

BREAKING THE GLASS CEILING



The gender gap continues to exist in Portuguese law firms, although now it is not in access to employment as in the past, but in promotion to positions where decision-making takes place. Some time ago, the percentage of female students surpassed the male in Portuguese Law schools. In the same way, in law firms the majority of women is an unquestionable reality in positions of less responsibility, not mentioning the historical reality of its majority presence within the administrative staff. But it is in senior positions where the mismatch remains evident. In 2020, women represent 52.3% of the Portuguese legal profession according to the study of the selected firms.

by antonio jiménez



The numbers don't lie. Iberian Lawyer contacted the main law firms in Portugal, according to their turnover. Firms of different sizes, both national and international corporations' headquarters. The objective was clear: to study the presence of women in the legal profession in an environment such as the legal one, immersed in numerous changes, and which is aware of the existence of inequality within the labour sphere. **Joana de Sá**, head partner of the Labour area at **PRA-Raposo, Sá Miranda & Associados**, clearly frames the awareness of the situation and the

way in which it is made evident through measures designed to make it visible and raise awareness of the existence of a problem, both within each law firm as well as towards society: “Our firm is developing a document that formalises its internal policies regarding these matters. We believe that we have fostered an environment in the firm where individuals are valued, and their particularities are highlighted, thus enriching the culture of the firm. In this sense, I have to point out that PRA is, since 2017, a signatory of the Portuguese Charter for Diversity, and has tried to minimise any type of the gender gap that may exist. We try to ensure that all the work and discussion groups are made up of different team members, not only with regard to gender but also generational aspect.”

We sent a questionnaire to the firms with various questions

PERHAPS THE BEST WAY TO ENDORSE SOME INTENTIONS IS TO PUT THEM INTO PRACTICE, AND IN THAT SENSE, SRS BOASTS OF IT: 14 OF THE 16 NEW PARTNERS OF THE FIRM IN THE LAST FIVE YEARS ARE WOMEN



JOANA DE SÁ



PAULA FERREIRA BORGES

and, based on the data obtained, we made the three rankings that accompany this text. The firm that appears in the first place of the total numbers with 65.2% of female lawyers, which is the same that holds the second position in the associates and counsel ranking with a 70% female presence, and the third in the partners ranking, 56% in this case, is **SRS Advogados**, whose managing director is a woman, **Paula Ferreira Borges**, who has no problem in clarifying that this situation is not the result of quota policies or equitable measures, but strictly of the merits of its workers: “SRS currently registers an equal composition of women and men in its team of partners, but there is no commitment whatsoever to maintain that parity unchanged. In the future this team may have the female or male gender under or over represented. More than a commitment to statistical data, what SRS transmits daily to its lawyers is that it will differentiate and reward those who contribute to its growth and consolidation, regardless of their gender, race or creed, and we believe that is what differentiates us.” Perhaps the best way to endorse intentions is to put them into practice, and in that sense, SRS boasts of it: 14 of the 16 new partners of the firm in the last five years are women. Here the proportion of gender among the workers at all levels of the firm does seem to be balanced. But it is not something that occurs in all cases.

THE FIRST STEP: FROM STUDENTS TO PROFESSIONALS

“Women and girls represent half of the world’s population, and therefore half of its potential. As long as gender inequality persists in all aspects, it will only serve to slow down economic and social progress,” says **Carmo**

Total Lawyers

N.	FIRM	TOTAL	FEMALE	PERCENTAGE
1	SRS	92	60	65.2%
2	GPA	57	36	63.1%
3	CCA	51	32	62.7%
4	PRA Raposo	94	57	60.6%
5	Caiado Guerreiro	139	82	59%
6	DLA Piper	51	30	58.8%
7	Miranda	103	60	58.2%
8	Sérvulo	76	43	56.6%
9	VdA	253	142	56.1%
10	GA_P	32	17	53.1%
11	Garrigues	101	53	52.5%
12	PLMJ	208	106	51%
13	Morais Leitão	192	94	49%
14	Campos Ferreira*	39	19	48.7%
15	Cuatrecasas	118	56	47.5%
16	Abreu	169	80	47.3%
17	Uría Menéndez*	88	40	45.5%
18	FCB	54	22	40.7%
19	CMS RPA	77	29	37.7%
20	Telles	85	32	37.6%
		2117	1108	52.3%

* Data collected from the firm's corporate website

Sousa Machado, president of **Abreu Advogados** Board of Directors. She has indeed broken the “glass ceiling”, and in that sense she is a benchmark, and frames, albeit in a generic way, the figures, which are more than conclusive.

Women timidly outnumber the total number of male lawyers practicing at the firms selected for this study. They represent, specifically, 52.3% of the total number of lawyers, including partners, counsel and associates, of the companies on which we have focused our analysis. Some data very close to reality, according to what **Ana Pinelas**



CARMO SOUSA MACHADO



ANA PINELAS PINTO

Pinto, partner and a member of the Board of Directors of **Miranda & Associados** tells us: “The legal profession is mostly practiced by women, today about 55% of the total professionals registered in the Bar Association

Associate and Counsel

N.	FIRM	TOTAL	FEMALE	PERCENTAGE
1	DLA Piper	38	27	71%
2	SRS	60	42	70%
3	Campos Ferreira*	26	18	69.2%
4	Sérvulo	45	31	68.9%
5	CCA	38	25	65.8%
6	Miranda	73	48	65.7%
7	PRA Raposo	78	51	65.4%
8	GPA	50	32	64%
9	GA_P	25	16	64%
10	VdA	207	127	61.3%
11	Morais Leitão	130	77	59.2%
12	PLMJ	155	91	58.7%
13	Caiado Guerreiro	126	74	58.7%
14	Garrigues	88	51	57.9%
15	Cuatrecasas	97	52	53.6%
16	Uría Menéndez*	69	36	52.2%
17	Abreu	118	61	51.7%
18	FCB	37	19	51.3%
19	Telles	66	27	40.9%
20	CMS RPA	59	24	40.7%
		1585	929	58.6%

* Data collected from the firm's corporate websites

are women. In 2000, they represented about 25% of those enrolled in the Bar. This tendency to reverse the situation, when it occurs within a society of an eminent patriarchal type and together with a very limited social security system with few benefits, such as that of lawyers and procurators, requires from law firms a special attention to other components that go beyond remuneration for services rendered. The implementation of maternity policies, the balance in coverage, such as childbirth in health policies and the flexibility of schedules to support the children care and family are fundamental

aspects that have deserved our care and attention for a long time.”

The majority presence of women in law practice is not surprising if one takes into account that, for a long time, there have been many more female than male students in universities. Pordata, the database of the Manuel dos Santos Foundation, shows that for the last thirty years the

REGARDING ASSOCIATES AND COUNSEL WITHIN THE FIRMS, ONLY TWO OF THE FIRMS SURVEYED (TELLES AND CMS RPA) HAVE MORE MEN THAN WOMEN HIRED IN THESE POSITIONS

number of female students has been greater than male in careers related to Social Sciences, Commerce and Law. In 2019 specifically, the percentage of women exceeded 60% of the student body, an amount around which the gender distribution in these studies has moved according to the same statistics for the last three decades. This distribution is transferred to the percentage of associates and counsel within the firms: only two of the firms surveyed

Partners

N.	FIRM	TOTAL	FEMALE	PERCENTAGE
1	Caiado Guerreiro	13	8	61.5%
2	GPA	7	4	57.1%
3	SRS	32	18	56.3%
4	CCA	13	7	53.9%
5	Miranda	30	12	40%
6	Sérvulo	31	12	38.7%
7	PRA Raposo	16	6	37.5%
8	Abreu	51	19	37%
9	VdA	46	15	32.6%
10	PLMJ	53	15	28.3%
11	CMS RPA	18	5	27.7%
12	Morais Leitão	62	17	27.4%
13	Telles	19	5	26.3%
14	DLA Piper	13	3	23.1%
15	Uria Menéndez*	19	4	21%
16	FCB	17	3	17.7%
17	Cuatrecasas	21	4	16%
18	Garrigues	13	2	15.4%
19	GA_P	7	1	14.3%
20	Campos Ferreira*	13	1	7.7%
		494	161	32.6%

* Data collected from the firm's corporative websites

have more men than women hired in these positions. Despite this, taking as a reference the percentages of students of careers in the sector, there are only seven firms where an equivalence is maintained with the figures of the presence of women in the classroom. This indicates that the first screening already took place in the incorporation of women to work: many of them are studying at university, but they do not manage to integrate into the labour market. Although it is convenient to remember the data provided by the statistics: The female majority among the students is not something



recent, but is a phenomenon that has been taking place for three decades now, a whole generation, therefore, far from being able to congratulate themselves on the majority presence of female lawyers, it is something that should be considered as completely logical. Despite this, nine of the law firms in the study continue to present a presence of more male lawyers in the total figures, a reality that should invite reflection. **Rita Samoreno Gomes**, partner and co-director of the Dispute Resolution area at **PLMJ** clearly frames the debate: “For us, diversity policies have to balance meritocracy with what still constitutes barriers for women in their professional lives. Acknowledging those barriers is the first step towards solving a problem that still binds women in 2020 but also curbs firms’ results, by limiting its people’s talent and potential.”



MARIA JOÃO RICOU



INÊS ALBUQUERQUE DE CASTRO

THE PROFESSIONAL CAREER

Perhaps it is this paradigm shift, the result of the massive incorporation of women into the labour market, that should be highlighted, because it is no longer a social problem but an economic one: firms are wasting part of their potential. In this sense, **Maria João Ricou**, managing partner of **Cuatrecasas Portugal**, also echoes the difficult balance between personal and professional life and how this already begins in the university years or the first years of the professional life of lawyers, that ends up hampering their career: "It is a fact that the presence of women in Law studies is a majority, and especially in the initial phase of the professional career, and this situation begins to reverse during the intermediate phase, coinciding, in general, with the moment in which they have family responsibilities inherent to motherhood. Consequently, it is easy to see that they become a minority when looking at the top of the profession. We are committed and determined to find solutions to reverse this situation, being our priority objective to combat the so-called gender gap through measures aimed at promoting a better balance between personal and professional life, thus ensuring parity criteria in the development of a career."

The reality seems to endorse her words, since the female presence in those initial phases of the professional career is a reality that prevails over any opinion. Both in the number of interns, who have been left out of the study because they are considered non-stable staff of the firm, and in the number of associates and counsel. In this segment, the presence of the female majority is unquestionable. In

four of the firms (DLA Piper, SRS, Campos Ferreira and Sérvulo) women make up more than two thirds of their legal staff, and in the case of three others (CCA, Miranda and PRA Raposo) they are around 66%. It is striking that the first place regarding the percentage of women hired within the segment of associates and counsel is a law firm that is the local headquarters of an international firm, DLA Piper, which is the only one with more than 70% of female staff, while the other six firms occupying these first seven positions are all medium-sized national firms. But beyond these outstanding cases, the majority presence is the most common since only two of the firms register a greater presence of male workers in this section.

IN FOUR OF THE FIRMS (DLA PIPER, SRS, CAMPOS FERREIRA AND SÉRVULO) WOMEN MAKE UP MORE THAN TWO-THIRDS OF THEIR LEGAL STAFF, AND IN THE CASE OF THREE OTHERS (CCA, MIRANDA AND PRA RAPOSO) THEY ARE AROUND 66%



MÓNICA CARNEIRO PACHECO



SUSANA AFONSO



MARGARIDA COUTO

This mismatch between the presence of women in the university and in law firms may be strictly coincidental, since all firms insist that the determining factor for hiring and promotion within each organisation is merit and professional development without addressing issues of gender, as **Inés Alburquerque de Castro**, partner and head of the Labour Law department at **FCB Advogados**, points out: “More than a gender policy that establishes boundaries between female and male lawyers, at FCB a culture of diversity and equality is promoted, based on the professional merit and performance of our collaborators. We believe in a statute of the law practice that treats all of us, men and women, the same way. That is what FCB empowers, where a culture is valued above all else, in which we all feel appreciated for our work, regardless of our gender.”

An interesting detail that might move us to reflection is that the size of the law firms imposes its advantages and disadvantages when it comes to managing this type of realities, and perhaps that is why medium-sized firms can afford greater attention to this type of detail. In this sense, very thoughtful talent management plans such as those put into practice by firms such as **CMS Rui Pena & Arnaut** are striking. **Mónica Carneiro Pacheco** and **Susana Afonso**, both partners and members of the Board of Directors of the mentioned firm explain certain details of their human resources policy aimed at deactivating those obstacles that can slow down the development of professional careers: “We are very flexible in terms of family situations that require a slower follow-up, even if it means that the lawyer must be absent for a period of time that would be longer than expected. We adopt mechanisms and work tools that allow

them not only to execute daily tasks without any type of restriction, but we also create systems that help in the execution of those tasks. Teams are easily reorganised to make it easier for colleagues to work. (...) In addition, from their first steps in the firm, we present a development plan, the Career Plan, where we identify all the phases, the objectives of each one of them, their evolution and, therefore, the evaluation system. This allows the lawyer and the collaborator to have a knowledge of the times and thus be able to reconcile the realisation of other objectives beyond the professionals. Of course, nothing in life remains watertight, and it is always necessary to make the required adjustments to take care of our teams.”



TERESA ROCHA



RITA CANAS DA SILVA



SANDRA FERREIRA DIAS

MANAGEMENT POSITIONS: THE GLASS CEILING

Margarida Couto, head of the Social Economy area at **VdA**, tells us that her firm believes “that the success of an organisation is above all based on its human capital.” That’s why they are “strongly committed to the implementation of internal non-discrimination policies and to establishing strategies that reinforce participation in decision-making processes.” And, obviously, it is in this aspect where the work must be intensified, according to the data of the study, since the real gender gap is found today in the promotion to decision-making positions, since only four firms have more female than male partners, specifically Caiado Guerreiro, GPA, SRS and CCA. In twelve of the firms included in the study, women did not even reach a third of the total partners. The head of Human Resources of **CCA**, **Teresa Rocha**, explains one of the reasons why her firm escapes this gap in terms of the promotion of women within the decision-making positions of the firm: “The situation of women and men in the labour market is characterised by presenting a set of very significant asymmetries, where wage disparity and access to leadership are some of the symptoms of the difference in power between the genders.” There is no better way to solve a problem than becoming aware of its existence. In this sense, it is striking that CCA is the only firm that directly alludes to asymmetries and salary differences, something that exists but no one wants to talk about, since this has been the only firm that has responded with data to the question asked about differences in remuneration between male and female workers, thus recognising a disparity that exists in reality beyond the wishes or policies of the

firms. Thus, they report an average difference of around 4% more salary in the case of male partners compared to female partners and 0.5% in the case of lawyers.

A reality to which **Rita Canas da Silva**, partner of the Labour department at **Sérvulo & Associados**, also alludes, when she recognises the need to eliminate the existence of this wage gap: “The urgency in its elimination has gained resonance in the national business fabric, with Sérvulo having participated in various multidisciplinary projects that aim to eliminate such asymmetries,” and therefore explains some of the measures put into practice in the firm: “Beyond the possibility of direct, flagrantly inadmissible discrimination,

the greatest challenge lies in identifying situations of indirect discrimination. By way of example, beyond the existence of remuneration and career plans based on objective criteria, with regard to annual performance

THE REAL GENDER GAP IS FOUND TODAY IN THE PROMOTION TO DECISION-MAKING POSITIONS, SINCE ONLY FOUR FIRMS HAVE MORE FEMALE THAN MALE PARTNERS, SPECIFICALLY CAIADO GUERREIRO, GPA, SRS AND CCA. IN THIRTEEN OF THE FIRMS INCLUDED IN THE STUDY, WOMEN DID NOT EVEN REACH A THIRD OF THE TOTAL NUMBER OF PARTNERS

bonuses, there is no prorated reduction in the final assigned values that is related to absences related to employees' parenting." It is important to emphasise



that the work-family balance policies concern both genders, as they do at **Caiado Guerreiro**. **Sandra Ferreira Dias**, Litigation partner at this firm, the law firm with the highest proportion of female partners in the entire ranking, explains that: "In Caiado Guerreiro there is a majority of female lawyers, the firm recognises and values the importance of motherhood and the need for balance between work and family. Not only in the case of mothers, but also about fathers. We consider that the family is a fundamental element in the balance and well-being of any lawyer, and, as such, we recognise it as a priority."

EXPLANATORY NOTE: The firms were asked the number of partners in the firm, and how many of them were women. Likewise, they were asked about the number of lawyers who were neither partners nor interns, considering that they constitute the stable workforce of each firm, and how many of them were women. The information received was also checked with that which is publicly available on the different web pages and reports of the firms.