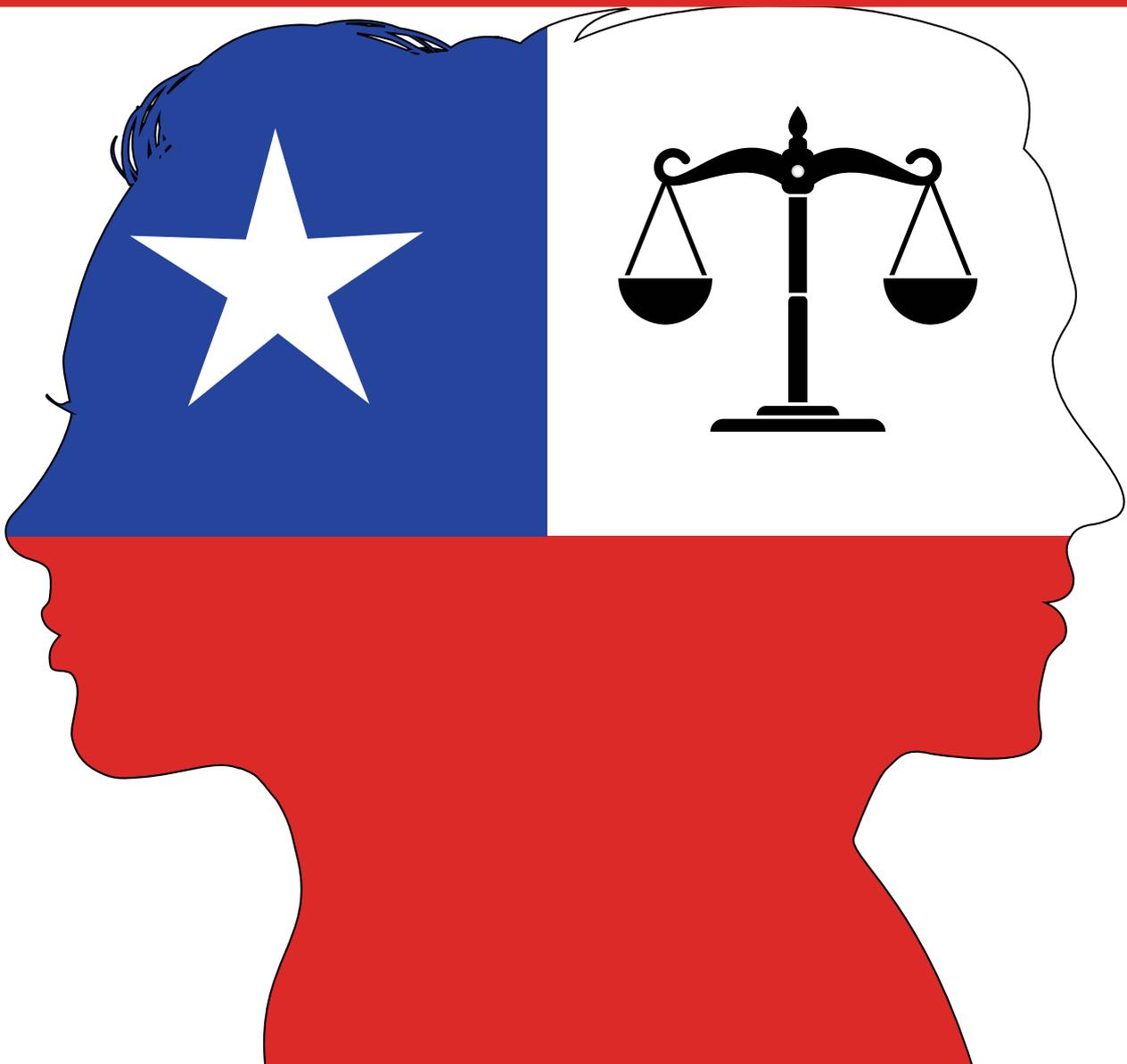




the global voice of
the legal profession®

50:50 by 2030: A longitudinal study into gender disparity in law



CHILE RESULTS REPORT

International Bar Association Legal Policy & Research Unit
with the support of the LexisNexis Rule of Law Foundation

The International Bar Association (IBA), established in 1947, is the world's leading international organisation of legal practitioners, bar associations, law societies, law firms and in-house legal teams. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 lawyers, 190 bar associations and law societies and 200 group member law firms, spanning over 170 countries. The IBA is headquartered in London, with offices in São Paulo, Seoul, The Hague and Washington, DC.

The IBA Legal Policy & Research Unit (LPRU) undertakes research and develops initiatives that are relevant to the rule of law, the legal profession and the broader global community. The LPRU engages with legal professionals, law firms, law societies and bar associations, governments, non-governmental organisations and international institutions to ensure innovative, collaborative and effective outcomes.

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Forewords

As a firm believer in evidence-based decision making, I highly value the quality of research and data that the IBA has painstakingly collected and analysed in this ambitious, nine-year global study.

Many of the statistics presented in the results are jarring, but viewing these results also hit me on a personal level and provoked some deep self-reflection on my role as both a leader and a man.

I suspect that if you asked any group of lawyers, ‘Do you support gender equality?’ almost all, both men and women, would answer ‘yes’ without hesitation. However, only 76 per cent of legal workplaces monitor gender balance overall, and only 57 per cent monitor gender balance at a senior level. The report also finds that women make up 34 per cent of all female lawyers at a senior level in Chile. These statistics include lawyers from law firms, in-house legal teams, the public sector and the judiciary. There is a clear disconnect between our values and our actions. To achieve more parity at the top, gender equity initiatives must have the robust support not only of women, but of men and especially those who are already in leadership positions.

The pandemic taught us that being able to change and adapt rapidly is not only possible, but necessary. The results of this report show that the struggle towards gender equality has not been fast, but it has been positive. I hope that this study will serve as a call to action especially for those who are currently occupying positions of power.

I am proud of the work that the IBA has done to bring attention to issues of gender and diversity in the legal world. As an organisation we have shown our dedication by making gender balance one of the five strategic priorities for the next two years. My expectation is that this study will serve as both an encouraging beacon of hope and a call to action because there is still a great deal of work that must be done.



Jaime Carey

Vice-President, International Bar Association

The study led by the International Bar Association and supported by the LexisNexis Rule of Law Foundation on gender inequality in the legal profession is, undoubtedly, a powerful initiative. It presents data that invites us to reflect not only on the reasons why female representation in positions of responsibility is significantly lower than the total percentage of female lawyers and the challenges we face, but also on the path travelled to get here and the lessons we can draw from that experience.

The female experience in the legal profession in Chile reveals struggles and demands. The faces and figures of emblematic women remind us that our achievements have been the result of determined effort, and that progress is not always linear – cultural changes can sometimes lead to setbacks. However, this experience demonstrates that these setbacks do not discourage us; on the contrary, they serve as alerts to face the difficulties that will arise in the future.

The IBA data, regarding female participation in the judiciary, aligns completely with the numbers regularly published by the institution,¹ which shows that the issue is not about entering the profession but accessing higher-ranking positions. The challenges posed by this situation are part of the interesting process that the judiciary has been developing recently, aimed at committing to the full promotion of the right to equality and non-discrimination based on gender. In this context, in 2016, the Plenary of the Supreme Court created the Technical Secretariat for Gender Equality and Non-Discrimination of the Judiciary. In 2018, it approved a Gender Equality and Non-Discrimination Policy for the judiciary, which marked a milestone in the institutional commitment to this matter and has progressively complemented its structures with an Advisory Council at the national level and the creation of local gender committees.

One of our key aims is to identify the obstacles that women face within the judiciary in terms of mobility and promotion to high level positions. Thus, the above-mentioned Technical Secretariat conducted two research studies between 2019 and 2021 that revealed the existence of cultural, organisational and normative barriers that limit access and mobility of women to positions of responsibility. Although the recruitment and selection procedures have introduced improvements to make them more objective and transparent, there is a perception that limitations and biases persist. For instance, there is a normative overemphasis on seniority, which creates disadvantages for women and aspects related to gender are not adequately considered in applications, among other issues. The results and proposals from these investigations led the Supreme Court to recommend taking specific actions to promote participation, such as having male and female ministers vote for at least one man and one woman when forming lists of nominees; and alternately selecting a male and a female judge when appointing substitutes to serve on the Court, creating separate lists from the primary ranking, which allows the obstacle of seniority to be overcome.

I also want to highlight the approach adopted to address sexual harassment within the judiciary and the commitment of the highest authorities to eradicate it, as it is an essential requirement to safeguard the dignity and integrity of women, who are the main victims of such behaviours.

I congratulate those who made this study possible, which will allow institutions and individuals within the legal profession to have a comprehensive view of the obstacles to women's participation in our field. From the judiciary of Chile, we are fully committed to this objective.



Andrea Muñoz

Justice of the Supreme Court of Chile

1 Mujeres y hombres en el Poder Judicial, <http://secretariadegenero.pjud.cl/index.php/mujeres-y-hombres-en-numeros-en-el-poder-judicial>, accessed 6 September 2023.

Main findings: Chile



Gender representation across the legal profession:
34 per cent of all senior lawyers are female

Gender initiatives:

76%

76% of respondents monitor gender balance overall.

57%

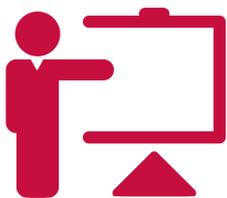
Only 57% monitor gender balance within senior positions.

The three most popular initiatives across the legal profession are:

- flexible working arrangements
- coaching/mentoring programmes
- target setting for senior role positions.



Within law firms, women make up 39 per cent of lawyers and 18 per cent of women in senior role positions.



Unconscious bias training, despite being one of the least popular policies, is seen as one of the most effective.

Flexible working arrangements are the most popular initiative, and perceived to be the most effective.



Quota setting, despite being the least popular initiative, is perceived to be 'very' and 'somewhat' effective by 80 per cent of respondents.



Introduction

The project

In March 2021, the International Bar Association (IBA) and the LexisNexis Rule of Law Foundation (LNROLF) launched an ambitious nine-year global project entitled *50:50 by 2030: a longitudinal study into gender disparity in law* (the ‘Gender Project’), designed to uncover and address the root causes of the lack of gender parity at the most senior levels of the legal profession across all sectors (law firms, in-house legal teams, public sector institutions and the judiciary).

The Gender Project builds on previous work in this field undertaken by the IBA, including the 2017 *Women in Commercial Legal Practice* report,² and the *Us Too? Bullying and Sexual Harassment in the Legal Profession* report published in 2019.³

Five reports have been published so far: England and Wales in early 2022, Spain and Uganda later that year and Nigeria and the Netherlands in 2023. All five reports are available on the Gender Project webpage.⁴

Country context

Chile saw its first female president – Michelle Bachelet – from 2006 to 2010 and then again, from 2014 to 2018. Bachelet was also appointed the first Executive Director ever of UN Women in 2010. In recent years, a series of bills have been enacted aimed at enshrining gender equality within the Chilean legal framework. Notable examples of these laws include the Equal Pay Law in 2009 and the Gender Quota Law in 2015.

A wave of social protests broke out in Chile in October 2019, in response to the existing deep-rooted social inequalities present in the country. One of the key drivers of the protests included concerns about ethnic and gender representation in politics, alongside demands related to social benefits, healthcare and environmental issues, all captured within the overarching call for ‘*Dignidad*’ (Dignity).

One of the solutions put forward to solve the social conflict was the proposal to approve a new constitution. Seventy-eight per cent of Chileans voted ‘yes’ to approving a new constitution. A second vote was held in April 2021, to select the 155 Chileans participating in the Constitutional Convention which drafted the new constitution. The composition of the Constitutional Convention was the first anywhere in the world to be gender-equal and representative of the different indigenous groups. Law No 21.216 mandated an even representation of male and female members within the Convention and Law No 21.298 set aside seats for representatives of the Indigenous communities. In September 2022, Chileans rejected (62 per cent) the new constitution.

2 IBA LPRU Women Business Lawyers Initiative www.ibanet.org/lpru/women-business-lawyers-initiative-front-page, accessed 28 July 2023.

3 IBA LPRU Bullying and Sexual Harassment in the Legal Profession www.ibanet.org/bullying-and-sexual-harassment, accessed 28 July 2023.

4 See www.ibanet.org/gender-equality-in-the-legal-profession, accessed 1 August 2023.

In 2023, Chile began its second attempt to draft a new constitution, in the hope of bringing a broader consensus to the text. In March 2023, a group of 24 expert lawmakers was tasked by Congress with writing a preliminary draft of the constitution. The draft was sent to an elected Constitutional Council – elected in May 2023 – which was charged with rewriting the new text. Prior to this, Law No 21.574 had amended the Chilean Constitution to establish gender parity within the Constitutional Council. Chileans will vote on this draft in December 2023.

Notwithstanding the current political turbulence, gender equality in Chile has advanced in several important ways. Higher education in Chile has a strong female presence. In 2022, 54 per cent of all students enrolled in the entire higher education system (technical training, professional training and university) were female. At university level specifically, 54 per cent of all students pursuing a career in Chile were female. This trend has been ongoing for several years.⁵

Later in life, with women typically being the predominant caregivers, their representation at the legal workplace declines. The unequal partition of working hours and domestic responsibility affects women's economic success. It is notable that the female employment rate in Chile is almost 20 per cent lower than that for males. Furthermore, the 2021 OECD study on Gender Equality in Chile found that the proportion of women earning a low-income is significant and 1.6 times higher than that of men, in addition to evidencing that women are less likely to advance to management positions.⁶

While Chile has perhaps historically been one of the more conservative countries in Latin America in terms of women's rights, it was the first country in the region to establish a Department of Women's Services in the 1990s. This became the Ministry of Women and Gender Equality in 2016,⁷ during President Michelle Bachelet's second term.

During the electoral campaign, Bachelet proposed the creation of this ministry and the restructuring of the Department of Women's Services. She claimed, 'a new phase' in Chile's path towards gender equality was necessary to, 'adequately ensure women's rights and decisively move towards greater gender equity'.⁸ It was thought that a new gender institutional framework would bring about greater powers and increased capabilities at the national and regional levels to carry out comprehensive gender policies and increase the capacity to influence public affairs.

The legal profession in Chile

The Chilean legal system is a civil law system, derived from codes of Continental Europe. To become a lawyer in Chile, you must have a law degree from one of the universities approved by Chilean legislation, no criminal record, undergo a good character examination, and undertake a six-month apprenticeship in a public legal aid institution.⁹ The title of lawyer will be granted in a public hearing by the Supreme Court, providing prior verification of the requirements mentioned above is confirmed.

5 www.mifuturo.cl/mujeres-en-educacion-superior, accessed 7 August 2023.

6 Source: OECD, 2021, Gender Equality in Chile: Towards a Better Sharing of Paid and Unpaid Work – www.oecd-ilibrary.org/sites/6cc8ea3e-en/index.html?itemId=/content/publication/6cc8ea3e-en, accessed 8 November 2023.

7 <https://blogs.ucl.ac.uk/dpublog/2020/11/02/a-historic-victory-for-gender-equality-in-chile>, accessed 7 August 2023.

8 www.bcn.cl/historiadelaley/historia-de-la-ley/vista-expandida/3966, accessed 5 September 2023.

9 Biblioteca del Congreso Nacional de Chile / BCN, Código Orgánico de Tribunales, Ley 7421, Article 523, www.bcn.cl/leychile/navegar?idNorma=25563, accessed 1 August 2023.

Only lawyers licensed by the Supreme Court can advise on Chilean law and/or appear in court. Non-Chilean lawyers can advise on the law of their home jurisdiction as well as on matters of international law.¹⁰

In 2021, there were 3,522 new law graduates, 1,783 female graduates and 1,739 male graduates¹¹ and in 2022, 3,727 new law graduates, with 2,000 female graduates and 1,737 male graduates.¹² As of 2022, Chile has approximately 45,600 lawyers, 25,411 female (56 per cent) and 20,191 male lawyers.¹³

Methodology

Chile is the sixth jurisdiction to be covered by the 50:50 by 2030 Gender Project. Studies are currently underway in four other jurisdictions. Further information on the aims and context of the Gender Project can be found in the England and Wales Results Report.¹⁴

The Chilean study commenced in January 2023, and concluded in June 2023. During this time, 22 corporations, 22 law firms, the Supreme Court and Appellate Courts of Chile and the Civil Service were approached.

Seniority within the Chilean legal profession was defined as follows:

- Law firms – partnership level and above, with specific information about representation at the executive level;
- Corporate sector (in-house legal teams) – senior management level, general counsel and board members;
- Public sector – The National Department of Civil Service (Dirección Nacional del Servicio Civil);
- Judiciary – senior members of the judiciary from the Supreme Court (Corte Suprema de Justicia de Chile), and the 17 Appellate Courts (Cortes de Apelaciones).

We selected and approached the sectors as set out below:

(i) Law firms were selected from:

- Ranking Legal500; and
- recommendations from senior IBA officer networks.

(ii) Corporations were selected from:

- Chile's main stock exchange (Bolsa de Santiago); and

10 www.lawsociety.org.uk/topics/international/doing-legal-business-in-chile, accessed 1 August 2023.

11 Subsecretaría de Educación Superior, Ministerio de Educación, www.mifuturo.cl/buscador-de-estadisticas-por-carrera, accessed 1 August 2023.

12 Information provided by the Chile bar association via email correspondence.

13 Subsecretaría de Educación Superior, Ministerio de Educación, www.mifuturo.cl/buscador-de-estadisticas-por-carrera, accessed 12 September 2023.

14 50:50 by 2030: A longitudinal study into gender disparity in law (IBA/LNROLF), www.ibanet.org/document?id=IBA-Gender-Disparity-Report-England-and-Wales-2022.

- personal networking among the fraternity of in-house female lawyers’ members of the association ‘Abogadas In House Chile’.¹⁵

(iii) The National Department of Civil Service (Dirección Nacional del Servicio Civil).

(iv) The Technical Secretariat for Gender Equality and Non-Discrimination of the Judiciary (Secretaría Técnica de Igualdad de Género y No Discriminación del Poder Judicial) which provided information regarding the courts mentioned above.

The overall response rate is shown in Figure 1.

Organisation	Number approached	Respondents	Response rate (%)
Law firms	48	22	46
Corporations	48	22	46
The Judiciary	1	1	100
Dirección Nacional del Servicio Civil	1	1	100

Figure 1: response rate of groups asked to partake in this survey

¹⁵ A professional network that brings together more than 700 Chilean female in-house lawyers from diverse industries and public and private institutions.

Gender representation across the legal profession: 2023 status

Overall picture: all lawyers

Senior female lawyers by sector

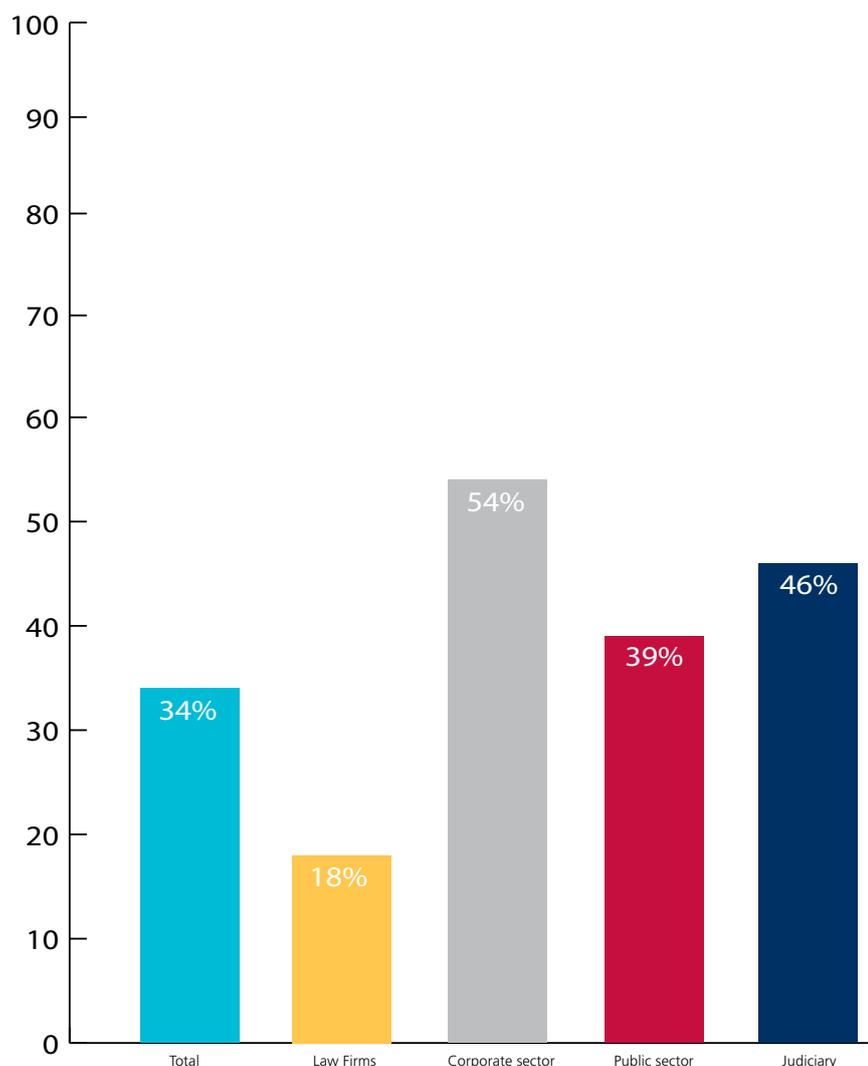


Figure 2: representation of senior women by sector

The judiciary has the highest percentage of female judges overall (59 per cent), followed by the corporate sector (52 per cent). Law firms have the lowest percentage of female lawyers overall (39 per cent).

At a senior level (see Figure 2), the percentage of female lawyers drops to 34 per cent. The corporate sector has the highest percentage of women (54 per cent), followed by the judiciary (46 per cent) and the public sector (39 per cent). Law firms have the lowest percentage, with only 18 per cent of female lawyers working at a senior level, and only 24 per cent of lawyers within law firm boards are female. The corporate sector has a higher percentage of women in senior role positions than overall within the sector. This is the only sector within the Chilean legal profession where this happens.

Overall picture: working part-time

Part-time working is not common in the Chilean legal profession. Within law firms and in-house legal teams, a very small percentage of lawyers work in this way. Within the public sector and the judiciary, part-time work is not shown to be an option. The national average is 16 per cent.¹⁶

Only two per cent of all lawyers within law firms work part-time. Fifty-five per cent of law firms have no lawyers working part-time at all. At a senior level, working part-time is equally unpopular (two per cent). Of the three firms with senior lawyers working part-time, two said that all senior part-time lawyers are women.

Within Chilean corporations, only one per cent of all in-house lawyers work part-time. Of the three corporations that have lawyers working part-time, two said that all part-time lawyers are women. At a senior level within corporations, no lawyers work part-time.

“ The participation of women in decision-making positions remains very low in the legal profession. This is openly inconsistent with the figures that have shown, for some time now, that the number of women who become lawyers each year and who, as far as this study is concerned, enter law firms not only matches, but even exceeds that of men. This shows that the loss of female talent occurs as their careers progress, not at the beginning. It is then necessary to carefully review the structural causes that generate this distortion and take active measures to reverse it. Only in this way will we retain and enhance female talent and create more diverse and inclusive spaces that properly reflect the proportion that women represent in our profession.

Mónica van der Schraft
Partner, Garrigues

¹⁶ OECD Data 'Part-time employment rate', <https://data.oecd.org/emp/part-time-employment-rate.htm>, accessed 13 September 2023.

Gender representation initiatives: across the legal profession

The survey asked whether workplaces monitor gender balance both overall and at a senior level. Seventy-six per cent of respondents answered they monitor gender balance overall. This percentage drops to 57 per cent when responding to whether they monitor gender balance at the most senior levels.

Initiative popularity and perceived effectiveness

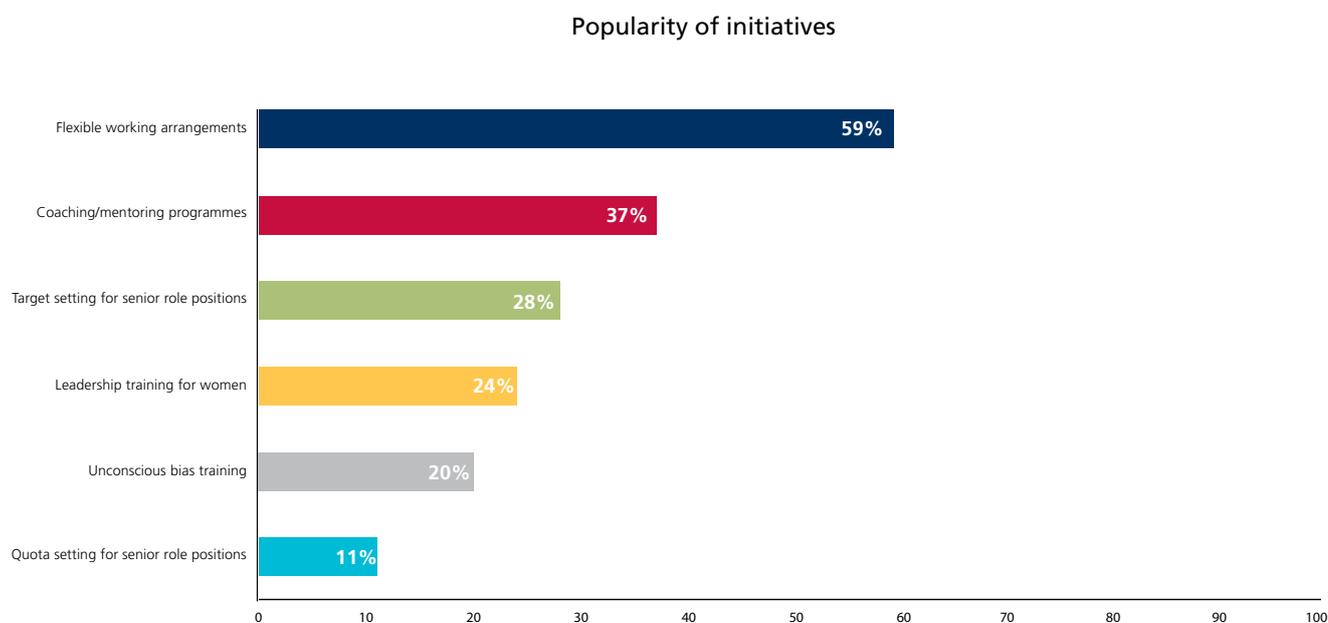


Figure 3: popularity of initiatives to improve gender representation in the legal profession

The most popular initiatives are flexible working schemes (59 per cent), followed by coaching and mentoring programmes (37 per cent) and target setting (28 per cent). Fifteen per cent of respondents have replied that they have other measures in place, different from those shown within the options of the survey.

Popularity of initiatives: sector breakdown

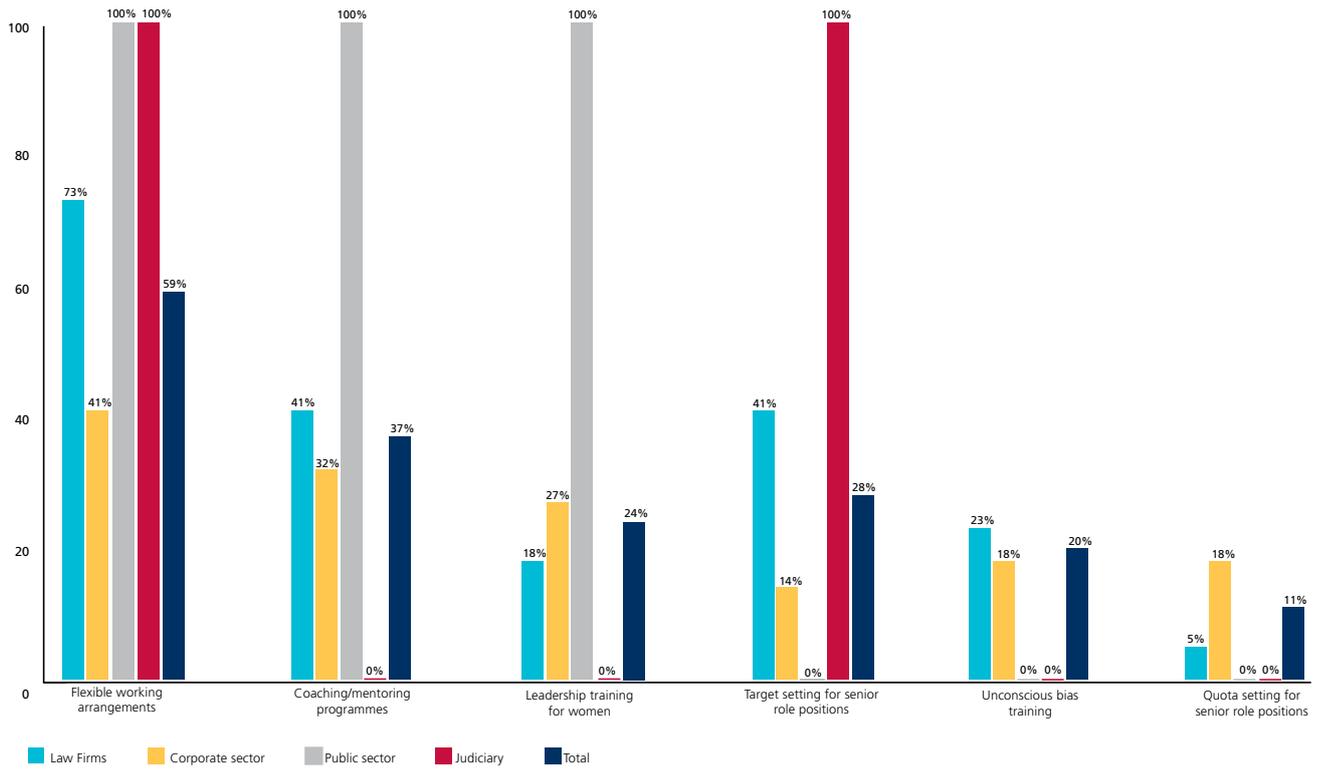


Figure 4: popularity of initiatives to improve gender representation in the legal profession: sector breakdown

Effectiveness of initiatives

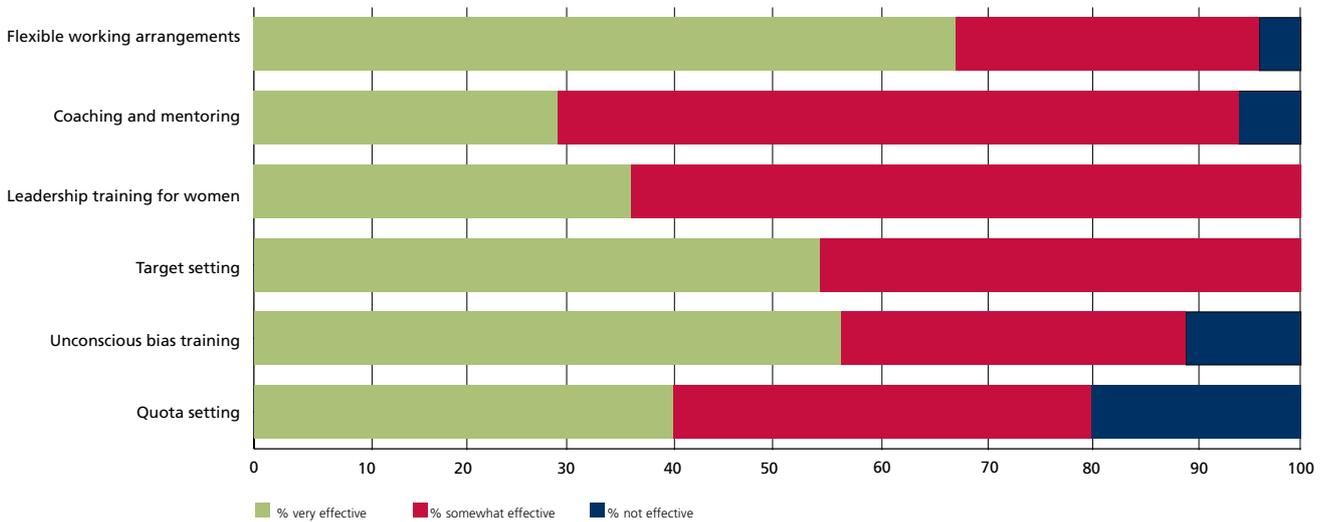


Figure 5: effectiveness of initiatives to improve gender representation in the legal profession

Respondents consider their initiatives mostly ‘very effective’ or ‘somewhat effective’, with no respondent labelling leadership training for women and target setting as ‘not effective’. Flexible working arrangements are perceived to be the most effective initiative, with more than 90 per cent of respondents labelling it as ‘very’ and ‘somewhat effective’. Coaching and mentoring programmes, despite their popularity (37 per cent), are only considered to be ‘very effective’ by 29 per cent of respondents. In contrast, unconscious bias training, despite not being overly popular as an initiative (20 per cent), is perceived to be the second most effective.

On average, all initiatives have been in place for seven years or less, with target setting being in place the longest. Unconscious bias training has been in place for an average of three years.

“ Although it has been a subject of concern, discussion, and debate for over a decade now, gender equality in the legal profession in Chile has made piecemeal and slow progress. It remains a largely untackled issue, certainly not at par with the way in which other societal issues have moved forward in our country. It has been moved mainly by scattered unsystematic initiatives, sometimes genuine and out of individual commitment, sometimes out of lip service. We also lack good data gathered with a scientific approach, which is why outside independent reports, such as that of the IBA, are so relevant.

Gonzalo Smith
Chief Legal & Governance Officer, Falabella SA

Gender initiatives: sector breakdown

Law firms

In terms of gender monitoring, 73 per cent of law firms state they monitor gender balance, both overall and at a senior level. Of those workplaces who ticked ‘Yes’ to either question on monitoring gender balance overall and at a senior level, 88 per cent stated they shared the monitoring exercise with the leadership of their organisations.

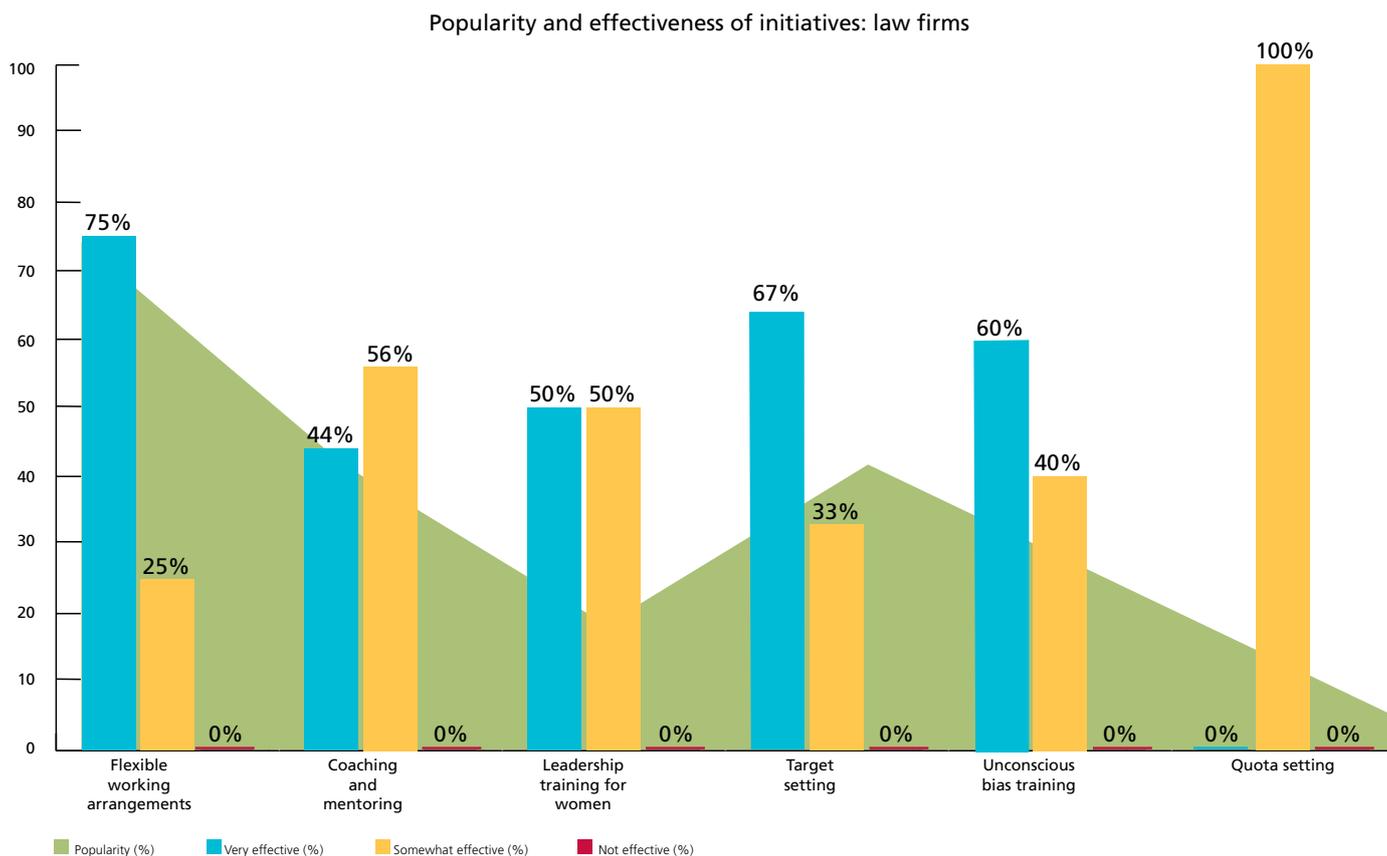


Figure 6: popularity and effectiveness of initiatives to improve gender representation: law firms

Overwhelmingly, flexible working arrangements are the most popular initiative and regarded as most effective. The firms Carey and Eelaw have ‘two days at home, three days in the office’ policies in place. In Morales & Besa, what began as an option only available to lawyers with a particular level of seniority, became an option available to all lawyers within the firm after the Covid-19 pandemic, up to a maximum of two days of working remotely. Other firms, such as Palma Abogados, allow lawyers, post Covid-19, to work outside Santiago de Chile, to accommodate lawyers’ domestic arrangements. Grupo Evans reports a very positive impact and increased levels of camaraderie amongst staff since flexible working arrangements were put in place. One firm has two sets of arrangements, the first allowing remote work for two days a week for all lawyers with more than one year of experience; and the second, flexibility with office hours for parents (both men and women) who have children under two years old.

Most law firms are showing willingness to develop coaching and mentoring programmes, which is the second most popular initiative based on our results. However, in the main, these schemes are not gender

specific. Carey's 'Learning to Lead' ('Aprendiendo a Liderar') coaching programme aims to support and promote the development of young female lawyers in their professional careers, both within and outside the firm, so that they can acquire and strengthen their leadership skills. One firm has implemented a threefold coaching and mentoring programme. The first option is tailored for partners, the second involves partners mentoring senior associates, and the third offers individual coaching for any lawyer. Morales & Besa runs a mentoring programme for junior and senior associates to be mentored by partners. Their mentoring programme is reviewed and evaluated on a yearly basis and regarded as 'somewhat effective' by the firm. At Bofill Mir, what began as informal talks for several years, has morphed into a formal coaching programme since the beginning of this year, which includes a module on female leadership.

Morales & Besa organises regular talks about unconscious bias and other linked topics. Effectiveness is measured through participation and a post-session survey. The aim is to help participants discuss different situations they had not been confronted with before and think about their views and reactions. FerradaNehme runs voluntary training on unconscious bias and communicates actively with its workforce about gender-related issues and commemorative days, such as International Women's Day and International Day for the Elimination of Violence Against Women.

Several firms reported undertaking unconscious bias or diversity training to help address biases in the workplace. One said their programme covers gender, disability and workplace conduct. Despite being one of the least popular initiatives, unconscious bias training is regarded as one of the most effective within law firms, with 60 per cent of those who implement it considering it 'very effective' and 40 per cent 'somewhat effective'.

“ In Chile, there is still a long way to go to achieve substantive equality for women in their legal careers within the law firms. The gaps are cultural (differential treatment of women in daily life, meetings, travels, etc.), promotions' restrictions during maternity leaves, evaluations only for billable hours instead of quality, and lack of opportunities in leadership positions, among many others. Gender discrimination goes far beyond the meagre figures on women partners.

Nicole Nehme
Partner, FerradaNehme

Most firms do not have specific targets for senior roles. Some aim for gender balance in recruitment and encourage promotion from within where possible. One firm mentioned empowering female lawyers to pursue leadership roles. Another said they aim to have at least one female partner (there are currently five partners there) within a few years.

Several firms reported having Equality Committees, programmes focused on diversity and inclusion (D&I), and non-discrimination policies. One firm supports a programme to employ people with Downs syndrome. Barros & Errázuriz is a member of Affinitas, a four-law-firm alliance (the other three firms being based in Colombia, Mexico and Peru). This alliance, which meets periodically, ensures that D&I issues are discussed regularly and good practices are shared.

FerradaNehme has established a sustainability programme, one of its four pillars being equality between men and women. Actions carried out so far include the following:

- the creation of an Equality Committee (the Equality Plan is dated 2022);
- the incorporation into the complaints channel of an option to make complaints, or ask questions that are related to equality issues, anonymously; and
- an on-site nursery room.

In addition, the firm is trying to increase the number of suppliers led by women. Twenty-two per cent of their supplier companies are currently led by women, and in the next two years the firm would like to see this percentage increase to 50 per cent. The impact and success of all their initiatives is measured through surveys run by external entities.

The corporate sector

Popularity and effectiveness of initiatives: corporate sector

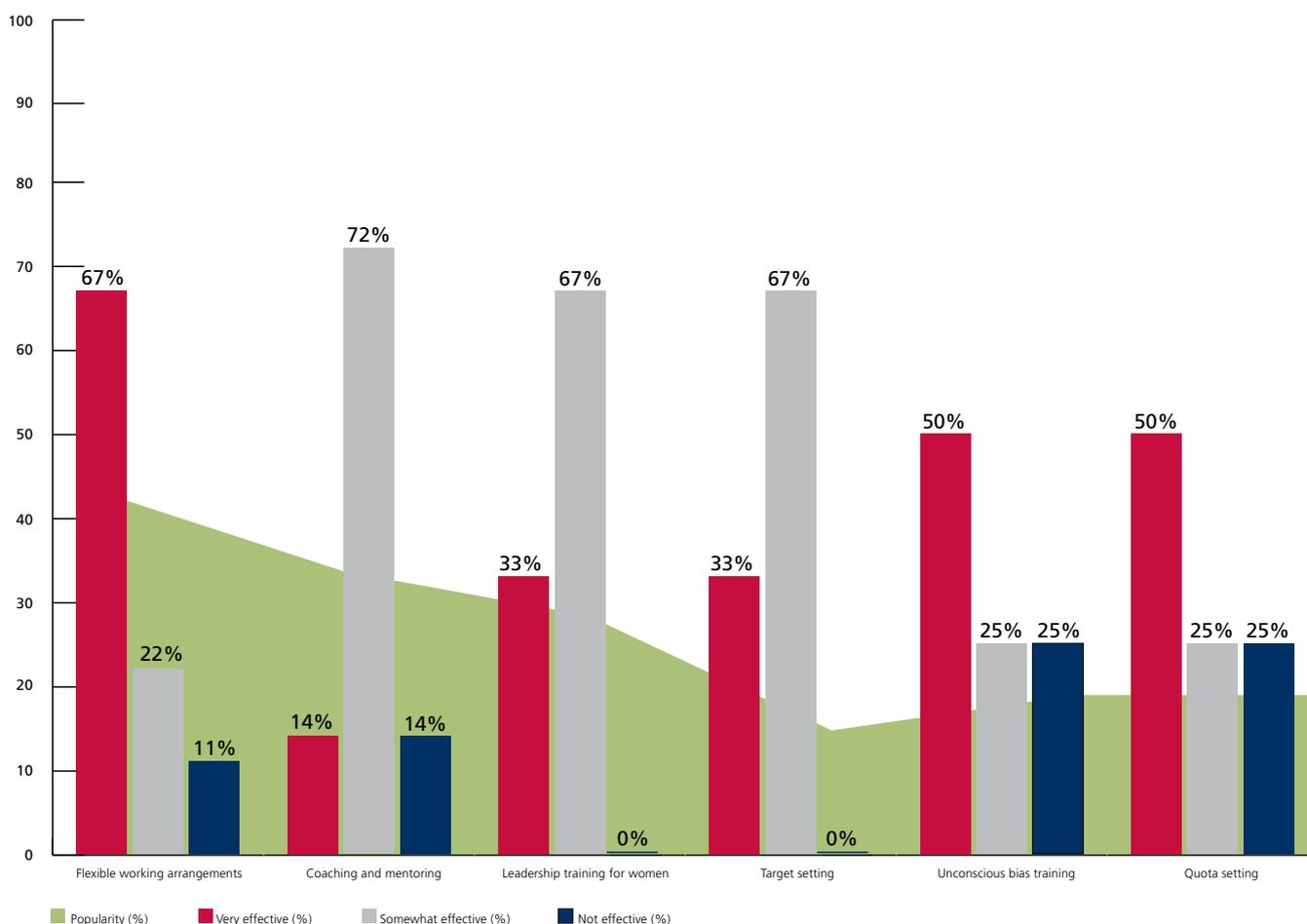


Figure 7: popularity and effectiveness of initiatives to improve gender representation: corporate sector

Seventy-seven per cent of in-house respondents monitor gender balance overall. However, only 41 per cent monitor gender balance both overall and at a senior level. Eighty-two per cent of respondents indicated they share this gender balance monitoring exercise with the leadership of the company.

The three most popular initiatives in the corporate sector are flexible working arrangements, coaching and mentoring programmes and leadership training for women. The overall uptake of all initiatives is lower than within private practice. The most popular initiative, flexible working arrangements, is implemented by 41 per cent of the in-house legal teams surveyed, versus 73 per cent of law firm respondents.

As in private practice, flexible working arrangements are the most popular initiative and perceived to be the most effective, with 67 per cent of corporate respondents labelling this as ‘very effective’.

Coaching and mentoring programmes and leadership training for women, despite being the second and third most popular initiatives, are perceived to be the least effective, with only 14 per cent and 33 per cent of corporate respondents labelling them as ‘very effective’, respectively.

Target setting (14 per cent) is slightly less popular than quota setting (18 per cent). Target setting is, therefore, the least popular initiative. However, there were no corporate respondents who labelled it as ‘not effective’. Quota setting and unconscious bias training are seen as ‘not effective’ by 25 per cent of respondents.

No initiative has been in place for more than ten years on average, with flexible working arrangements being the longest standing at nine years.

Several companies reported offering coaching or mentoring programmes, with some saying that their programmes were specifically targeted at women and others saying they were open to all. Two entities mentioned programmes aimed at developing female leadership. One mentioned partnering with an external organisation on developing their women-only programme.

“ Although the presence of women in leadership positions in Chile has been gradually increasing, its slow progress demonstrates that much remains to be done, especially considering that the proportion of men and women studying law has been equitable for decades. At Abogadas In-house, we believe we play an essential role in this change. It is our responsibility to highlight and empower female talent, emphasizing the richness that diversity brings to our organisations. Furthermore, through informed decisions when hiring legal firms, we aim for this approach to also be reflected in those who provide us with legal services. Only through these means can we fully harness the potential that our profession can contribute to the development of the industry, economy, and society as a whole.

Consuelo Mengual

General Counsel, Coordinador Eléctrico Nacional

As with coaching and mentoring, some entities are offering leadership training for all employees while several others report having training specifically aimed at women. One said that they train female leaders in skills like communication and leadership and measure the impact annually. The company claims the training is having a very positive impact since it was introduced three years ago.

Female presence in top-level management positions in Chilean-enlisted companies is 14 per cent.¹⁷ Legal frameworks on quotas for female representation within Chilean boardrooms differ depending on whether

17 Comisión para el Mercado Financiero, Género en el sistema financiero 2023, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cmfcile.cl/portal/estadisticas/617/articles-72856_recurso_1.pdf, accessed 25 September 2023.

the company is public or private. For companies which are state-owned (where the state owns more than 50 per cent of the company) or are public companies created by law, Law No 21.356 stipulates that persons of the same gender may not exceed 60 per cent of the total number of board members. In cases of companies made up of three members, there must not be over two people of the same gender.¹⁸ A new bill that would broaden the scope of application of Law No 21.356 is currently being considered to include all state-owned companies, regardless of the degree of state participation.¹⁹ Regarding private companies, and after several attempts to incorporate parity criteria within these, a bill is currently being discussed which proposes a 20 per cent quota for female representation on the boards of public limited companies for the first three years and 40 per cent thereafter. Starting from the sixth year, the 40 per cent percentage becomes mandatory.²⁰

In addition, in 2019 the Ministry of Women and Gender Equality launched an online registry of women for boards of directors. The registry currently includes more than 600 female professionals with outstanding careers and experience in senior management and aims to bring visibility to women who are seeking to join company boards.²¹

“ The waste of female legal talent, which for years now has been comprising 50% of the law student ranks, is disappointing. We, clients, have a duty to do our part by asking the right questions, setting the right tone and incentives, and by making decisions consistently with our beliefs. Action needs to move from important to urgent.

Gonzalo Smith

Chief Legal & Governance Officer, Falabella SA

Flexible working arrangements vary significantly between companies. Most companies (out of those who offer this as an option), allow fully flexible working options, offering their lawyers the choice of working in the office or from home. Some companies require employees to come to the office two or three days a week. One company indicated they have established three different entry hours, which offer significant support to parents in managing work-life balance.

The public sector

During our research, we contacted the National Department of Civil Service (Dirección Nacional del Servicio Civil) who provided the data referenced here.

In 2021, ten different groups within the structure of the Civil Service (including the People Management and Development Sub-Directorate, the Legal Department, and the Labour Inclusion Department, and beyond) were called upon to participate in a brainstorming exercise. This task had three major aims.

18 Ley núm 21.356 establece la representación de género en los directorios de las empresas públicas y sociedades del Estado que indica, www.bcn.cl/leychile/navegar?idNorma=1162243, accessed 13 August 2023.

19 Proyecto de ley núm 14314-34 que crea un mecanismo de nombramiento e integración de los directorios de empresas públicas, y en aquellas en que el Estado tenga participación, en que se procure la paridad de género, www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=14897&prmBOLETIN=14314-34, accessed 13 September 2023.

20 Proyecto de ley núm 15516-34 que establece un mecanismo para aumentar la participación de mujeres en los directorios de las sociedades anónimas abiertas y sociedades anónimas especiales, www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=16048&prmBOLETIN=15516-34 accessed 13 September 2023.

21 See <https://redmad.cl/articulos/las-innovaciones-que-incorpora-el-registro-de-directoras-para-chile/>, accessed 20 September 2023.

First, enhancing diversity, with a focus on increasing the number of women and those from underrepresented groups. Second, improving the quality, transparency and satisfaction of the services provided by the Civil Service. Third, working towards institutional change by fostering excellence, motivation, and soft skills like empathy and teamwork. This sought to encourage innovation and decentralisation in the delivery of services.

Following the definition of the strategic objectives, eight institutional projects (and 28 initiatives) were developed and the Strategic Plan 2022–2026 was published. According to this Plan, one of the eight objectives of the Chilean civil service is to increase the number of female civil servants in managerial positions. In particular, the institution is working towards increasing the percentage of women occupying the most senior positions in public office (Alta Dirección Pública).

Following the Strategic Plan the Chilean civil service monitors gender equality within high-ranking positions (Sistema de Alta Dirección Pública). All measures in place are not specific to legal professionals and apply to all high-ranked civil servants.

Flexible working is available, albeit in an ad hoc manner, exclusively for those teams that have a remote working pilot project approved by the Budget Office of the Chilean Ministry of Treasury.

One of the 28 initiatives in the Strategic Plan is the ‘More Women’ (Más Mujeres) talent management programme. This programme includes both leadership training and a mentoring programme for female civil servants. As of April 2023, 455 female civil servants have taken part in the mentoring programme, of which 58 have mentored and 397 have been mentees.²²

“ The participation of women in leadership and management positions is not only an ethical issue, but also a practical one, which directly impacts the design, execution and evaluation of public policies, by incorporating their vital experiences in these processes, which are determinant to improve services to citizens. It is imperative to address the representation gaps with a sense of urgency, breaking down prejudices, biases, and stereotypes that prevent us from advancing in the formation of more diverse teams.

Sonia Ortiz

Head of Support and Development, Alta Dirección Pública

In response to our query regarding further programmes, they cited a unique and innovative initiative. This arose in response to a Chilean civil service review of the formal procedures through which vacancies were advertised.

In 2022, job advertisements for senior positions within the civil service began to include images of women (see Figure 8). Both images on the right-hand side call for applications from the most talented people, male and female. However, both images include pictures of women, and the image on the bottom right includes a sentence referencing that only 23 per cent of applications for senior public service positions are from women. Moreover, the law indicates that vacancies must be advertised through ‘mass media’ channels, which historically included only the written press. In 2022, the publication of job vacancies was reinforced through electronic means, using social media channels.

²² See www.youtube.com/watch?v=a8bQ_SDYnj4, accessed 21 August 2023.

The civil servant with whom we spoke indicated this approach to job adverts had a significant and positive impact. This was reflected in the numbers, with the percentage of women applying to high public office positions increasing from 23 per cent to 36 per cent in the space of a year.



Figure 8: on the left, a poster announcing a call in the year 2020; on the right, two posters announcing calls in the year 2022

The judiciary

The Chilean judicial system is divided into three levels: The Supreme Court, the Appellate Courts or Courts of Appeal, and tribunals of first instance. The Supreme Court is the highest court in Chile and has jurisdiction over the whole country. For the ordinary administration of justice, there are 17 Appellate Courts, one for each of the 17 jurisdictional territories. In addition, there are more than 450 ordinary courts or tribunals of first instance throughout the country. There is one Constitutional Court, an independent and autonomous court, whose main role is to act as the supreme interpreter of the Chilean Constitution. In addition, there are a number of specialised tribunals such as the Tribunal for the Defence of Free Competition, the Tribunal of Public Contracting and the Industrial Property Court.

Within the Supreme Court, eight of twenty justices are female.²³ The current justices nominate up to five candidates. The President of the Supreme Court then selects one of those five and finally, the Senate must approve the President's choice.

Gender representation within the judiciary is monitored on an annual basis, with data collected and analysed. This information helps reveal potential inequalities and sex-based discrimination. Given that

²³ www.pjud.cl/tribunales/corte-suprema, accessed 21 March 2023.

those who make up the Chilean Judiciary are mostly women, access to judicial roles does not appear to be a concern; women form the majority in practically all categories, including first instance judges, where there are 20 per cent more female than male judges.

Notwithstanding these figures, significant gender gaps remain in accessing higher-ranking positions, namely heads of courts and justices, in both the Appellate Courts and the Supreme Court, respectively.

The gender equality journey within the Chilean judiciary began in earnest in 2015. Through a participatory process, information was collected on judicial officials' perceptions on equality issues. A study²⁴ was then published and revealed the existence of discrimination in different areas, particularly regarding established stereotypes and shortcomings.

As a result of this data gathering exercise, in 2016 the Supreme Court approved a specific office to oversee all gender issues, the Technical Secretariat for Gender Equality and Non-Discrimination of the Judiciary.²⁵ This unit began work in 2017. The Gender Equality and Non-Discrimination Policy (the 'Policy') was approved in February 2018.²⁶ This Policy is the framework that encompasses all actions identified as necessary to achieve the objective of guaranteeing respect for equality and non-discrimination within the judiciary.

Among the various actions outlined in the Policy, particular emphasis should be placed on the initiative to incorporate a gender perspective into recruitment and selection processes for positions and promotions within the judiciary. This specific approach seeks to accomplish the following:

- review all stages of the recruitment and selection process, to uncover and analyse the existence of gender stereotypes, biases and other gender-related gaps;
- promote the establishment of a recruitment and selection process that treats men and women equally when entering a position within the judiciary, as well as regarding internal mobility; and
- foster the implementation of temporary or permanent measures in recruitment and selection procedures that bridge the identified gender biases and gaps, which hinder mobility and/or advancement in a judicial career.²⁷

The 2016 study further highlighted the issue of reconciling the challenges of work and family life. The issue of work-life balance was critical for both administrative staff and judges. A specific study on this matter was carried out which led to the publication of a report making several important recommendations.²⁸ Among them, the need to approve a general and unique regulatory framework for the entire judiciary was identified, to avoid leaving issues related to maternity/paternity to the discretion of each team.

24 See <http://secretariadegenero.pjud.cl/index.php/estudios/estudios/19-recursos/datos-y-estadisticas/28-estudio-genero-poder-judicial-chile>, accessed 18 July 2023.

25 See <http://secretariadegenero.pjud.cl>, accessed 25 September 2023.

26 See <http://secretariadegenero.pjud.cl/index.php/politica-genero-pjud>, accessed 4 September 2023.

27 See 'Política. Igualdad de Género y No Discriminación': www.cndh.org.mx/sites/default/files/documentos/2020-11/Politica_Igualdad_Genero_2020-2024.pdf, accessed 22 August 2023.

28 See https://secretariadegenero.pjud.cl/images/documentos/PJUD_Estudio-Sobre-la-Proteccion-de-la-Maternidad-Paternidad.pdf, accessed 22 August 2023.

A further study focused on the mobility and promotion of judges.²⁹ The diversity of opinions revealed useful insights, including the importance of seniority and experience from a normative point of view, and the existence of discretionary spaces which were especially vulnerable to biases or prejudices. The data uncovered actionable areas for improvement, including tackling the preconception that women were more skilled and suited for some positions and not others.

Thirty-five per cent of women and 20 per cent of men agree that being part of a family court limits their chances of promotion. At the same time, women aspire less than their male counterparts to the highest position they can reach (64 per cent of women versus 78 per cent of men). Some of the reasons given by women include the comfort of doing a job they enjoy, managing their tasks successfully without taking on too much work, generating positive ties with the team, and achieving a balance between work and personal life.

An additional obstacle identified is the persisting societal expectation faced by women to shoulder a higher percentage of domestic responsibilities. This can prevent them from competing with men, even when recruitment biases and prejudices are addressed. In other words, some obstacles are deep-rooted within Chilean society and sit beyond the scope of recruitment processes currently utilised by the Chilean judiciary.

The policies and initiatives in place within the Chilean judiciary are not gender specific. Remote working is allowed and regulated and specific teams within courts are allowed to establish a remote working policy based on good service.³⁰

An individual coaching programme is available for the heads of any specific court, upon request and on an annual basis. The programme consists of ten 90-minute sessions. In addition to the individual coaching programme, the judicial online training platform, available to all members of staff on a rolling basis, includes training courses on gender awareness, domestic violence and sexual harassment.

While there is a consensus on basing selection processes exclusively on merit and professional skills (90 per cent of women and 91 per cent of men agree), the Supreme Court, in plenary session, adopted a series of agreements on equality. One of them relates to parity for the highest-ranking positions. Act 207-2022³¹ recommends that when forming the lists of three nominees and five nominees for the Courts of Appeals and the Supreme Court respectively, it is recommended that at least one woman and one man be included in the voting process. This decision also indicates that when appointing substitute justices of the Supreme Court, an alternating system between female and male justices from the Courts of Appeals, based on seniority, will be established, provided they meet the legal requirements to be appointed as head justices.

29 See <http://secretariadegenero.pjud.cl/index.php/politica-genero-pjud>, accessed 12 September 2023.

30 Auto Acordado que regula el teletrabajo y el uso de videoconferencia en el poder judicial, www.bcn.cl/leychile/navegar?idNorma=1143549, accessed 23 August 2023.

31 www.diarioconstitucional.cl/wp-content/uploads/2022/10/ActaGe%C2%B4nero.pdf, accessed 23 August 2023.

Comparison with England and Wales, the Netherlands, Nigeria, Spain and Uganda

The data from Chile reflects a high representation of female lawyers in the profession at large but a much lower proportion of women at the senior levels. This disparity requires further scrutiny.

Of the countries surveyed to date as part of the 50:50 by 2030 Gender Project – England and Wales, the Netherlands, Nigeria, Spain and Uganda, Chile sits in the middle. At a senior level the percentage of female lawyers drops sharply to 34 per cent across all sectors. This is lower than the Netherlands or Nigeria, both of which have 46 per cent of senior lawyers and judges being female, as well as Uganda at 40 per cent. This proportion is greater than England and Wales at 32 per cent and Spain at 31 per cent.

The disparity of women in senior roles relative to their representation within the profession more widely is most marked in law firms. While 39 per cent of lawyers in law firms were women, only 18 per cent of senior lawyers working at law firms were women. This comparison reinforces the finding this is the lowest performing legal sector for female participation and that Chile ranks the lowest of this sub-category, namely the proportion of senior lawyers working in law firms who are women. The remaining countries surveyed all feature female representation at senior levels in the 23–31 per cent range, still outnumbering Chile. This is a clear area for targeting future growth and reflects a sharply pyramidal structure.

In Chile, female representation within the judiciary is notably high, at 59 per cent, second only to the Netherlands at 61 per cent. This diverges from England and Wales, Nigeria and Uganda which did not reach parity within this sector. At the senior level there is a strong rate of female representation in the Chilean judiciary at 46 per cent, second again to the Netherlands at 54 per cent. This compares to 26 per cent in England and Wales, 33 per cent in Nigeria, 37 per cent in Spain and 45 per cent in Uganda.

In Chile, England and Wales, and Spain, flexible working is the most popular initiative. In the Netherlands, Nigeria and Uganda, this initiative is the second or third most popular.

Part-time working is rare in Chile. Within law firms and in-house legal teams, very few lawyers work part-time. Within the public sector and the judiciary, part-time work is not available as an option. This explains why there might be an appetite for part-time working arrangements. This contrasts with all other countries surveyed to date and perhaps most starkly with England & Wales, and the Netherlands.

Conclusion

Some legal sectors in Chile are making concrete progress. The public sector has made it explicit; more women are needed at the top, and they have come up with innovative ideas to encourage women to apply for positions of greater responsibility.

This also applies to the judiciary, evidenced with the creation of the Technical Secretariat for Gender Equality and Non-Discrimination of the Judiciary. The judiciary has in place a series of policies and mechanisms designed to improve parity at senior levels of leadership. Act 207-2022 recommends that when forming the lists of three and five nominees for the Court of Appeal and Supreme Court, at least one woman and one man should be included in the voting process. Furthermore, when appointing substitute justices of the Supreme Court, an alternating system between female and male justices from the Courts of Appeals will be established based on seniority, provided they meet the basic legal requirements to be appointed as head justices.

Feedback from law firms shows the need for more work to address unequal gender representation, especially at senior levels of leadership. There are calls for clients and the broader industry to drive change. Others mention aiming for gender balance in recruitment, but struggle to attract and retain female employees, especially at more senior levels.

In summary, while Chilean law firms and corporations report a range of initiatives, especially around flexible working, mentoring, and diversity and inclusion, gender equality and female leadership do not appear to be a priority for most. Unequal gender representation, particularly at leadership levels within law firms, is identified as an ongoing issue, though some workplaces report incremental progress over time. The sustained commitment of clients and the wider industry are seen as key to driving further changes.

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Appendix 1: data tables

Overall picture: all lawyers

	Female lawyers (%)	Female senior lawyers (%)
Law firms	39 (451/1,169)	18 (50/278)
Corporate	52 (146/281)	54 (49/91)
Judiciary	59 (971/1,657)	46 (79/172)
Public sector	63 (6,300/10,000)	39 (49/127)
Total	60 (7,868/13,107)	34 (227/668)

Popularity of gender initiatives: sector breakdown

	Law firms (%)	Corporate (%)	Public sector (%)	Judiciary (%)
Leadership training for women	18	27	100	0
Flexible working arrangements	73	41	100	100
Target setting	41	14	0	100
Coaching/mentoring programmes for women	41	32	100	0
Unconscious bias training	23	18	0	0
Quota setting	5	18	0	0

Effectiveness of gender initiatives

	Very effective (%)	Somewhat effective (%)	Not effective (%)
Leadership training for women	36	64	0
Flexible working arrangements	67	29	4
Target setting	54	46	0
Coaching/mentoring programmes for women	29	65	6
Unconscious bias training	56	33	11
Quota setting	40	40	20

Appendix 2: survey questions

1. **What type of organisation do you work for?**

Corporation with in-house counsel

Public sector

Law firm

Judiciary

2. **We'd like to start by asking some general profiling questions about the lawyers/judges who are employed in your organisation.**

Total number of lawyers

Lawyers who work on a part-time basis

Lawyers employed at a partner/management/KC (or equivalent) level

Lawyers employed at a partner/management/KC (or equivalent) level who work part-time

3. **This question asks about the lawyers/judges who are female. Please enter approximate numbers for the following:**

Remember, you can return to the survey at any point if you need to look-up any figures.

Total number of lawyers who are female

Female lawyers who work on a part-time basis

Female lawyers employed at a partner/management/KC (or equivalent) level

Female lawyers employed at a partner/management/KC (or equivalent) level who work on a part-time basis

4. **How many individuals sit on your partnership council/management board/executive council (or equivalent)?**

5. **Of these three, how many are female?**

6. **Do you monitor the gender balance in your organisation overall?**

Yes

No

7. **Do you monitor the gender balance in your organisation for lawyers at the senior level?**

Yes

No

8. **Is this gender monitoring data shared with the leadership of the organisation?**

Yes

No

9. **Is this gender monitoring data shared with the leadership of the department or elsewhere within government?**

Yes

No

10. **Does your organisation have any of the following initiatives/policies in place addressing gender equality and/or seeking to increase the number of women reaching positions of seniority?**

Quota setting for senior role positions

Availability of greater flexible working arrangements (post Covid-19 restrictions)

Leadership training for women

Target setting for senior role positions³²

Unconscious bias training

Coaching/mentoring programmes

Other:

None of the above

11. **We have a couple of questions about your [measure].**

Can you please provide a brief description of your [measure]?

Please include how it works, how it is measured and the impact it is having.

Approximately, how long have your [measure] been in place?

Please enter the approximate number of years

³² Targets v quotas: targets tend to be aspirational; quotas tend to be mandated (sometimes set externally by a body with authority to impose them on organisations). Establishing quotas usually includes setting penalties for failing to meet them.

12. In your view, how effective has each initiative/policy been in supporting gender equality and/or increasing the number of women reaching positions of seniority in your organisation?

Very effective

Somewhat effective

Not effective

13. Does your organisation have any other diversity related initiatives in place (race, ethnicity, sexual orientation, disability, religion etc)?

Yes

No

14. Please describe how one of these initiatives or policies works.

Please include how it works, how long it has been in place and the impact it is having.

15. What else do you want us to know about other initiatives coming in the future?

16. Would you like to associate your organisation's name with the feedback you have provided? This will enable the IBA to highlight examples of programmes in its reporting.

If you select 'No' below, your survey data will remain confidential and only reported in aggregate.

Yes

No



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