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The Gender Pay Gap in the Legal Profession in Cyprus: Survey Overview and Findings

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Reviewed and presented by Prof. Stéphanie Laulhé Shaelou, Professor of European Law and Reform, Head, School of Law, and CRoLEV Director, UCLan Cyprus, at the ‘Women in Law’ Conference, organised by the Cyprus Bar Association and held on 5th April 2023 at the Radisson Blue Hotel in Larnaca, Cyprus.

Watch the CRoLEV Survey presentation here: <https://www.youtube.com/watch?v=PfBs-n1MLWU>

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INTRODUCTION

Gender-driven discrimination in the workplace has been a persistent feature of modern societies. While some steps towards addressing inequality have been taken in the past decades, these have often been far too slow, undecisive, and small. As of November 2022, the European Union (EU) reported that women in Cyprus earn, on average, 9% less than men who have the same achievements and work in the same job role. These figures are considerably higher than in the EU's best performing member state, Luxembourg, where women earn 0.7% less than their male counterparts. The most recent and available data on the pay gap in the legal profession in Cyprus stems from a questionnaire which was prepared by the Faculty of Law at the University of Nicosia, at the request of the Young Lawyers Committee of the Cyprus Bar Association, and which sought to record the perceptions of new lawyers on issues related to their profession, including but not limited to pay gap. The survey was conducted in 2021, and found that in the upper salary scales, male lawyers are 4.5 times more likely to receive a monthly salary of 3000 euros or more compared to their female counterparts.¹

Time for a cultural change in the legal profession in Cyprus was also felt in the past few years, with a number of awareness raising events being held under the auspices of the Cyprus Bar Association and the local Bar Associations, in collaboration with other stakeholders such as the Ministry of Justice and Public Order of the Republic of Cyprus and the Gender Equality Commissioner of the Republic of Cyprus. The urgent need for the full recognition of the contribution by the growing share of female lawyers to the profession, but also to justice and society more generally, was highlighted on multiple occasions.

Upon the invitation of the Cyprus Bar Association and with the impetus of all those involved, including the President of the Larnaca Bar Association, Mr. Christakis Mouscos, CRoLEV produced new and targeted qualitative and quantitative data collection and analysis, in the framework of the first ever 'Women in Law' Conference in Cyprus, organised by the Cyprus Bar Association and partners, including UCLan Cyprus as education partner, in Larnaca, on 5th April 2023.² The presentation of the CRoLEV findings can be viewed here:

¹ 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 Cyprus Bar Association.

² <https://www.cyprusbarassociation.org/index.php/en/news/events-seminars-lectures/eventdetail/756/21.22.23/women-in-law-conference>

<https://www.youtube.com/watch?v=PfBs-n1MLWU> and CRoLEV would like to thank all those involved in the design, organisation, delivery, dissemination and actual attendance across multiple organisations and institutions. The usual disclaimer applies as the present CRoLEV survey and report, as well as the whole EU co-funded project, constitute educational materials in an educational setting. Accordingly, and in line with ethics, integrity and professional conduct standards, what each person has provided verbally, electronically, or otherwise must not be accepted or interpreted as either legal advice or any other form of advice and does not constitute any form of official endorsement.

With a dual acknowledgement that one's gender continues to permeate all aspects of mundane life, including the remuneration one is offered for their work, and that recent publications have shown that one of the largest gender pay gaps are found in the legal profession, this survey sought to investigate the effects of the pay gap on legal professionals in the Republic of Cyprus, irrespective of their specific job role or gender. The survey was primarily concerned with grasping the extent to which individuals are affected by the gender pay gap, the specific repercussions of experiencing differential remuneration, and the ways in which such a pay gap can be effectively addressed (and eventually closed) so as to minimise its effects.

METHODOLOGY

Non-Maleficence

As a means of ensuring that individuals would not be negatively impacted by their participation in the survey, a number of measures were taken, as follows:

- i. No personal data or other potentially identifiable indicators were collected;
- ii. The survey *did not* ask any personal questions – such as questions about participants’ qualifications, pay, or current employment status;
- iii. Access to the data was only granted to the principal researcher, Dr. Alexandra M. Uibariu, CRoLEV Postdoctoral Researcher, School of Law, UCLan Cyprus, and Prof. Stéphanie Laulhé Shaelou, Professor of European Law and Reform, Head, School of Law, and CRoLEV Director, UCLan Cyprus.

In upholding participant autonomy, individuals were provided with a full account of what the purpose of the survey is, what their participation would entail, and the research funders. They were also able to skip any questions which they did not wish to answer.

The Survey Instrument

For the purposes of ensuring that participants are able to provide *informed consent*, the survey commenced with the display of an information sheet, which was intended to provide potential participants with a comprehensive statement of the purpose of the research, the ways in which the data collected would be used, efforts to protect the anonymity and confidentiality of respondents, and what participation would entail. The information sheet also included the contact details of the researcher, should potential participants have any questions or concerns.

Before proceeding to the survey questions, participants were asked to confirm that:

- i. They had read and understood the contents of the information sheet;
- ii. They understood that once their responses have been submitted, they will not be able to edit them;
- iii. They understood that once their responses have been submitted, they will not be able to withdraw from the study;
- iv. They are a legal professional residing or active in the Republic of Cyprus.

Once participants confirmed all of the above, they were able to proceed to the survey questions. Overall, there were 25 questions, 7 of which were closed questions, whereby

participants had to choose between two or more answer options, and 18 of which were open questions, whereby participants could use the open text box to provide as much or as little insight into their thoughts as they saw fit. This mixture of qualitative and quantitative data, with a focus on the former, was intended to address gaps in research previously undertaken on the matter, which was primarily concerned with a quantitative estimation of the gender pay gap; and to provide in-depth insight into participants' experiences of the gender pay gap.

The key themes which were covered in the survey questions were as follows:

- i. demographic information (encompassing one question relating to the gender of the respondents);
- ii. perceptions of the gender pay gap and its effects on those who experience it and society at large;
- iii. differential experiences of the gender pay gap;
- iv. knowledge of extant mechanisms, processes, or procedures intended to address the gender pay gap at the organisational, professional body, and national levels;
- v. assessment of the effectiveness of the aforementioned mechanisms, processes, or procedures;
- vi. ways forward in minimising the gender pay gap.

Sampling

The survey was open to all legal professionals in Cyprus, irrespective of their gender or job title.

Dissemination

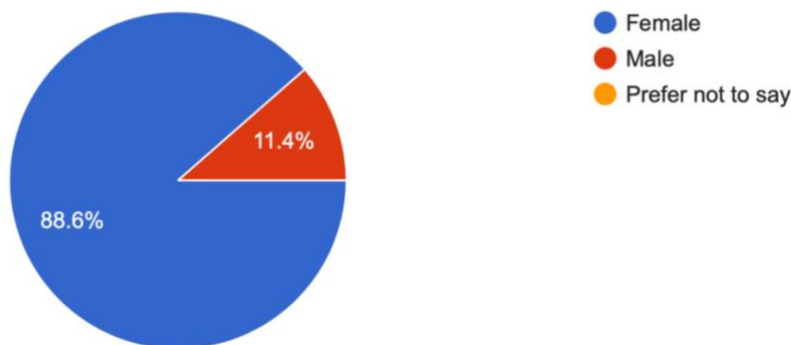
The survey was open for completion between March 9th-31st 2023. The survey instrument, accompanied by a short statement concerning its scope and purpose, was shared widely on the CRoLEV Twitter and Facebook accounts, LinkedIn, and via email with the Cyprus Bar Association (CBA), the Nicosia Bar Association, the Larnaca Bar Association, the Famagusta Bar Association, and the alumni of the School of Law at the University of Central Lancashire in Cyprus (UCLan Cyprus).

FINDINGS³

Given that the survey was reliant upon volunteer samples, the researcher expected some imbalance in the gender distribution of participants. Indeed, the vast majority of participants were female, confirming that women have a vested interest in communicating about the gender pay gap, since they are likely to be negatively impacted by it. In total, 35 individuals completed the survey, 31 of which defined their gender as “Female” and 4 of which defined their gender as “Male”.

Figure 1

Gender Distribution in the Participant Pool



Initial Perceptions of the Gender Pay Gap in the Legal Profession

When asked “*What do you know about the gender pay gap in your profession?*”, a significant number of participants (including all male participants) noted that whilst they did not know very much, and could not assess the extent of the issue, they appreciated that there is, indeed, a gender pay gap. A potential explanation for this was provided by three participants, one of whom claimed that “this is not something openly discussed”, with another explaining that:

Women do not tend to talk about the issue. Unfortunately, I do not know much about the reality of the matter. I understand though, that women in employer positions, tend to be unaware of any of this practice, and are firm believers that not only is there no gender gap regarding pay, but moreover, no discrimination towards other women!

³ Please note that all the quotation marks present in this section denote verbatim participant quotations. Changes to these quotations were made by the researcher only for the purpose of enabling the readers’ understanding of the text, are signalled by square brackets, and do not change the intended meaning of the original statement.

One participant offered an additional explanation as to why “not much information is available” on the issue, noting that there is a “perceived stigma in discussing wages.”

The vast majority of participants highlighted the significant differences in pay between women and men who have similar qualifications, experience, and duties, noting that “in Cyprus women with the exact same degree, knowledge and experience are treated differently than men that possess that same simply due to gender”. Another participant stated that their experience indicated that men were offered better remuneration even when possessing fewer qualifications and less experience compared to his female counterparts:

Personally during interviews for other firms I have noticed that [employers] offer a better remuneration package to a male interviewee even if his credentials and experience are less.

Further, it was noted that women are often regarded as “inferior” and “inefficient lawyers”, and thus offered considerably fewer development and advancement opportunities, leading to a situation whereby they are “not allowed to reach a partner position in big (old) law firms”.

It was also noted that the gender pay gap is not restricted to the legal profession, nor to the Republic of Cyprus:

I have not come across any particular gender pay gap data for my profession but I know that there is overall a gender pay gap and unequal pay between men and women

and

I am aware that such gap exists and that today in many European countries women are still paid less for the same job.

Four participants (one of which was male) argued that there is no pay gap in the legal profession in the Republic of Cyprus, with one noting that the differences in pay are justified by the “nature of the legal services required... and the capability of the professional”.

The Reasons for the Existence of the Gender Pay Gap

Participants highlighted three main reasons for the existence of the pay gap, namely: i. patriarchal ideologies and sexism; ii. inequalities in the distribution of care-provision and domestic duties; and iii. the hierarchical structure permeating the legal profession.

Patriarchal Ideologies

Participants noted that there are a number of “historical gender inequalities that are not yet reduced” and “stereotypes” about women’s ability to perform well outside the family, in a professional capacity, which permeate all “male governed societies”, and which lead to discrimination. Men are generally considered to be “more intelligent”, “braver”, and “more focused on work” than women, all of which are necessary attributes in the legal profession. Historically, they have also been regarded as the providers of material goods in the family unit. In relation to the latter, one participant notes:

Older generation employers also still maintain the idea that a man is the ‘provider’, and often subconsciously wish to re-affirm his perceived role by a higher wage.

Another participant highlighted that:

Some of the reasons for the gender pay gap are structural and are related to differences in employment, level of education and work experience.

Indeed, historically, patriarchal societies have discouraged women from pursuing education and meaningful career prospects in favour of domestic duties. One male participant proposed that women are the reason for the existence of the gender pay gap, since they “let the system overcome them”.

Inequalities in the Distribution of Care-Provision and Domestic Duties

Participants noted that women are perceived as comparatively “less capable and career-driven”, “cannot be good leaders”, and are:

not career oriented...especially if a female legal professional decides to get married or have children. Those are considered/viewed as obstacles for a woman that a man does not have.

Indeed, it appears that “there is a myriad of misconceptions, the main one being that a woman will wish to have children and therefore be absent and request fewer working hours”, whereby “motherhood is seen as a drawback to a long career”. As such, participants note that employers expect that women would request an “interruption of full-time paid work due to child-care reasons” and that, even if they do not, given that they are “generally performing more unpaid work related to their family compared to men”, they would dedicate less time to their careers. Participants also highlight that women have “many societal roles”, which make it:

very difficult to achieve high rank positions within a law firm which inevitably ends up in a salary gap. An active litigation lawyer needs to sacrifice a lot of hours every day and having the role of a mother, for example, makes it extremely difficult to cope with the challenges of the legal profession.

Hierarchy

Participants observe that because of the aforementioned:

in older ages, most lawyers are men so more offices are headed by men (law firms in Cyprus are family firms, so the founders heavily influence the culture of the firms).

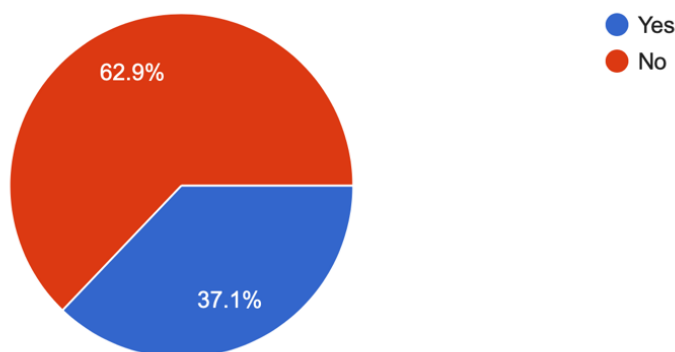
As such, women are often “less likely to feel able to negotiate salaries (either when interviewing or when they are already employed)” or to “seek promotion [,] thinking [that] they do not meet the criteria”. Consequently, “women are asked to do more of the lower paid jobs” and be “concentrated in areas of expertise and practice where financial reward is less”, whilst men are offered “more [career] advancement prospects”. Lastly, one participant has noted that, irrespective of the gender pay gap, the “high supply of legal professionals in recent years has diminished the salaries overall”.

Differences in the Experience of the Gender Pay Gap

When asked whether they thought that all women in the legal profession are affected by the gender pay gap to the same extent, almost 63% of participants noted that this is not the case (see Figure 2 below).

Figure 2

Do you think all women in your profession are affected by the gender pay gap to the same extent?



Participants noted that the key indicators which determine the extent to which women experience the gender pay gap are “background, family support, living area, race, age”, “marriage and childcare”, the availability of employment, and one’s confidence in negotiating working conditions. With respect to marriage and childcare, participants noted that women who choose to be mothers, those who are single parents, and those who have a lower income spouse are more likely to experience a greater share of the negative effects of the gender pay gap. Further, as choices of employment become more limited for them “due to family obligations and financial constraints”, women are “less likely to want to rock the boat” by negotiating their salaries or requesting promotion.

The Effects of the Gender Pay Gap

The effects of the gender pay gap, as highlighted by participants, are extensive, and range from feelings of “disappointment”, “unfairness”, “injustice”, “anger”, “resentment”, and “discouragement”, to the effective “loss of autonomy” and “powerlessness”. Experiencing discrimination in the workplace breeds “resentment” and, as noted by one participant:

can lead to either the "woman" taking on a greater workload than she can actually handle or her working less to justify the pay gap, which are natural responses in an effort to regain control since the pay gap, unless justified in a gap in merit, is otherwise uncontrollable and unjustifiable.

The effect is a situation whereby women feel “unmotivated”, “discouraged”, “lose ambition”, and oftentimes “lose interest” and have “less drive to perform well”. Indeed, participants report that many women “abandon being a lawyer” altogether.

Differential pay also has a “real effect on women’s ability to pay bills” which diminishes their autonomy and concomitantly increases their “dependency on the spouse, which can create issues on a family's stability, especially in cases of abusive relationships/families”. Assuming that “the gender pay gap increases with age throughout the career and alongside increasing family demands”, women are left with

less money to save and invest... [T]hese gaps accumulate and women are consequently at a higher risk of poverty and social exclusion at an older age.

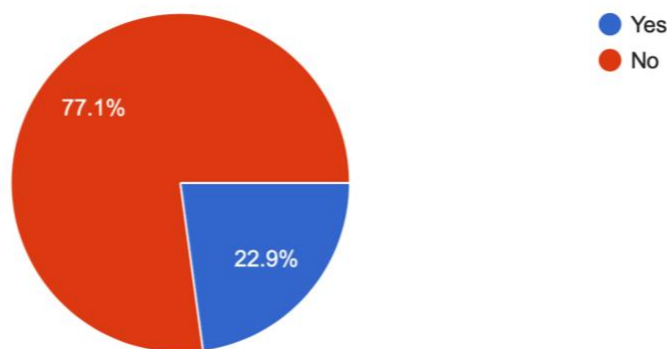
The result is a situation whereby women cannot “have a long term plan to support themselves independently”. Participants note that such experiences often lead to the development of a “lack of confidence and other psychological adverse effects”.

Organisational, Professional Body, and Nation-Wide Attempts to Address the Gender Pay Gap

Participants were first asked whether they were aware of any initiatives intended to address the gender pay gap in the legal profession at an organisational, professional body, and national level (please see Figures 3, 5, and 7 respectively). As it can be seen in the figures inserted below, the vast majority of participants were unaware of any such initiatives.

Figure 3

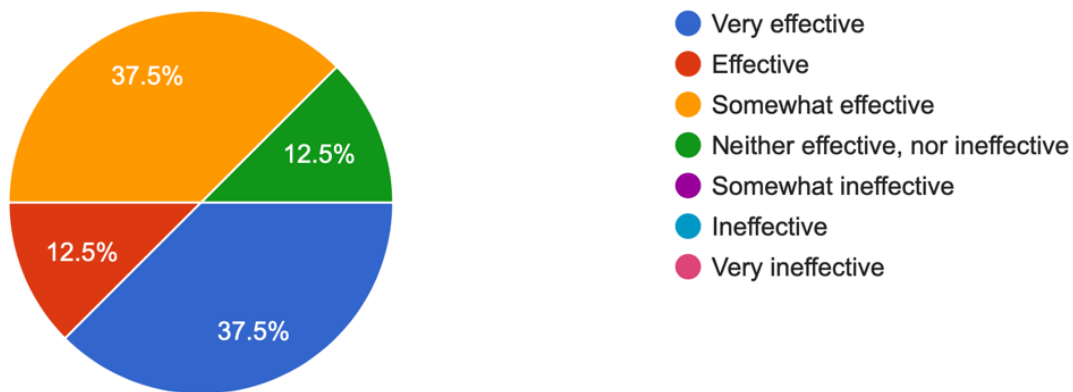
Awareness of Organisational Initiatives Intended to Address the Gender Pay Gap



When asked what some of the extant organisational initiatives were, participants mentioned “Equality and Diversity Inclusion” schemes and “50-50 representation in board meetings of a company by qualified women and men, 50-50 representation in head departments (meaning the heads of departments are qualified women and men)”. When prompted to assess the effectiveness of such initiatives, the vast majority of participants agreed that they were either “very effective” (37.5%), “somewhat effective” (37.5%), or “effective” (12.5%).

Figure 4

The Effectiveness of Organisational Initiatives Intended to Address the Gender Pay Gap



The three participants who stated that they were aware of professional body initiatives to address the gender pay gap (see Figure 5 below) mentioned that “the CBA will organise awareness-raising seminars on the matter”, and assessed these varyingly as “very effective”, “effective”, or “somewhat effective” (see Figure 6). Participants strongly believed that “awareness makes more people active and perhaps somewhat more demanding of their rights” and that, as a result, education via seminars and workshops should be a key priority in the efforts to address the gender pay gap.

Figure 5

Awareness of Professional Body Initiatives Intended to Address the Gender Pay Gap

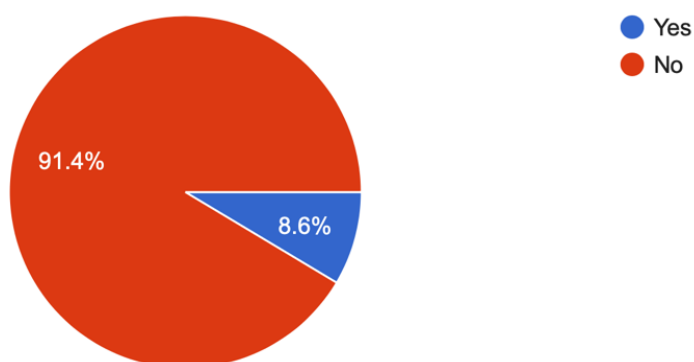
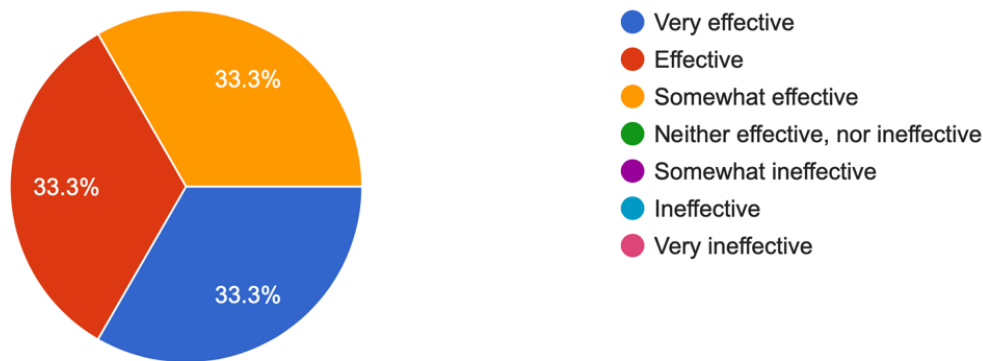


Figure 6

The Effectiveness of Professional Body Initiatives Intended to Address the Gender Pay Gap



Lastly, the 25.7% of participants who showed awareness of national initiatives intended to address the gender pay gap (see Figure 7 below) mentioned the development of

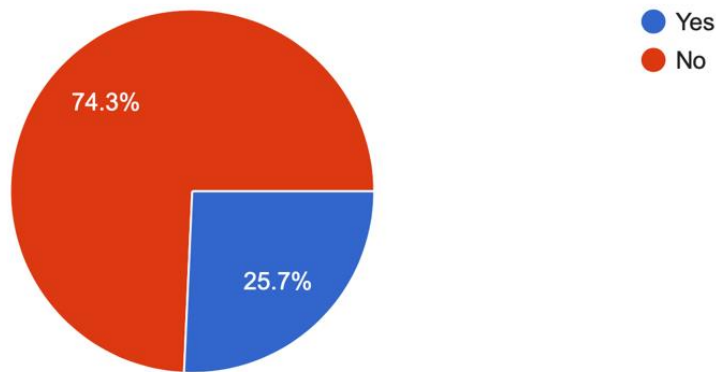
tools to educate public sector employees and the general public about gender pay gap and to promote equal pay, increasing pay transparency by sharing the information on gender pay gap with employees, government auditors, and citizens, ensuring all relevant stakeholders are involved in the design and the implementation of measures to close gender pay gap, develop relevant evaluation methods, tools and processes,

the “legislation for Equal Treatment in the Workplace (205(I)/2002) and Equal Pay (177(I)/2002)”, “the Commissioner for Gender Equality”, and the efforts to

strengthen and upgrade the role of the competent inspectors and employees of the Department of Labour Relations concerning the more effective handling of complaints, as well as self-proclaimed inspections related to gender-based work and equal pay.

Figure 7

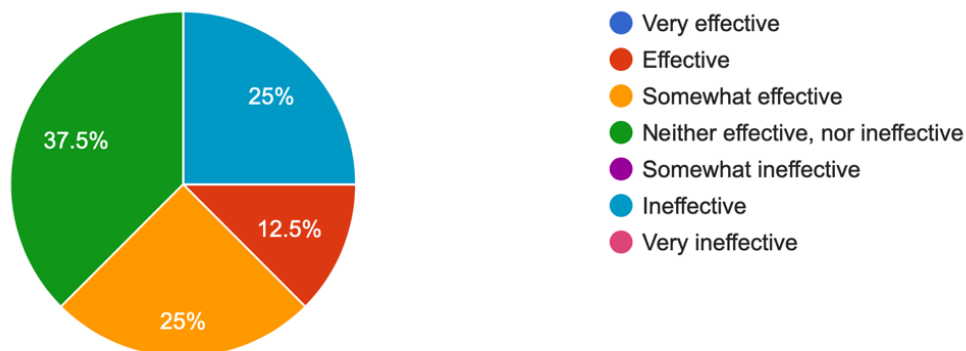
Awareness of National Initiatives Intended to Address the Gender Pay Gap



The vast majority of participants deemed these initiatives to be “neither effective, nor ineffective” (37.5%) or “ineffective” (25%), and argued that the lack of effectiveness is a direct result of their uneven and selective application and “the absence of state control”.

Figure 8

The Effectiveness of National Initiatives Intended to Address the Gender Pay Gap



When asked what makes extant initiatives ineffective, participants highlighted the cultural environment and the persistence of patriarchal ideologies which propagate sexism in all areas of social life, with one participant noting: “I think it is hard to change people's mentality. We tend to be stuck in our own ways”.

Moving Forward in Addressing the Gender Pay Gap

When asked “*What policies should be implemented to address the gender pay gap in the legal profession, at either organisational, professional body, or national level?*”, participants mentioned a myriad of avenues for closing the gender pay gap in the legal profession, ranging from “education” and “awareness-raising campaigns”, to the implementation of relevant legislation pertaining to “equal pay”, “salary transparency”, and “maternity and paternity leave”.

Education

Participants generally agreed that “affirmative actions and [the] imposition of legal measures (such as penalty) to address the gender pay gap” are unlikely to be effective in the absence of adequate education, since they would not result in a “change in culture”. As such, participants noted that education should start in schools, with “information sessions...so as to fight against [gender] stereotypes”, and continue with:

seminars, awareness-raising campaigns, round-table discussions, persuasion of employers, provision of information to women, confidence-booster seminars for women so they are not afraid to request proper/equal pay from their employer or for self-employed lawyers boosters on how to be fearless/more confident when charging their clients.

Importantly, education should also have the role of enabling a

more comprehensive understanding of the roles a woman has, especially a mother, and be more tolerant and acceptive over a mother. One of the major issues arises when a woman lawyer runs her own law firm and wants to have e.g. a maternity leave. It would be extremely difficult for her to stay home if she is a litigation lawyer as her court cases are going through the court proceedings. She cannot assign her cases to another law firm and having to hire another lawyer means additional expenses to her which are not covered by the maternity leave so by this small example we know that she is severely affected financially compared to a male lawyer.

Additionally, participants note the importance of informing “women about practices in other countries” as a means of enabling them to envision (or work towards) better conditions in the workplace. Lastly, one participant highlights that educational initiatives should also be directed at employers, and focus on “introducing the issue of gender pay parity as well as

promoting transparency within their firm and suggesting ways in which they should discuss with employees about their pay”.

Legislation – Equal Pay

Participants agreed that it is crucial to increase state control via the enactment of “legislation which guarantees that both male and female employees would receive equal pay if they have equal skills/competences”, and via the establishment of “a special mechanism to control the application of the principle of equality”, which punishes employers for gender-based discrimination.

A number of participants argued that enforced salary transparency (enacted via a “set of binding measures on pay transparency”) is essential in ensuring both the fair application of such legal provisions, and that workers are able “to enforce their right to equal pay”. As such, respondents argued that organisations should remove “old fashioned policies that requires employees to not talk about their salary”, that the

CBA could request from the employers anonymous (but gender provided) details of pay of employees in order to have some form of "control" or "reality-check" and protecting therefore directly its female members, and that employees should be guaranteed some form of “job security” as to enable them to report gender-based discrimination in the workplace. Lastly, a participant noted that, in closing the gender pay gap, it is crucial to also “raise the minimum wage because more women than men are on it”.

Legislation – Maternity and Paternity Leave, and Childcare Assistance

Participants also agreed that, given the numerous roles women play in society, legislation should be passed concerning maternity and paternity leave and childcare assistance. As noted by one participant, “it is remarkably difficult for a woman to balance everything”, and as such:

the state and professional bodies should promote laws that target the reduction of gender pay gap and prevent employers from mistreating women that return from maternity or childcare leaves. In relation to the above, more benefits shall be given to fathers as well (eg longer paternity leave), so the difference among the two genders with regards to family and children obligations will

come closer. This will improve women's position, as usually they get "penalized" for the decision to have a family.

Participants consider that paternity leave “must be compulsory (use it or lose it)”, and that both maternity and paternity leave should be extended and better paid. Crucially, a participant notes the importance to also “sort out care for older people [given that] the bulk of caregiving falls on women”.

CONCLUDING REMARKS

The effects of the gender pay gap are significant and extensive in nature. As economic inequality continues to grow, their negative impact is also likely to increase – especially upon those who are more likely to be already marginalised – and result in a severe deterioration of their life, creating insecurity and uncertainty. The legal profession is no exception, from pupillage to career progression and retirement age.

Addressing the gender pay gap in the legal profession – and beyond it – is no small task. Participants agree that any steps to do so must be preceded by a series of cultural changes, intended to address broader aspects of gender-based discrimination which have emerged from the well-established patriarchy. Educational efforts should, thus, supplement legal and policy changes, towards the transition to a fairer society.