

COVID-19 AND ITS EFFECT ON GENDER DIVERSITY IN THE LAW

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FEATURED ARTICLE

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February 09, 2021

PRACTICE POINTS

COVID-19 and Its Effect on Gender Diversity in the Law

The pandemic has enhanced the struggles of many women aiming for a work-life balance, but remote work and increased awareness of unequal family duties may offer some solutions.

By Gabrielle C. Pelura

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Since March 2020, companies and their employees in the United States and abroad have faced burgeoning challenges outside of the personal, dull undertone of dread and panic surrounding the pandemic. Not only did companies worry about exposure and transmission, but also how to stay productive. Remote work and online communication solved those concerns but brought with them other issues, including maintaining the mental health and stability of company employees. While some employees have welcomed the change, others—often working mothers—have struggled to try to balance productivity with remote schooling and the overall supervision of their children. Indeed, as aptly stated in a recent article, [Will COVID-19 Spur Gender Diversity in the Law](#), “there are those who love remote work and say they’ll never go back to an office and then there are the parents of school-aged children.” It’s funny because it’s true; albeit not so amusing for those who are living with the struggle. Unfortunately, this pandemic appears to have enhanced the struggles of many parents striving to achieve a work-life balance.

Struggles of Women Working at Home in this Pandemic

Standard work from home struggles for employees have included finding a productive workspace within their homes. In cities like New York, the pandemic has left roommates in small apartments jostling for the most quiet and spacious spot, while working parents have shouldered additional struggles. Specifically, due to remote learning and shut down childcare facilities, one parent has had to pick up the extra duties that come with children being home 24/7. While unfortunate but not surprising, mothers have often been the ones to assume this additional role during the pandemic, per [Women in the Workplace 2020](#). I can only imagine how difficult the extra burden of supervising the children’s remote learning while simultaneously juggling client calls and emails and generally dealing with the overall challenges of the legal profession. It certainly does not appear to be sustainable over the long-term.

According to a recent study, around a quarter of working women are currently considering scaling back their career ambitions or leaving the workforce entirely to focus more on the children’s needs. Such a break in employment could have disastrous effects to women’s place and pay in the labor market. Brigid Schulte, the director of the Better Life lab working towards work-family justice program, underscored this point in [an interview](#) in late 2020. In fact, she postulated that women might be set back “five years, ten years, or a generation” based on the fact that a staggering 865,000 women left the U.S workforce in September of 2020 alone, a rate of 4 times as much as seen by men. The [2019 Report on Diversity in U.S. Law Firms](#) highlighted that a similar period of decline in the number of female associates at law firms occurred during the 2008 Great Recession, and these losses had just begun to bounce back before the pandemic took hold. Such numbers paint a bleak picture for the future of women employees at the culmination of this pandemic.

Benefits of Remote Work for Women

Despite the struggles that have come with the pandemic, there are reports that some women have found this remote time to be bolstering their legal careers. For instance, [the pandemic has thrust the issue of unequal family duties front and center](#). With this increased talk about the management of families and family duties, the topics of paid family leave and universal childcare have gotten much more air time, providing hope of a solution to families who feel as though America lags behind other countries in they treat families.

Additionally, the concept of “working from home” has now gained legitimacy amongst the higher-ups at firms. Once seen as a sign of weakness in a business that values “face time” above all else, remote work has finally come out of the shadows to center stage of our working world. Now that everyone must productively participate in remote work, those who need flex time in the future to take care of children or other family members may deal with less push back about such a request. In particular, men now have witnessed the challenges and opportunities that remote work presents, especially when the children are also stuck in the house, and may better understand how work hours may be altered in the presence of children.

Another benefit expressed by women associates includes the heightened access and power to be in the room where it happens. As an added plus, some women in [Webinar Explores Creative Opportunities for Women Lawyers During the Pandemic](#) highlighted that the online video conferencing platform allows them to create a stronger presence and mandates other attendees’ attention even though they may normally be smaller in stature than others in the meeting. However, some platforms do make it difficult to jump into a conversation if there are more than a few people on the call.

Lastly, work from home may allow women to shine because of their heightened ability to multitask as compared to their male counterparts at similar stages of their professional development. This argument assumes, however, that both men and women would face the same amount of items to juggle, which may be incorrect based on studies that suggest that much of the home life responsibilities have fallen to women in pandemic times.

Ways to Enhance Remote Work for All Women

Will remote work be the new normal? And if so, will women thrive or be held back? Time will only tell. However, there is no question that the pandemic highlights daily that each of us—men and women alike—are not only employees, but also people with families and other obligations outside of work. That being said, employers also have valid concerns as to profitability and productivity in a difficult economy presented by an unprecedented worldwide pandemic. Employers and employees might consider working towards strategies to keep and enhance flexible work arrangements, noting that while these suggested strategies can combat some of the ill-effects of the pandemic on women, some employers, especially smaller employers, may not have the capacity to implement all of the above. One thing remains clear though: recognition and goal setting towards realization of employees as multi-dimensional people should ultimately help retain women in the legal profession and provide for more productive employees overall.

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