

Gender Inequality

Companies must deal directly with unconscious biases toward women. **BY LAURIE N. ROBINSON**



Over the past 10 years, women have graduated from law school at the same pace as men. Yet, when it comes to the actual practice of law, the upper echelons of partnership and general counsel ranks thin out for women. Pay disparity is also an issue. A woman in the U.S. earns only 77 cents for each dollar earned by a man in a comparable position. At the rate the wage gap is closing, women will not see equal earning until 2050. ¶ In the recent Corporate Counsel Women of Color Report, “Perspectives of Women of Color Attorneys in Corporate Legal Departments,”

respondents cited their gender as being more of a barrier than their race. They cited their gender as a prevalent barrier in the following contexts: exclusion by male colleagues from informal networking events and activities such as golf outings; having male colleagues bypass their legal advice in favor of obtaining a male colleague’s second opinion; and mostly, after giving birth to a child.

Not all biases are open and overt. The reality is that the vast majority of biases are unconscious, hidden and inadvertent.

The next step in the diversity discussion must include an examination of unconscious biases and recognizing that they play a role in decision making. Unconscious bias is a cognitive shortcut that helps us process information to make a judgment. Through underlying assumptions and stereotyping (as well as past experiences), we use these shortcuts to make decisions. These decisions are usually to the detriment of women’s advancement opportunities and compensation.

Here are some examples of how biases in the workplace play out:

- A legal position opens in the Paris office. The decision maker approaches Bill about the position. Bill is given the position. Sally was deemed unsuitable for the position because of the decision maker’s assumption that she would not be willing to pack up and move her family to Europe.
- Linda, a star lawyer, had a baby in March and returned to work in June with a flexible work schedule—maintaining the same level of performance. During her evaluation in August, the evaluator said that Linda lacked commitment to the law department.
- It is annual merit increase time. Valerie and Mike have performed at the same level. Valerie, who is single, only receives a 1.5 percent pay increase. The decision maker awards Mike a 4 percent pay increase because he has a wife and two kids and can use the money more.

Gender biases make some of us think that male assertiveness is a positive trait. The same characteristic in a woman gets her unfavorably labeled as “aggressive.” A

man who demands a \$50,000 pay raise is considered a “good negotiator.” A woman who asks for the same amount is labeled “greedy” or “ungrateful.” And a male who doesn’t possess a particular skill set for a job is still given an opportunity to learn on the job because he is a “quick study.” The woman, by contrast, is viewed as “incompetent” and not given the same chance.

I believe 2050 is just too far away to wait for change, balance and equity to come to the legal profession.

We can start resolving these issues by discussing them with our legal department colleagues and managers within our corporations. We also should include unconscious biases in diversity and sensitivity training sessions. Finally, we all can check to make sure our decisions on recruitment, pay and promotions are not based on preconceived notions. Instead, we need to assure they are rooted in equal opportunities and concrete measurable factors such as job performance.

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