



Observatory on COVID-19 effects on gender equality

COVID-19: A NEW CHALLENGE FOR FEMALE LAWYERS IN ITALY

One hundred years after the terrible Spanish flu, which caused millions of deaths, another lethal virus has come out affecting the entire globe. Countless people infected, innumerable medical doctors and members of their staff working hard on it, each country enacted own rules and restrictions in order to contain the contagion. This unexpected pandemic induced a change in the habits of the people, obliging them to a restricted cohabitation 24 hours per day.

On the one side, there are rules for the circulation on air, for shopping and private business, and for the interchanges with the public sector, since the inhabitants are forced to stay at home. On the other side, in order to maintain the inner production, the preservation of the economic system, and the threshold of job occupation, private enterprises and public institutions introduced flexible forms of remote working for their employees with the midterm end of ensuring some form of business continuity. A wide and generalized lock-down has been experienced across many nations and impacting on a variety of activities ranging from the opening of shops (setting aside grocery stores and pharmacies) to guaranteed public transport, from childcare to assistance for elderly and disabled persons.

Italy, was one of the first countries overwhelmed by this epidemic, hence, it was among the earliest states to decree on that. Since the Covid-19 calls for necessary and inevitable restrictive measures, the Italian Government has to step in with emergency decrees, without the participation of the Parliament, regarding the population at large and varied working categories, including lawyers and the other figures of the legal domain.

Those restrictions and measures, to some extent, are not gender neutral. In the legal profession domain, two main categories have been plagued: elderly and women practitioners.

The government established that the professionals could continue their activities, but only for a limited list of non-postponable proceedings; furthermore, a Decree-Law provided for the suspension of the judicial terms and acts. Substantially, the access to the courts has been forbidden and every building therein is under surveillance, because the lawyers are admitted to the court only to handle non-deferrable cases.

Those strict rules have pushed the entire category, including lawyers of the older generation, to use new technologies, but the lack of an adequate training caused a decrease in their own practice. Indeed, in ordinary times, the assimilation of technological innovations could have been scheduled or internalised in a more systematic and gradual manner. However, the rapidity and the urgency of the implementation required led to an indirect gender discrimination sanctioning of older lawyers.

Meanwhile, the discriminating effects for women have been even more underhand and indirect, and it was also worsened by the working conditions still existing. This is true for, at least, two reasons.

First, women suffer a generalized earning-gap of about 50 per cent. This divide can be seen right across the countries, in all age groups, but it is larger in the comparison between the younger and the older generation. This economic weakness is due to many causes: starting to the fact that women are committed to types of law practices that require empathy (and so, human contact, that is prevented during this pandemic), such as family law, historically less profitable. Second, the presence of women in the top management of law firms is still limited in the top ranked law firms (even if there is strict non-discrimination rule announced and publicized in many law firm banners); then, also the number and percentage of equity partners are women (also for the fact that usually, to become a partner, payment of the quota/share is required); the percentage falls even further for the managing partner posts. This means that there are fewer women in areas of law relating to business, such as corporate & finance law, noticeably the most profitable.

Therefore, the emergency of Covid-19 increases this gap. In fact, the impossibility of having direct contact with their clients and the social restrictions could impinge on family law, more than on



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other areas of practice. There might be a reduction in income or a loss of clientele. Another issue related to Covid-19 might be the decrease of collections and how the law firms are managing the contemporary financial concern also by means of their employees. Indeed, many major law firms commenced a policy of cuts and furloughs, inviting their employees to use their vacations or to convert full-time to part-time employment.

On the occasion of interviews I personally carried on among female lawyers in different kind of law firms (international, middle size, sole own practise), a recurrent leitmotiv emerged as an exhortation to the female lawyers I had the chance to interview: stay at home for spending time with your family and taking care of your children and elders.

The second prong of the gap is even more oppressing: the starting economic conditions for female independent lawyers are an often bypassed or forgotten issue, subject to a raising and autonomous concern. For instance, in Italy, more than the 40 per cent of the lawyers are women; therefore, these numbers mean that the restrictions are impinging on a multitude of women lives. The dismantling of the public utility (such as kindergartens, primary and secondary schools) – due to COVID-19 – makes the concrete practice of the legal profession more complicated. More than ever, in these times, female attorneys have to look after their kids along with the taking care of their clients' necessities. The lack of external support, coming either from the public or from their families – the restriction on movement and assembly prevent the grandparents or so to provide some form of aid –, makes more complicated to play the double role of mother and professional.

Hence, most families have no choice but to watch their kids themselves: “themselves”, here, has been perceived as “women”, as it has been highlighted in the already mentioned interviews to female lawyers.

The next so-called “Phase 2” allows selected professionals and workers to restart their activities, but according to an analysis made by two young economists, the majority (like 72 per cent) are men (“*Fase 2: restano a casa giovani e donne*” A.Casarico and S.Lattanzio).

This massive male return to work takes the risk of aggravating women's position and charge them with more family duties, slowing further their alignment with the male working conditions. In light of this, it might be advisable the earmarking of specific funds and incentives by European Union for female counsels and the safeguarding of their rights in order to diminish the gap with male lawyers.

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