is hampered in the firm."

(The Baseline Study, p.88)

3.3.6 Bias against successful female lawyers

A prevailing sexist culture appears to fuel the perception that men are better regarded, more capable and having more authority than women. As a result, female lawyers who are successful are assumed or stereotyped to have bought or slept their way to the top. Three female respondents shared being at the receiving end of such statements;

"She just jiggles and the files will come running. No need to do anything. For women lawyers it comes easy, just sleep your way up."

"Why you are very good, what have you done to all the people, pass cases to you, they 'keep' you?"

(The Baseline Study, p.89)

A female lawyer observed the handicap that female lawyers encountered and made the following observation;

“...female lawyers have to work harder than their male counterparts in order to earn respect and trust”.

(The Baseline Study, p.89)

3.3.7 Exertion of power dynamics

A few respondents raised this as a concern, namely how some male lawyers, clients or parties to a legal transaction might use ways to intimidate female lawyers. This might be through raising their voices or physically aggressive body movements. This left female respondents feeling intimidated and not respected despite being able to handle matters as well as their male counterparts. This scenario seemed to be especially true in courtroom situations. Male lawyers had a tendency of exuding a very dominant persona in a bid to intimidate their opponent female lawyers.

4. Conclusion

This Baseline Study of a group of lawyers in KL and Selangor gives us some sense of the forms of gender bias and discrimination that lawyers experience within the profession. It however cannot claim to paint a picture of the entire legal profession in the country, although such a study would be most welcome and warranted based on some of the indicators coming out of this Baseline Study.

Several areas were identified in the Baseline Study as areas where further research is needed to better understand the perceptions and realities of the working conditions of female lawyers. Some of the key areas for further study and action are:

- The **low representation of female lawyers** in leadership positions,
- The existence of **sexual propositioning within the profession** and the low level of awareness of the Bar Council's Code of Practice on the Prevention and Eradication of Sexual Harassment,
- The **impact of family commitments** on female lawyer's career advancement, and
- Gender stereotyping, bias and discrimination that impact **areas of work, positions within the legal fraternity, pay, promotions and other concerns**.

Recommendations

Several respondents had offered suggestions in relation to some of the key issues:

- (i) On the issue of sexual propositioning some suggestions at the institutional level are:
 - Awareness campaigns targeted at both female and male lawyers. This could include sharing sessions to educate and equip young lawyers with information on what to do and where to get support if they are sexually propositioned. Also, integrating the issue into compulsory courses for pupils in chambers as well as the sessions under the Certificate of Legal Practice (CLP).
 - Building a network of support for those who are sexually propositioned to go to in times of need. This network could comprise both female and male lawyers, including senior lawyers to increase awareness and give the network more credibility. When needed, those who are sexually propositioned should be able to turn to their male bosses or superiors for support given that many of them are in positions of power. This will embarrass the perpetrators and create awareness that it is not just a female issue.
 - Establishing a clear policy on sexual harassment for firms that do not have one. To ensure, for example, that as part of the policy visits to strip clubs are not to be organised as part of a company trip. Managing partners of firms are to acknowledge the policy.
 - Ensuring the effectiveness of the Code of Practice on the Prevention and Eradication of Sexual Harassment that was adopted by the Bar Council.

- (ii) On the issue of family commitments and its impact on working mothers:
 - Integrating the necessary facilities such as a daycare centre and a breastfeeding room in the workplace.
 - Implementing part-time working hours or allowing working mothers to work from home or in shifts.¹⁴
 - Implementing a cost-sharing system where overhead costs including office space and marketing costs are shared with lawyers' earnings based on the cases that each handles. This would enable lawyers, including female lawyers who are mothers to have their own firm and the flexibility needed to juggle work and family¹⁵.
 - Providing one month paternity leave for male lawyers so that they can also share in the caring role.
- (iii) On the issue of being discriminated based on pay, promotions or bonuses:
 - To study the enactment of a Gender Equality Act and how it could provide recourse for lawyers who are discriminated against in terms of working conditions like pay, bonuses or promotions.
- (iv) On the issue of avenues for redress:
 - For the Bar Council to provide proper channels for redress and to give support and protect female lawyers. A concern was raised that female lawyers are not well protected within the legal fraternity. They are open to a lot of blackmails, criminal intent, harassment and fraudulent clients.

The Baseline Study is meant to give some insight into the working conditions of female lawyers based on the data obtained from studying 198 female and male lawyers in KL and Selangor. The findings are meant to encourage discussion and further research into areas that might be cause for concern. It is hoped that the Professional Development Committee might be open to dialogue on some of these issues so as to explore further both the issues raised as well as possible ways to create a more enabling working environment for female lawyers.

¹⁴ An example was shared of a firm that practises this. There are two shifts: the morning shift starts at 7am and the second shift starts at 12 noon.

¹⁵ A female lawyer shared that she started her own firm after she gave birth and found not only flexibility but also she was working less with more or less the same income. This was made possible by the fact that she had the experience and ability to bring in her own clients.

Appendix 1: Questionnaire for the survey

APPENDIX I: Questionnaire Survey

A. DEMOGRAPHY

1. Age

- [] 20 _ 30 years [] 31 _ 40 years [] 41 _ 50 years [] 51 _ 60 years
[] More than 60 years

2. Sex

- [] Male [] Female

3. Ethnicity

- [] Malay [] Chinese [] Indian
[] Others (please specify): _____

4. Marital Status

- [] Single [] Married [] Widowed [] Divorced
[] Others (please specify): _____

5. If you are married, which of the following best describes your spouse's current mode of employment?

- [] Full time [] Part-time [] Homemaker [] Retired

6. Number of children (if applicable):

- [] None [] 1 [] 2 [] 3
[] 4 [] 5 [] More than 5

7. Number of children below 7 years old:

- [] None [] 1 [] 2 [] 3
[] 4 [] 5 [] More than 5

8. Number of years in active practice of law

- [] Less than 1 year [] 1 _ 5 years [] 6 _ 10 years [] 11 _ 15 years
[] 16 _ 20 years [] 21 _ 25 years [] 26 _ 30 years [] 31 _ 35 years
[] 36 _ 40 years [] 41 years & above

9. Please state the year you were admitted to the Malaysian Bar: _____

10. Please state the number of times you have switched firms since your first job in this field:

- [] Never [] 1 _ 3 times [] 4 _ 6 times [] 7 - 9 times
[] 10 times & above

11. Please state your tenure with the current firm:

- [] Less than 1 year [] 1 _ 3 years [] 4 _ 9 years [] 10 years & above

12. Nature of the firm set up

- [] Sole Proprietorship [] Partnership

13. (a) Location of the firm

[] Kuala Lumpur [go to 14] [] Selangor [go to (b)]

(b) Which district?

[] Hulu Langat	[] Petaling	[] Gombak
[] Kuala Langat	[] Kuala Selangor	[] Sepang
[] Klang	[] Hulu Selangor	[] Sabak Bernam

14. Your position in the firm

[] Sole Proprietor	[] Legal Assistant	[] Senior Legal Assistant
[] Salaried Partner	[] Equity Partner	[] Consultant

15. Size of the firm (number of lawyers in the firm including yourself)

[] 1	[] 2 _ 5	[] 6 _ 10
[] 11 _ 20	[] 21 _ 50	[] Above 50

Question 16 is for sole proprietors and equity partners only. If you are not, go to 17.

16. Please **circle** to indicate how important is each of the reason below in influencing your decision to establish your own practice.

Factor	Highly Unimportant	Unimportant	Important	Highly Important
	(1)	(2)	(3)	(4)
a) Flexibility in terms of work schedule	1	2	3	4
b) It is more lucrative	1	2	3	4
c) It allows me more time to care for my children	1	2	3	4
d) It allows me more time to care for my other family members including spouse, parents, in-laws and relatives.	1	2	3	4
e) Others (please specify):	1	2	3	4

17. (a) Are you holding any position of leadership in the Bar Council and/or State Bar Committee?

[] Yes [go to (b)] [] No [go to 18]

(b) Please give details below:

Position in Bar Council/ Bar Committee(s)	Position in State Bar Committee/ Sub-Committee(s)
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.
7.	7.

Example:

1. President, Malaysian Bar	1. Chairperson, KL Bar Committee
2. Co-chairperson, Human Rights Committee	2. Deputy Chairperson, Young Lawyers Committee
3. Member, Professional Standards and Development Committee	3. Member, Social, Arts & Culture Committee

18. On average, how many hours do you work per week?

- [] 40 – 45 hours [] 46 – 50 hours
[] 51 – 55 hours [] 56 – 60 hours
[] Above 60 hours [] Others (please specify): _____

19. What was your total annual gross income [including your share of profit (if any) AND your income before tax and other deductions] when you first started practice after being duly admitted to the Bar?

- [] RM20,000 or below [] RM20,001 – 35,000
[] RM35,001 – 50,000 [] RM50,001 – 65,000
[] Above RM65,000 [] Others (please specify): _____

(Or if you have worked for less than a year, please estimate your annual income based on your salary per month)

20. What was your total annual gross income [including your share of profit (if any) AND your income before tax and other deductions] for the year 2012?

- [] RM30,000 – 60,000 [] RM60,001 – 90,000
[] RM90,001 – 120,000 [] RM120,001 – 200,000
[] RM201,000 – 300,000 [] RM300,001 – 400,000
[] Above RM400,000 [] Others (please specify): _____

(Or if you have not completed a calendar year in practice for the year 2012, please estimate your annual income based on your salary per month)

21. Area(s) of Practice

Area of Practice	Main Area of Practice (please tick ONLY ONE)	Other Area(s) of Practice (please tick ALL that apply)
Civil Litigation (General)		
Banking Litigation		
Alternative Dispute Resolution		
Corporate		
Conveyancing		
Intellectual Property		
Criminal Litigation		
Family Law		
Employment Law		
Torts and Insurance Law		
Shariah Law		
Will Drafting, Probate & Administration		
Taxation		
Maritime Law		
Construction Law		
Medical Law		
Others (please specify):		

22. As for the main area of practice, is it self-selected or assigned?

[] Self-Selected

[] Assigned

23. If the **main area of practice** is self-selected, what are the factors affecting your choice?

(Please **circle** the relevant column opposite each factor)

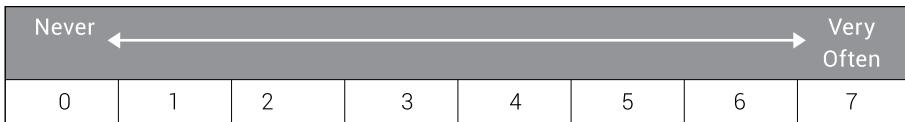
Factor	Highly Unimportant (1)	Unimportant (2)	Important (3)	Highly important (4)
	Unimportant (1)	Unimportant (2)	Important (3)	Highly important (4)
Own interest	1	2	3	4
Good prospects of upward mobility	1	2	3	4
Good benefits [remuneration & annual incentives, e.g. bonus, year-end firm trips]	1	2	3	4
Location of firm	1	2	3	4
Family commitments	1	2	3	4
Proximity with friends	1	2	3	4
Advice by lecturers	1	2	3	4
Advice by senior practitioners	1	2	3	4
Less demanding	1	2	3	4

B. WORKING CONDITIONS

24. To ascertain your current working conditions, please **circle** the relevant column which best represents your level of agreement with each of the statements below.

Statements	Strongly Disagree (1)	Disagree (2)	Agree (3)	Strongly Agree (4)	
Financial rewards are great	1	2	3	4	
I often travel outstation/overseas for work related matters	1	2	3	4	
I have long working hours	1	2	3	4	
I have time to spend with my family	1	2	3	4	
Work atmosphere is friendly	1	2	3	4	
I am respected by my superiors (if applicable)	1	2	3	4	
I take full responsibility for the cases given to me	1	2	3	4	
I have always been encouraged to take on more complex and difficult matters regardless of my gender		1	2	3	4
The firm has a flexible work policy for lawyers	1	2	3	4	
I suffer from work overload	1	2	3	4	
I often get comments about my appearance and attire at work	1	2	3	4	
Male lawyers command more respect than female lawyers regardless of their seniority by other lawyers	1	2	3	4	
Clients prefer male lawyers in handling their cases	1	2	3	4	
Female lawyers are requested to dress attractively when meeting clients	1	2	3	4	

- 25 (a) Have **you** ever been sexually propositioned by a colleague, client or boss in your firm?
 (Please **circle** the numerical below to indicate the extent of such incidents in your firm.)



- (b) If you have indicated any number from (1) to (7) above, please describe the incident(s) [without naming anyone]:

- (c) How did you deal with it? Please elaborate below:

- (d) Are you aware of any mechanism to address sexual harassment in your firm?

[] Yes

[] No

[] Unsure

- (e) Are you aware that the Bar Council has adopted the Code of Practice on the Prevention and Eradication of Sexual Harassment at the Workplace since 2007 and that there is a mechanism for lawyers to lodge a complaint to address this issue?

[] Yes

[] No

[] Unsure

C. ABOUT PAY

26. Please **circle** the relevant column which best represents your level of agreement with each of the statements below.

Statement	Strongly Disagree (1)	Disagree (2)	Agree (3)	Strongly Agree (4)
a) The firm negotiates pay with lawyers based on experience	1	2	3	4
b) My pay depends on annual job evaluation	1	2	3	4
c) I am being paid well	1	2	3	4
d) My pay depends on the number of hours billed to clients	1	2	3	4
e) My pay depends on the location of the firm	1	2	3	4
f) My pay depends on the area of law that I practice (e.g. corporate, arbitration, litigation or matrimonial disputes)	1	2	3	4
g) Male and female lawyers at the firm are treated equally in terms of remuneration (including pay, bonuses and salary increments)	1	2	3	4

D. BENEFITS

27. Please state how important are the following in motivating you to work at your firm (please **circle** the relevant column which best represents your level of importance).

Benefits	Highly Unimportant (1)	Unimportant (2)	Important (3)	Highly Important (4)
a) Annual bonus	1	2	3	4
b) Salary increment	1	2	3	4
c) Celebration or other fun team-building events	1	2	3	4
d) Insurance coverage including medical	1	2	3	4
e) Paid trips / holidays	1	2	3	4
f) Good prospects for career advancement	1	2	3	4

E. MENTORING

28. (a) When you first joined practice, were you mentored by a senior lawyer in the firm?

[] Yes [go to (b)] [] No [go to 29]

- (b) Please indicate which of the following apply (you may tick both, if applies)

[] Male senior lawyer [] Female senior lawyer

29. Please **circle** the relevant column which best represents your level of agreement with each of the statements below.

Statements	Strongly Disagree (1)	Disagree (2)	Agree (3)	Strongly Agree (4)
a) My experience of being mentored has helped me to establish a successful law career	1	2	3	4
b) My experience of being mentored has helped me to become a sole proprietor/partner/senior legal assistant in the firm [not applicable to legal assistants]	1	2	3	4
c) My experience of being mentored has helped me to gain more clients, files and referrals	1	2	3	4
d) Generally, mentors are senior female lawyers/ partners in the firm	1	2	3	4
e) My mentor(s) understood my family commitments	1	2	3	4
f) Mentoring is a waste of time	1	2	3	4

F. FAMILY COMMITMENTS

If you do not have children, please proceed to Q31.

30. As a result of **having children**, have you ever experienced the following? Please indicate your level of agreement with the following items by placing a **circle** at the appropriate column.

Statement	Never (1)	Rarely (2)	Usually (3)	Always (4)
a) Loss of seniority	1	2	3	4
b) Delay in promotion	1	2	3	4
c) Pressure to return to work during maternity/paternity leave	1	2	3	4
d) Pressure to work from home whilst on maternity/paternity leave	1	2	3	4
e) Unreasonable work load after maternity/paternity leave	1	2	3	4
f) Less case files	1	2	3	4
g) Difficulty in extending maternity/paternity leave	1	2	3	4
h) Difficulty in obtaining flexible hours	1	2	3	4
i) Loss of annual incentives	1	2	3	4

31. As a result of **having to take care of your family members** [including spouse, parent(s), in-law(s) and relative(s)], have you ever experienced the following? Please indicate your level of agreement with the following items by placing a **circle** at the appropriate column.

Statement	Never (1)	Rarely (2)	Usually (3)	Always (4)
a) Loss of seniority	1	2	3	4
b) Delay in promotion	1	2	3	4
c) Less case files	1	2	3	4
d) Difficulty in obtaining flexible hours	1	2	3	4
e) Loss of annual incentives	1	2	3	4

32. "Female lawyers are perceived to place family commitments over career." Please indicate your level of agreement with the statement above.

[] Strongly agree [] Agree [] Disagree [] Strongly disagree

G. OPPORTUNITY TO NETWORK WITH LAWYERS / CLIENTS

33. Please circle the relevant column which best represents your level of agreement with each of the statements below.

Statement	Strongly Disagree (1)	Disagree (2)	Agree (3)	Strongly Agree (4)
a) Working with this firm provides me with the opportunity to network	1	2	3	4
b) My firm provides me with the opportunity to network within my working hours	1	2	3	4
c) My firm provides me with the opportunity to network outside my working hours	1	2	3	4
d) My superior(s) have never made it difficult for me to network	1	2	3	4
e) Networking has resulted in me gaining more clients	1	2	3	4

H. PROMOTIONAL PROSPECTS

34. The following are factors taken into consideration by your firm for purposes of promotion. Please **circle** the relevant column which best represents your level of agreement on each of the following.

Factor	Strongly Disagree (1)	Disagree (2)	Agree (3)	Strongly Agree (4)
a) Number of years of service in the firm	1	2	3	4
b) Volume of business generated by the lawyer	1	2	3	4
c) Rate of 'success' in litigation (if applicable)	1	2	3	4
d) Good references / comments by clients	1	2	3	4
e) Recommendation of the immediate superior in the firm	1	2	3	4
f) Good working relationship with superior	1	2	3	4
g) Attitude	1	2	3	4
h) Diligence and hard work	1	2	3	4
i) Others (please specify):				

35. (a) Have you ever been bypassed for promotion?

[] Yes [go to (b)] [] No [go to 36]

- (b) Was/were there any specific reason(s) cited by your firm for such an action?

[] Yes [go to (c)] [] No [go to 36]

- (c) Please state the reason(s) cited.

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Question 36 is for legal assistants, senior legal assistants and salaried partners only. If you are not, go to 37.

36. What are the prospects of your promotion within the next two years?

[] Not good [] Unsure [] Good [] Already at the top tier

Question 37 is for partners only. If you are not, go to 38.

37. Please indicate the promotional path you went through.

- [] LA to Senior LA to salaried partner to equity partner
[] LA to Senior LA to salaried partner
[] LA to Senior LA to equity partner
[] LA to salaried partner
[] LA to equity partners
[] Others (please specify): _____

I. SATISFACTION AT JOB

38. Please circle the number at the relevant column which best represents your level of agreement with the statements below.

Statement	Strongly disagree							Strongly agree
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	
a) I would recommend this job to a friend	1	2	3	4	5	6	7	
b) I would recommend this firm to a friend	1	2	3	4	5	6	7	
c) Given a choice, I would choose this job as my profession again	1	2	3	4	5	6	7	
d) I am satisfied with substantive mix of work	1	2	3	4	5	6	7	
e) I am satisfied with efficiency at this firm	1	2	3	4	5	6	7	
f) Overall, I am satisfied with my job	1	2	3	4	5	6	7	

J. LAWYERS' TURNOVER

39. (a) In the past one year, have any lawyers left the firm?

[] Yes [go to (b)] [] No [go to 42] [] Unsure [go to 42]

(b) How many lawyers have left the firm? (you may estimate)

Male: _____ person(s) Female: _____ person(s)

40. What are the main reasons for the **male** lawyers to leave the firm? (Please **circle** the relevant column opposite each item below)

Reasons for leaving	Strongly Disagree (1)	Disagree (2)	Agree (3)	Strongly Agree (4)
a) Better pay	1	2	3	4
b) Location of firm	1	2	3	4
c) Better prospect of partnership	1	2	3	4
d) Better chance for career advancement	1	2	3	4
e) Work overload	2	3	4	
f) Flexible working hours in another firm	1	2	3	4
g) Sexual harassment	1	2	3	4
h) Others (please state):				

41. What are the main reasons for the **female** lawyers to leave the firm? (Please **circle** the relevant column opposite each item below)

Reasons for leaving	Strongly disagree (1)	Disagree (2)	Agree (3)	Strongly agree (4)
a) Better pay	1	2	3	4
b) Location of firm	1	2	3	4
c) Better prospect of partnership	1	2	3	4
d) Better chance for career advancement	1	2	3	4
e) Work overload	2	3	4	
f) Flexible working hours in another firm	1	2	3	4
g) Sexual harassment	1	2	3	4
h) Others (please state):				

42. (a) In the past one year, have any lawyers joined the firm?

[] Yes [go to (b)] [] No [go to 43] [] Unsure [go to 43]

- (b) How many lawyers have joined the firm? (you may estimate)

Male: _____ person(s) Female: _____ person(s)

K. GENERAL

43. (a) Can you think of an occasion at work where you feel you were treated less favourably or discriminated against due to your gender?

[] Yes [go to (b)] [] No [go to 44]

(b) If yes, please elaborate:

44. (a) Are you of the view that female lawyers are treated less favourably than male lawyers or vice versa in terms of remuneration and incentives, working hours, promotional opportunities, mentoring and appraisal / performance management?

[] Yes [go to (b)] [] No [go to 45]

(b) If yes, please elaborate:

45. (a) Is there anything else on gender issue at your workplace that you wish to share with us?

[] Yes [go to (b)] [] No [END. THANK YOU VERY MUCH]

(b) Please elaborate:

THANK YOU VERY MUCH

This Section is for Enumerator's Use Only

Respondent's Name (for follow-up purposes only):

Firm's Name & Address:

Date: _____

Start Time: _____ End Time: _____

Enumerator's Name:

Contact No of Enumerator:

Number of attempts: 1. 1st attempt 2. 2nd attempt 3. More than twice

Appendix 2: Qualitative Interview: Interview Questions Pertaining To Being Sexually Propositioned

Qualitative Interview

**BASELINE STUDY ON WORKING CONDITIONS OF MALE AND FEMALE LAWYERS
IN KUALA LUMPUR AND SELANGOR**

Interview Questions Pertaining To Being Sexually Propositioned

Introduction:

You indicated in the questionnaire survey that you have been sexually propositioned and the in-depth questionnaire is to understand it more in depth and to explore what can be done to improve, minimize or prevent such incidences.

1. Can you please indicate the number of occasions that you have been sexually propositioned?
2. Please describe in more detail how you were sexually propositioned in each of the incident?

(The interviewer will be given a copy of the respondent's response to the survey so that the question can be amended depending on the response i.e. whether there is sparse or a lot of details given in that questionnaire survey.)

3. What is your understanding of being sexually propositioned?
4. In each of the incident, is it by the same person?
5. Who is the person in each of the incident (i.e. superior in your firm, colleague, judge, client, agent for purchaser or seller in conveyancing, etc)?
6. Did you keep a journal, diary, or record of the events you've described? (If so, request a copy).
7. Do you remember when each of the incidents took place?

(If this is in the journal, diary or record this question can be omitted)

8. In each of the incident, where did it take place?

(If this is in the journal, diary or record this question can be omitted)

9. Is any of the incidents still happening?
10. How did the incident/s affect you?
11. Specifically, did the incident/s affect your work?
12. If "yes", how did the incident/s affect your work?
13. How did you respond to each of the incident?
14. Did you indicate in each of the incident that the behaviour was unwelcome?
15. If "yes", how? If "no", were there any reasons why you did not do so?

(Note that in most cases, it seems that the respondent did not indicate that the behaviour was not welcome)

16. Were there any witnesses?
 17. If "yes", who?
 18. Did you tell anyone what happened?
 19. If "yes", to whom and when?
 20. Why did you choose to tell that person?
 21. What did that person do about it?
 22. Did you lodge a formal complaint about the incident/s?
 23. If "yes", to whom? (e.g. Bar Committee, your HR Manager, your superior, etc)
- (Note, in most cases if not all, it seems that no complaint is lodged).
24. If you lodged a formal complaint, do you have any documentation pertaining to your complaint? (If so, request a copy).
 25. If you did not lodge a formal complaint, were there any reasons why you decided against it?
 26. Do you know of any lawyers who have been sexually propositioned?
 27. If "yes", do you know what actions were taken to handle the incident?
 28. How do you think your workplace/the legal fraternity could be improved to minimize or prevent such incidences from occurring?

Appendix 3: Qualitative Interview: Interview Questions Pertaining to Gender Discrimination / Gender Issues at the Workplace

Qualitative Interview

**BASELINE STUDY ON WORKING CONDITIONS OF MALE AND FEMALE LAWYERS
IN KUALA LUMPUR AND SELANGOR**

Interview Questions Pertaining to Gender Discrimination / Gender Issues At the Workplace

Introduction:

You indicated in the questionnaire survey that you have faced/there are gender discrimination/gender issues at the workplace, the in-depth questionnaire is to understand it more in depth and to explore what can be done to improve, minimize or prevent such incidences.

1. Can you please explain in more detail the gender discrimination and/or gender issues faced at the workplace?

(The interviewer will be given a copy of the response so the question can be amended depending on the response i.e. whether there is sparse or a lot of details given in the questionnaire survey by the respondent)

2. Is this what you personally experienced and/or what you observed happening at the workplace?
3. Is this still ongoing?
4. What role does the person (who initiated the gender discriminatory behaviour) in each of the incident have in connection with your work (i.e. superior in your firm, colleague, judge, client, agent for purchaser or seller in conveyancing, etc)?
5. Have you ever raised this matter/ issue with your superior/ Bar Council/ Committee/ AWL?
6. Have your colleagues ever raised this matter/ issue with your superior/ Bar Council/ Committee/ AWL?
7. If "yes", for question 5 and/or 6 please describe the response/actions taken when the matter was raised.
8. With regards to the response/actions taken, has the situation improved somewhat?
9. If "yes", please describe the improvement seen.
10. Or if the situation has become worse as a result of raising the matter please explain how.
11. How did the incident/s affect you?
12. Specifically, did the incident/s affect your work?
13. If "yes", how did the incident/s affect your work?
14. Do you think this type of gender discrimination/gender stereotyping is common at your work place/in your profession as a lawyer?
15. How do you think your workplace/ the legal fraternity could be improved to minimize or prevent such gender discriminatory/ gender stereotyping incidences from happening?

AWL MISSION

- 1.1** The Association of Women Lawyers is responsible for the promotion of the rights, welfare and professional development of women lawyers and law graduates in Malaysia.
- 1.2** It is an organisation to eliminate discrimination and ensure full and equal participation of women lawyers and law graduates in the legal and related fields.
- 2.** The Association of Women Lawyers aims to ensure the attainment and full enjoyment of all rights for women from all walks of life based on principles of substantive equality.
- 3.** The Association of Women Lawyers aims to advance justice for all individuals.

AWL OBJECTIVES

- 1.** To promote and increase the participation of women in all levels of judicial, legal and public institutions.
- 2.** To provide education, gender sensitization and awareness in legal and related fields.
- 3.** To monitor laws, legislation, policies and practice directions and to advocate reforms that ensure promotion of equality and eradication of all forms of discrimination against women.
- 4.** To promote the adoption and implementation of international human rights standards, principles and norms.
- 5.** To collaborate nationally, regionally and internationally with interested groups that share similar aims and objectives.
- 6.** To liaise with other Women Lawyers Groups at the national, regional and international levels.
- 7.** To provide a professional and social network for women lawyers and law graduates in Malaysia.