

# WHERE STEREOTYPES RULE

Cultural change in business and law remains glacial in its pace.

On returning to Melbourne recently after five years of working overseas I decided to venture back into the corporate world and investigate work opportunities. I contacted a recruitment agency that purported to represent the “top international law firms”.

They forwarded me a guide for candidates that had specific tips for males and females. The tips provided for the female candidates included such things as always wearing makeup (with statistics on how more likely it is for a woman wearing makeup to be hired), investing in a good manicure, always wearing pantyhose (pant suits clearly not an option), as well as ideas for hairstyles and accessories. All the tips for the female candidates related to appearance, while the male candidates were advised to present with a firm handshake, “know your CV” and “be enthusiastic”.

After confirming I hadn’t just time travelled back to the 1950s, I began working up an anger at the thought that a woman’s worth in relation to senior professional roles is still largely attached to her appearance and presentability, whereas for men it is based on confidence and ambition.

But perhaps I should not have been surprised by this agency’s seemingly outdated emphasis on a woman’s appearance. In May last year, Hillary Clinton, as then-Secretary of State, was visiting India to meet with its leaders on key regional and global issues. The media reports of the meetings were not about American foreign policy, nor were they about her outstanding speeches. Instead the media focused on the fact that Clinton appeared publicly wearing very little makeup and glasses. A Google search of “Hillary goes

without makeup” turned up more than 3 million results; a search for Hillary Clinton’s accomplishments returned just 615,000 results; while “Hillary looking old” generated a whopping 35 million results.

Closer to home, Julia Gillard famously suffered media scrutiny of her dress style and appearance while she was Australia’s prime minister, with more attention often paid to her fashion choices and shoe mishaps than to her political achievements. It seems that, even if they hold some of the world’s most senior political positions, women are still subjected to scrutiny of their appearance. And they are still expected to comply with traditional female stereotypes of attractiveness.

The legal recruiter’s employment tips reinforce how entrenched these stereotypes are in the legal profession and how masculine the culture is in most law firms, despite women being the majority of graduating lawyers for the past 30 years.

In her 2004 article “Sex discrimination in the legal profession”, barrister Kate Eastman argued that the profession’s adherence to stereotypes was embedded in systemic practices that allow discrimination to continue. This included attitudes about how women should dress, speak and engage with or manage others. Eastman observed that aggressive or abrasive qualities are not encouraged in women, yet are respected in men. Women lawyers described as too aggressive are expected to modify their behaviour. These cultural expectations may affect which practice areas women dominate, as well as which files they are allocated and how they are trained on the job. They may be perceived as fragile or weak

and their judgement or competency as legal practitioners questioned as a result.<sup>1</sup>

Almost 10 years after Eastman’s article, it seems little has changed. The traditional, hierarchical structure of most law firms, with ultimate power vesting in male dominated partnerships, means that those doing the hiring, perceiving and judging are usually men. At the Bar and in the courts, again it is men who hold most of the top spots and have the greatest cultural influence.

In Victoria, 1456 men practise as barristers compared to just 515 women. And only 9 per cent of silks are women.<sup>2</sup> As with any institution where power is concentrated in a select few, there is the potential for that power to be misused and for employees or those lower down the rung to feel powerless to effect change. With more than 60 per cent of ASX 200 companies having no female executive key personnel,<sup>3</sup> I fear cultural change in business and law will remain glacial in its pace.

Hillary Clinton’s response to the media coverage of her “au naturel” press conference was to state that it was nice to be at a stage in her career to not have to worry about that kind of thing. What hope does that give the rest of us? That we have to achieve the most senior professional roles in the world before we can “not worry”? ●

**MICHELLE WHYTE** with **JOANNE BOWERS**. Both are members of the Victorian Women Lawyers (VWL) Work Practices Committee. The views expressed are their own and may not be shared by the VWL.

1. Kate Eastman, “Sex discrimination in the legal profession”, (2004) 27 (3) *University of New South Wales Law Journal* 866.

2. Justin Whealing, “Vic takes leap to help women clear Bar hurdles” *Lawyers Weekly* 14 Nov 2013.

3. Workplace Gender Equality Agency.

## Catch the Counterfeit & Win

Win a bottle of 2011 Turkey Flat Shiraz valued at \$42 (RRP)

Simply catch the counterfeit classified advertisement in the *LIV* each month. The monthly winner will be randomly selected.

To enter send your answer to [gcooper@liv.asn.au](mailto:gcooper@liv.asn.au) before the end of the month.

**Congratulations to the November Catch the Counterfeit winner, Travis Payne of KL & Gates.**

With thanks to *LIV Privileges* partner [WineDirect.com.au](http://WineDirect.com.au)

winedirect  
.com.au



Sourced from vines planted in 1847