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Women in Law Conference – CBA – Larnaca, 5 April 2023 – Panel on Gender Pay Gap in the Legal Profession

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'Gender Pay gap in the legal profession in Cyprus: a few observations'

1. Mapping out of existing data on the topic
2. Presentation of new CRoLEV survey results
3. Implications of the gender pay gap on the administration of justice and the upholding of the Rule of Law
4. Best practices in England & Wales and France
5. Set of recommendations for Cyprus: how to close the gender pay gap?

A few data from the Legal Profession in Cyprus (2021-23)

- Mapping out of existing data on the topic from a questionnaire in 2021 with the support of the Cyprus Bar Association, and a series of webinars also with the Nicosia Bar Association (qualitative and quantitative data)
- A. Emilianides et al, UNiC questionnaire on perceptions of issues among young legal professionals (October 2021) on behalf of the Young Lawyers Committee of the CBA

Table 1: Demographic Data

		No. of Participants	Percentage (%)
Gender	Male	100	25
	Female	300	75
Marriage Status	Unmarried	300	75
	Married	100	25
Dependents (Children)	Yes	60	15
	No	340	85
Total No. of Participants		400	100

Table 2: Number of years in practice

	Up to 2 Years	3-5 Years	5-10 Years
No. of Participants	126	140	132
Percentage (%)	31.5	35	33

Salary matters extracted (Table 3), UNiC questionnaire (2021)

		No. of Participants	No. of Participants (by Gender)		Percentage (%)	Percentage (%) of Participants (by Gender)	
			Female	Male		Female	Male
Payment Frequency	Monthly	360			90		
	Other	36			9		
Payment Amount (Average, per Month)	<800 euros	24			6		
	800-999 euros	84			21		
	1000-1500 euros	130			32.5		
	1501-2000 euros	88	69	19	22	23	19
	2001-2999 euros	52	39	12	13	13	12
	>3000 euros	20	9	11	5	3	11
	Total No. of Participants	400			100		

Observations:

- The acquisition of a postgraduate degree does not have a significant impact on the salary of lawyers.
- The differences between married and unmarried lawyers are not particularly large, however the sample indicates that married lawyers are placed in the middle and upper salary scales, which may also be due to the fact that in the sample married lawyers have more years of service.

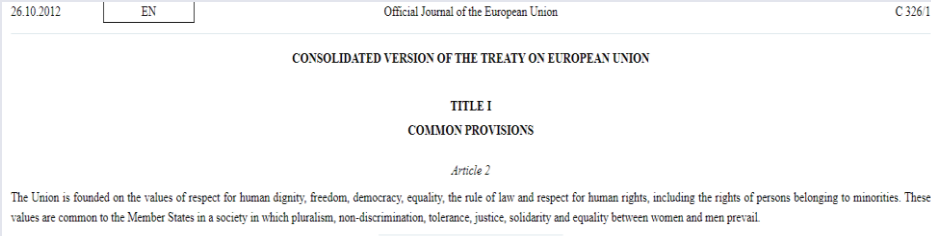
Gender Equality in the Legal Profession in Cyprus: Time for a cultural shift



- ΕΠΙΤΡΟΠΗ ΑΝΘΡΩΠΙΝΩΝ ΔΙΚΑΙΩΜΑΤΩΝ - ΣΥΝΕΔΡΙΑ ΕΠΙΤΡΟΠΗΣ, 30 March 2023
 - Κ. Άννα Κουκκίδη Προκοπίου (Minister of Justice and Public Order, RoC): *'Over the course of time, there has been significant progress regarding gender equality issues in the legal profession, although removing stereotypes and discrimination against female lawyers requires a lot of effort and will be achieved with long-term goals.'*
 - Κ. Τζόζη Χριστοδούλου (Gender Equality Commissioner, RoC): *'Even nowadays, female lawyers need to embrace male stereotypes, as in male behaviours, to survive in law firms.'*
 - Κ. Μιχάλης Βόρκας (ΔΣΛ): *'The contribution of female lawyer in Cyprus played a crucial role in the development of justice and the rule of law in Cyprus.'*
- 'EDI in the Legal Profession' webinar, Cyprus and Nicosia Bar Associations (25 May 2022) (Ms G. Stephanou & Ms. G. Constantinou Panayiotou):
 - The legal profession (just as many others) is regarded as being underpinned by a history of discrimination;
 - Despite the increasing number of female legal professionals, which led women to constitute a majority of legal professionals, women are still a minority in partnerships;
 - The legal profession must reflect the society it serves, especially as its clients are becoming less homogenous → necessary in order to enable trust in justice.
 - Women's careers significantly more likely to have been impacted by the pandemic than those of their male counterparts.

Theme	Sub-Themes								
<u>Manifestations of Discrimination</u>	Lack of equal opportunities	Under-representation in leadership positions	Lesser pay	Incidents of sexual or moral harassment	Lack of action taken to prevent sexual and moral harassment	“Punishment” / “Discriminatory practice” reflected in the distribution of meaningful opportunities	Absence for the fulfilment of care responsibilities towards dependents is punished		
<u>Justifications for Discrimination</u>	Women more likely to have care responsibilities → perceived as less efficient, less flexible, and less reliable								
<u>Effects/ Implications of Discrimination</u>	Legal profession does not reflect societal make-up	Clients’ needs may not be met		Lack of trust in justice	Legal profession regarded as undemocratic	Talent, hard work, and effectiveness are squashed			
<u>Pathways for Moving Forward</u>	Development of codes of practice	Increased promotion and visibility of women professionals	Development of effective reporting mechanisms	Education	Fair distribution of work	Systemic measures intended to address discrimination at the national level	Zero tolerance policies for sexual harassment	Encourage male leaders to take action and refuse to participate in activities which are discriminatory	Flexibility in the scheduling of meetings and working patterns

Implications of the gender pay gap on the administration of justice and the upholding of the Rule of Law



“The core of the existing principle is, I suggest, that all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefit of laws publicly and prospectively promulgated and publicly administered in the courts. I doubt if anyone would suggest that this statement, even if accurate as one of general principle, could be applied without exception or qualification.”

Lord Bingham of Cornhill (the then Senior Law Lord), ‘The Rule of Law’, *Cambridge Law Journal*, 66(1), March 2007, 67-85 at 69, www.cambridge.org/core/journals/cambridge-law-journal/article/rule-of-law/0E971B5BB930C2E363D351C5CBC3B855

The original transcript, on which this article is based, is freely available at www.cpl.law.cam.ac.uk/sir-david-williams-lectures/rt-hon-lord-bingham-cornhill-kg-rule-law

- Rule of Law (RoL), Democracy and European Values demand equality between women and men.
- Equality of pay for equal or equivalent work is fundamental to achieving gender equality.
- Beyond issues of direct and indirect discrimination stemming from unequal pay for equal work, the gender pay gap in the legal profession raises fundamental questions of relevance to the administration of justice (What kind of society do we want? What kind of justice do we deserve? How can justice be fair if tainted by unfairness in its administration?)
- Women are essential in the upholding of the RoL values and principles, as the predominant servants of justice.
- In a world of ‘backsliding’ the RoL, women must play a crucial role at all stages of the administration of justice and determine fair and non-biased delimitations to it.

Best practices in England & Wales

- Introduction of **mandatory gender pay gap reporting** in 2017 by the Law Society of England & Wales <https://www.lawsociety.org.uk/topics/regulation/gender-pay-gap-reporting-setting-the-standard> , following general guidance to employers in the UK <https://www.gov.uk/government/publications/gender-pay-gap-reporting-guidance-for-employers>
- LS Guidance includes recommendations going beyond basic legislation on:
 - how firms can fulfil their gender pay gap reporting requirements
 - how to incorporate partner remuneration into the data in a meaningful and comparable way
- It is a self-regulatory tool with each firm deciding how to put recommendations into practice.
- Reporting includes:
 - gender pay gap in basic hourly pay
 - gender pay gap in bonuses
 - the proportion of men and women who get bonus payments
 - the proportion of men and women in each pay quartile
- The guidance also suggests to collect data on disability, ethnicity and sexuality pay gaps.

Best practices in France

- Publication of the ‘**Index of Professional Equality**’ (« Index de l’égalité professionnelle ») for all companies (below and above 250-1000+ employees). Data transferred to the French Ministry of Labour that may lead to negotiations taking place on gender pay equality (Article 2, Labour Code).
- Threshold at 75%. If below, publicly available corrective measures must be taken by the company within 3 years – if not, penalty of 1% of the salary base. <https://travail-emploi.gouv.fr/droit-du-travail/la-remuneration/article/l-egalite-de-remuneration-entre-les-femmes-et-les-hommes-et-les-obligations-des-374533>
- At the **National Bar Council**, establishment of a **Gender Commission** since 2015
<https://www.cnb.avocat.fr/fr/commission-egalite> :
 - Awareness raising and combatting stereotypes;
 - Gender mainstreaming training in the legal field;
 - Gender advocacy with public authorities;
 - Strategic partnerships with CSOs, academic institutions, etc.
- First female President of the NBC in 2018 and 130+ female Presidents of local Bars.
<https://www.cnb.avocat.fr/fr/actualites/femmes-dans-la-profession-avocat-faits-et-chiffres>

Set of recommendations for Cyprus: How to close the gender pay gap?

- Visibly set out the role of women in the legal profession and the manifestations/ consequences of the gender pay gap. Combat stereotypes and enhance cultural shifts.
- Provide for (self-)regulated professional standards incorporating and building on basic legislation and reporting requirements.
- Provide recommendations to law firms on flexible working conditions and meaning/enhancement of equal pay and equal/equivalent work.
- Facilitate access of female lawyers to more senior positions within law firms and the Bar Associations.

LES FEMMES DANS LA PROFESSION D'AVOCAT

S'il existe une réelle mixité au sein de la profession, de nombreuses inégalités subsistent notamment en matière de revenus.

1900

Deux premières femmes avocates : Jeanne Chauvin et Olga Petit (1946 pour la 1ère femme magistrate)

1933

1ère femme élue bâtonnière : Paule Pignet (La Roche-sur-Yon)

2008

La profession d'avocat compte 50% de femmes

2013

La profession compte 60% de femmes collaboratrices et 24,5% d'associées

2015

Création de la commission Egalité du CNB

2016

Le revenu annuel des femmes avocates est 2 fois inférieur à celui des hommes

2017

La féminisation de la profession progresse : 55% des avocats et 70% des élèves avocats sont des femmes

2018

135 barreaux sur 164 ont déjà eu à leur tête une femme bâtonnière

2018

Une femme est élue pour la première fois à la présidence du CNB



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CONSEIL NATIONAL
DES BARREAUX
LES AVOCATS

www.cnb.avocat.fr

