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The postpartum experience of female attorneys in South African law firms

Stacy Mogale

A research report submitted to the Faculty of Commerce, Law and Management, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Business Administration

Johannesburg, 2016

ABSTRACT

More and more working mothers are analysing their environments, processing what they observe and experience personally and are making decisions to either leave the workplace and become (i) entrepreneurs (Williams, 2001), (ii) stay-at-home moms (Elacqua et al., 2009), or (iii) move to organisations that are considered to be more accommodating of working mothers.

This research report aims to gain a much deeper, intimate understanding of the experience of female attorneys in South African law firms prior to having children and as working mothers, as the foundation for a better understanding of the career choices that they make. Fundamentally, this research report poses the question, “What are women experiencing pre-partum and postpartum, and what decisions are they making in respect of their careers in response to that experience?”

A themed content analysis was conducted on the responses (interview transcripts) gathered from 13 interviews involving 13 female attorneys who were working mothers employed in a South African law firm. The varying experiences of all of the respondents yielded a list of common themes and categories within those themes that provided an in depth look at what the pre-partum and postpartum experience of each respondent was/is and how the experience framed decisions regarding their career.

The most significant feature of the research was that there is definitely a distinction between the bias or discrimination that female attorneys without children in South African law firms experience compared to what women with children experience. The maternal wall is a reality and whilst women in South African law firms may not recall ever experiencing gender bias or discrimination prior to having children, having children has proven to be detrimental to a female attorney’s continued career as a practising attorney.

The other important outcome of the research was that there are not sufficient champions advocating the cause of working mothers, within law firms in South Africa. The senior partners who should be fighting to change the status quo have not accepted the

challenge, leaving the more inexperienced, less powerful junior professionals to fight their own fight.

DECLARATION

I, Stacy Mogale, declare that this research report is my own work, except as indicated in the references and acknowledgements. It is submitted in partial fulfilment of the requirements for the degree of Master of Business Administration at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in this or any other university.

Stacy Mogale

Signed at Sandton, Johannesburg

On the 4th day of August 2016

DEDICATION

This research report is dedicated to all of the working mothers who knowing that the deck is stacked against them, wake up, suit up and show up, day after day after day. To the women who work twice as hard to be considered as good as. As good as their male counterparts, as good as their childless female counterparts and as good as those moms who are fortunate enough to stay home and offer the best of themselves to only one institution, as opposed to two. Know that what you do matters, what you do makes a difference and whatever choice you make, is the right one.

To my own working mother, never before have I appreciated how exhausted you must have been, how many sacrifices you had to make and yet how inadequate you must have felt through it all. Know that what you did has not gone unnoticed, it did and still does matter, it did and still does make a difference and every single one of the choices that you made, was the right one.

Many people make the mistake of judging working mothers for being selfish and wanting to pursue their own ambitions at the expense of their family and particularly their children. What I now know, is that choosing to be a working mother is the most selfless choice that can be made. You choose to give of your best to the world and often the world underestimates the value and price of your contribution. You give what is left to the ones who are your world and at the end of each day, you have nothing left to give. You are the epitome of selflessness. Don’t ever stop waking up, suiting up and showing up.

ACKNOWLEDGEMENTS

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- My precious Malachi and Maya, my inspiration for this research. You endured much for mommy to be able to write this report and I will spend the rest of my days trying to make up for the time that we lost.

- My family. Each one of you became surrogate parents to my children. Not once did you complain, hesitate or refuse to step in to fill the gaping hole that completing this report left in my children's lives. There is nothing I could do to repay you, but completing this report, is a start.

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1 CHAPTER 1: INTRODUCTION

1.1 Purpose of the study

The purpose of this research is to explore the experience of female attorneys following their return to the workplace postpartum and to illustrate how their experience translates into certain personal and career decisions.

1.2 Context of the study

"Two facts matter to business: only women have babies and men make rules" (Schwartz, 1989, p. 65).

Internationally, it is evident that, although more women graduate from law school, a relatively small proportion of them actively practice or achieve partnership status. For example, whilst 60% of attorneys in the USA in 2010 were women, only 15% of the equity partners of law firms in the USA were women (Project for Attorney Retention, 2011). Notwithstanding that for the last twenty years more women have graduated from law school in Australia than men, only 13-15% of female lawyers are women (Project for Attorney Retention, 2011). According to the Law Society of South Africa, as at May 2015, women accounted for 56% of the candidate (trainee) attorneys in the country, yet only 37% of all qualified attorneys are women (Law Society of South Africa, 2015).

The disproportionately low representation of women in senior management, the wage gap between men and women, the lack of opportunities for women's career advancement, have all largely been attributed to the metaphoric 'glass ceiling' (Baxter & Wright, 2000; Hymowitz & Schellhardt, 1986). Since the term "glass ceiling" was first coined in the Wall Street Journal by Hymowitz and Schellhardt (1986) more than 25 years ago, it has assumed many aliases (Smith, 2012), namely:

- “glass cliff” - the practice of deliberately promoting women to risky positions in leadership (Ryan & Haslam, 2005);

- “sticky floor” – the retention of women in lower level jobs (Burke & Vinnicombe, 2005; Kee, 2006).

- “labyrinth” – a woman’s journey to top management is not a linear path, it is consistently fraught with obstacles and obstructions, and unexpected twists and turns (Eagly & Carli, 2007);

- “firewall” – a metaphor used to describe the underrepresentation of women in management, particularly within the information and technology sector (Bendl & Schmidt, 2010);

- “old boys club” – commonly used to describe a closed, exclusive network of male leaders (Baumgartner & Schneider, 2010);

- “glass wall” – the concentration of women in certain jobs or sectors (Berry & Franks, 2010);

There is growing research in support of the theory that working mothers experience a different form of bias and stereotyping that is distinguishable from the ‘glass ceiling’ (Mason & Goulden, 2002; Patel, Govender, Paruk, & Ramgoon, 2006; Peus & Traut-Mattausch, 2008). Accordingly this research aims to contrast a female attorney’s experience in the workplace prior to having children, with her experience as a working mother in the same working environment, in an attempt to determine the ways in which a female attorney's experience as a working mother compares to when she did not have children.

Professor Joan Williams first coined the term “maternal wall” with reference to the barriers that working mothers face in their careers (Williams, 2001a) . It is her view that most women will never even come close to the glass ceiling, because the maternal wall will have derailed their climb up the corporate ladder long beforehand (Williams, 2001) . Williams’ proposition presumes that women will start having children before they reach the upper echelons of management in their

respective organisations. An observation in South African law firms is that many women wait until such time as they have been promoted to partner level, before starting a family. It is therefore submitted that the maternal wall does not precede the glass ceiling but rather that the maternal wall in law firms affects working mothers, on both sides of the glass ceiling.

This research aims:

- to establish the patterns of discrimination and non-discrimination that female attorneys experience pre-partum and postpartum; and
- to identify how the experiences of discrimination and/or non-discrimination pre-partum and postpartum affects female attorneys in South African law firms.

1.3 Problem statement

1.3.1 *Main problem*

To contrast the pre- and postpartum experience of discrimination and non-discrimination of female attorneys working in South African law firms and to illustrate how their personal experiences manifest in their careers.

1.3.2 *Sub-problem 1*

To compare the pre- and postpartum experience of female attorneys working in South African law firms.

1.3.3 *Sub-problem 2*

To identify the effect that the postpartum experience of discrimination or non-discrimination of female attorneys has on their careers.

1.4 Significance of the study

Research which focuses on stereotyping and bias against women in general, far exceeds the number of studies that focus on how working mothers are affected by discriminatory perceptions and practises (Williams, 2004) .

South Africa has long been hailed a vanguard in the fight for the promotion of equal rights for all, particularly women, yet in 2014, 21% of South African businesses did not have any women in senior management positions (Grant Thornton International Limited, 2014) and by 2015 women occupied only 27% of all senior management positions available in South Africa (Grant Thornton International Limited, 2015).

On the 29th of August 2013, the minister of Women, Children and People with Disabilities published the draft "Women Empowerment Gender Equality Bill" (Minister of Women Children and People with Disabilities, 2013) for public comment. The purpose of the Bill is to, *inter alia*, oblige companies to ensure "at least 50 per cent representation and meaningful participation of women in decision-making structures" (Minister of Women Children and People with Disabilities, 2013, p. 4).

A vast majority of the research undertaken in respect of women in the workplace, attributes the absence of women in senior positions to a collective set of attitudes, perceptions, societal values and constructs which create barriers to the success of women in the workplace. However, all this research seems to have done little to improve the plight, and consequently the retention, of women in the workplace.

This study will provide a unique internal point of view of the working mother by presenting the personal perceptions that female attorneys develop as a consequence of their experience in legal practice in a South African law firm after having children and will reflect on how those perceptions influence their career choices and career paths.

There does not appear to be any research of this nature specifically in the legal sector in South Africa, so this study will provide insight to South African law firms

to better understand the experiences of working mothers upon their return to the workplace and how they can support, motivate and retain their female attorneys who are mothers.

1.5 Delimitations of the study

The sample group was purposively sourced from the five largest law firms in South Africa. The sample group was limited to female attorneys with children under the age of six i.e. preschool-going children. Studies have found that mothers of preschool age children experience greater interference between work and family than working mothers of older children (Hughes & Galinsky, 1988).

The present study is not longitudinal and therefore will only focus on the current or most recent experiences of working mothers. Whilst the current research may record the perceptions that working mothers hold at a particular point in time, it does not illustrate what a working mother's perceptions are over a period of time, nor does it forecast what her perceptions may be in the future. It could be argued that the outcome of the current study could only provide short-term assistance to South African law firms in managing their working mothers, but will not assist with long-term career planning and retention.

Although the word "experience" is used in this study, it is not a phenomenological study. The word "experience" as used here is to elicit feelings and perceptions from the respondents about how things work in their organisation with respect to their place and opportunities within that organisation. The other criteria that relate specifically to phenomenological research do not apply in this case.

1.6 Definition of terms

- Working mothers – female attorneys with at least one dependent child under six years of age and "who have remained in employment through the period of rearing their family while also developing and investing in their career" (Grady & McCarthy, 2008, p. 600).

- The definitions for various terms and synonyms relating to the concept of the "glass ceiling" may be seen on page 2, under the heading relating to "context".

1.7 Assumptions

- The experience of working mothers in South African law firms is different to their experience as women without children.

- The research assumes that the postpartum experience of a working mother frames her career ambitions and influences the career decisions that she makes (Elacqua, Beehr, Hansen, & Webster, 2009).

- Female attorneys with pre-school going children face different challenges to female attorneys with children who are of school-going age (Hughes & Galinsky, 1988).

- Research participants will be willing to participate in the research process and will answer questions honestly. Research participants may be loath to be frank and completely truthful in their responses for fear of retribution. However the anonymous basis on which the research will be reported should assist in putting participants at ease.

2 CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

The purpose of this research is to explore the experiences of female attorneys following their return to the workplace postpartum and to illustrate how their experiences translate into certain personal and career decisions. The role of concepts such as the “glass ceiling” and “maternal wall” are articulated in this regard.

This chapter commences with a review of the literature that posits theories for the prevalence of gender bias, followed by the literature regarding the glass ceiling phenomenon, its origins, evolution and its manifestation in the legal profession today.

The last part of this chapter sets out the literature in respect of the maternal wall and the implications of being a working mother in a law firm.

A synopsis of the key learnings is presented in the conclusion.

2.2 Gender bias theories

The literature justifying the scarcity of women in the workplace, serves as a useful starting point for understanding why gender bias exits before turning to a discussion of how the glass ceiling and maternal wall manifests in the working environment. What follows is a précis of the theories that have been posited over the years to explain why there is a bias against women in the workplace and why there are so few women in leadership positions in the workplace.

2.2.1 *Expectation states theory*

Characteristics such as gender, occupation, race, create status hierarchies (Güngör & Biernat, 2009); for example, within society there are certain roles that

have traditionally been assigned to the different genders. Traditionally men are associated with the role of the so-called 'breadwinner' and women the 'home maker'. Accordingly, a working father does not violate society's expectations, because he espouses society's expectation of a man.

Society expects mothers to prioritise their spouses, children, home responsibilities etc. (Ridgeway & Correll, 2004). But on the other hand an ideal worker, is expected to prioritise work and clients over everything else, including spouses, children, home responsibilities etc. In this context, a working mother is a paradox that violates what society expects of both a mother and the ideal employee (Güngör & Biernat, 2009). Etaugh and Folger (1998) found that whenever a person (male or female) deviates from society's normative gender role expectations, they are perceived negatively i.e. mothers who work full-time are perceived to be less warm than fathers who work full-time and similarly fathers who work reduced hours are perceived to be less competent than those fathers who work full-time (Etaugh & Folger, 1998).

In addition, Fuegen, Biernat, Haines, and Deaux (2004) conducted a study regarding the effect of gender and parental status on how candidates for an entry-level attorney position were rated. They found that parents are perceived as less committed than applicants who were not parents. Parents and female candidates are perceived as less available to the employer and mothers were less likely to be hired than the men or women without children.

2.2.2 *Role congruity theory of prejudice toward female leaders*

Historically, one of the arguments that has been put forward for the scarcity of women in leadership, was due to a lack of a sufficient number of women with the requisite skill set (Greenhaus & Parasuraman, 1999). It has further been argued that the requisite skill set for such high level positions includes traits that are not inherent in women and as a consequence women display fewer of the traits required to assume and successfully occupy leadership positions (Browne, 1999; Chizema, Kamuriwo, & Shinozawa, 2015; *CSI Handbook*, 2006; Goldberg, 1993).

Women are considered to display more communal characteristics such as being concerned with the welfare of others, being more affectionate, helpful, sympathetic and kind, whilst men display more agentic attributes such as being assertive, exercising control, being forceful and aggressive (Eagly & Kite, 1987). These perceived female characteristics are not intuitively in line with a typical business role, so it is suggested here that this theory plays a role in conscious or sub-conscious discrimination against women / mothers.

According to Eagly and Karau (2002) the shortage of appropriate female candidates in leadership positions can be explained by the incongruence between the stereotypes and expectations that a society has for a certain social group (i.e. women) versus the behaviours that are considered to be necessary to succeed in certain roles (Eagly & Karau, 2002; Güngör & Biernat, 2009). The prejudice against women in the workplace is rooted in the perceived incompatibility between the characteristics and traits that society traditionally ascribes to women (i.e. communal attributes) and the perceived attributes of leaders (i.e. agentic attributes) (Eagly & Karau, 2002). As a result, a woman will receive a less favourable evaluation of her ability to assume a leadership position based on society's perception of what her inherent traits and abilities are compared to the attributes required to fill a leadership role (Eagly & Karau, 2002). Even if she were to overcome the initial bias and assume a leadership role, female leaders who display agentic traits will unfairly receive "a less favourable evaluation of actual leadership behaviour, because such behaviour is perceived as less desirable in women than in men" (Eagly & Karau, 2002, p. 576).

2.2.3 *Preference theory*

In her Preference Theory (2002), Catherine Hakim avers that the choices that women make regarding employment is based on their work-life preferences and women can accordingly be classified into three groups:

- Home-centred women – prioritise children and family;

- Adaptive, non-career oriented women – seek to combine work and family; and

- Work-centred women –prioritise their careers and are usually but not always) childless.

According to Hakim (2002) the choices that a woman makes in her career are based on her then prevailing preference for a particular combination of family and paid employment, not as a result of perceived gender bias or discrimination. According to Hakim, women have the luxury of vacillating between focussing exclusively on their careers, dividing their focus and attention between their family and work, or choosing to focus exclusively on their family.

Bielby (2003) appears to support Hakim's theory, in that he argues that one of the explanations for the number of women in executive positions, is due to women actively seeking out jobs that are more compatible with their current or anticipated family obligations. Within the context of a law firm, it is his view that women and men pursue different types of legal training i.e. a women is more likely to pursue a career in an area of law that will be more accommodating of a family, such as family law or property law (Bielby, 2003), whereas a man would not typically have to make the that choice. Consequently, fewer women are trained in the areas of law that receive greater recognition and reward but require greater flexibility and demand more time (Bielby, 2003).

Hakim's theory is further reinforced by O'Neil and Bilimoria (2005) who divided a women's career into three phases, namely:

- Phase 1 – Idealistic Achievement
  Women in this phase of their career are focussed on individual success and achievement. 91% of the women who are in Phase 1 of their careers do not have children. Their relative inexperience lends itself to a positive "can-do" attitude and "nothing is impossible" outlook on life and their careers. These women are steadily becoming aware of the external

barriers to their career progression, but maintain a positive outlook and believe that they can overcome these barriers.

- Phase 2 – Pragmatic Endurance
  Women in this phase tend to be more pragmatic about their careers and goals and focus more on doing what is necessary to get the job done. Many of these women are reported to be disillusioned with their organisations and careers and have developed a personal definition of success, related to happiness and contentment as opposed to career development and achievement. Phase 2 generally coincides with a woman's childbearing years. It is during this phase that women are most likely to withdraw from the labour force completely, or choose to work for an organisation that is more supportive of her as a working mother.

- Phase 3 – Reinventive Contributions
  During this phase of their careers, women have a renewed vigour, energy and passion for their careers. Much like women in Phase 1, their locus of motivation becomes external, working towards recognition and respect from their peers.

More recently, questions are being raised about how much of a working mother's decision-making is the culmination of external factors like finances and husband's support (Hennessy, 2009; McRae, 2003; Stanley-Stevens & Kaiser, 2011) compared to internal factors such as her personal preference (Hakim, 2002). The husband's preference (versus the women's preference) has often been cited as the most important predictor of a women's choice to work (Roiphe, 1996). Men who earn less money are more likely to support, if not encourage their wives to work (Moen & Dempster-McClain, 1987). Stanley-Stevens and Kaiser (2011) conducted a survey amongst first-time expectant mothers and found that the factors that influenced their decision to return to work after the birth of their child comprised both external and internal factors. The external factors included:

- having had a working mother themselves. All of the women who planned to return to work had working mothers;
- financial pressure. More than two thirds of the respondents identified income as a motivation to return to work;
- job satisfaction. Women who enjoyed and were fulfilled by their jobs were more inclined to return to work, than those who were not;
- supportive husbands. Stanley-Stevens and Kaiser (2011) concluded that having a husband who supported their decision, whether it be to work or not, was an important characteristic to career-focussed women in choosing their spouse.

2.3 Glass ceiling phenomenon

The body of research that is dedicated to the glass ceiling phenomenon does not set out an exhaustive list of criteria that must be met to confirm the existence of the glass ceiling in a particular environment. Rather, it points towards certain circumstances, which if present, may be indicators of discrimination and/or bias against women. Some of these circumstances include little or no access to promotions, higher performance criteria, reduced earnings, limited occupational choice, little (if any) representation of minorities in senior positions (Baxter & Wright, 2000).

According to Cotter, Hermsen, Ovadia, and Vanneman (2001) not all gender discrimination is tantamount to a glass ceiling and there are four criteria that must be present to confirm the presence of a glass ceiling:

- a gender or racial difference that is not explained by the inherent requirements of a particular job i.e. education, experience, training.
- the gender or racial difference must be greater in the higher levels of the organisation, than in the lower levels i.e. the number of female employees must progressively decrease the higher up you move in an organisation's hierarchy.

- the actual chances of women being promoted must be lower, not just the proportion of women already in the higher positions.
- the gender or racial inequality must increase over the course of a career i.e. the career trajectory for a woman should be flatter than for a man.

2.3.1 *Access to promotions*

Work-family conflict alludes to the interference of work with family life (Nikandrou, Panayotopoulou, & Apospori, 2008). The work-family conflict that women are presumed to experience proscribes them from being perceived as high performers (Hoobler, Wayne, & Lemmon, 2009). A study of employers' perceptions of women's family-work conflict and the impact on women's promotability (Cuddy, Fiske, & Glick, 2004; Hoobler et al., 2009) showed that managers perceived women to have a greater work-family conflict than their male colleagues, even though women actually reported a lower level of work-family conflict. The perception held by managers negatively affected women's performance and organisational fit ratings (Hoobler et al., 2009) and consequently their chances of promotion.

In addition, the presumption of work-family conflict (WFC) is not only held by employers but by women themselves. Perceived WFC is cited as one of the most common reasons why women do not accept or pursue promotions (Vianen & Fischer, 2002). Women who believe in their ability to effectively juggle the role of mother and manager, are more likely to succeed in within their organisation (Ozer, 1995).

2.3.2 *Performance expectations of women*

According to a survey conducted with female CEOs in the United States, one of the barriers which the women identified to the success of their career is that the performance expectations for women was perceived to be much higher than for their male colleagues (Ragins, Townsend, & Mattis, 1998). Because of the perceived lack of fit between a woman and the job requirements of leadership

roles, many women feel as though they have to work twice as hard as their male colleagues to prove that they are fit for the job (Heilman, 2012).

One of the strategies adopted by female CEOs in overcoming the glass ceiling in their respective organisations, is superior performance (Ragins et al., 1998). The women who formed part of the study felt pressure to outperform their male colleagues to reaffirm their credibility and competence.

2.3.3 *Representation of women at senior levels*

As far back as 1977, (Kanter, 1977) was already advancing a theory to explain why women and minority groups were not succeeding in the workplace. According to her relative numbers theory an increase in the relative numbers of women in the workplace will bring about better opportunities for the advancement of women i.e. the demographics of an organisation is a predictor of women's success within that organisation. More recently Ely (1995) and Chambliss and Uggen (2000) found that the representation of minority groups at partner level in a law firm had a positive effect on the integration of associates in the firm. This international literature reports widely on discrimination against minorities, and, although women are not technically minorities, they have historically been discriminated against Baumgartner & Schneider, 2010). This would certainly apply in the case of many African countries due to the national cultural characteristics of masculinity and paternalism (Hofstede & Arrindell, 1998).

In 2014, Klaaren conducted a survey amongst 12 law firms in South Africa, considered to be large firms as they employed more than 20 lawyers. Notwithstanding that 53.4% of employees (professional and support staff) in most South African law firms are women, 72% of all managing partners, 80% of all CEOs and 53% of all equity partners were white men (Klaaren, 2014), which, in light of Kanter's (1977) theory, does not bode well for the integration of female associates in South African Law firms.

2.3.4 *Gender wage gap*

As recently as 2012, studies still show that there is a difference between the wages earned by men and the wages earned by women, which is unexplained by educational qualifications and skill sets (OECD, 2012). It is noteworthy that in most Organisation for Economic Co-operation and Development (OECD) countries, the discrepancy between the remuneration that men and women receive, is more marked amongst higher income earners i.e. women earn 19.7% less than men, whilst in middle income earners, the difference is slightly less at 15.2% (OECD, 2012). These statistics seem to support Cotter et al. (2001) proposition that what distinguishes the glass ceiling from general gender discrimination, is that the bias increases the higher one moves up the organisational hierarchy.

Over the last three decades, the body of research into alternative theories for the gender wage gap has grown, as follows:

Lynch and Post (1996) averred that the disparity in wages between men and women is not attributable to the proverbial glass ceiling but rather it is a product of: a) the choices that women made, starting with their choice of tertiary qualification and their subsequent career choice; b) a failure by women to work as many hours as their male counterparts; and c) the law of supply and demand which dictates that when there is an influx of women in an industry and there is no decrease in the number of men in the industry, the increase in the supply of labour results in a decrease in the cost of labour for both men and women.

More recently, Card, Cardoso, and Kline (2013) have suggested that the reason why women earn less than their male counterparts, is due to their reluctance, relative to men, to engage in wage negotiations. Card et al. (2013) not only found that “women are paid only 85-90% of the wage premium that men earn at more profitable firms” (Card et al., 2013, p. 31), but that between 10% and 15% of the difference can be attributed to women’s inclination to avoid bargaining.

2.4 Consequences of the perception of a glass ceiling

2.4.1 *Attitude towards the glass ceiling*

Research has shown that women who perceive the existence of a glass ceiling have a greater propensity "to cease striving to get ahead or to leave the organisation" (Elacqua et al., 2009, p. 268).

According to Smith (2012), women's perceptions about the glass ceiling translate into four main attitudes, denial, resilience, acceptance and resignation, which are indicative of a woman's satisfaction with her career and a predictor of a woman's inclination to pursue promotion. This is illustrated in Figure 1 below.

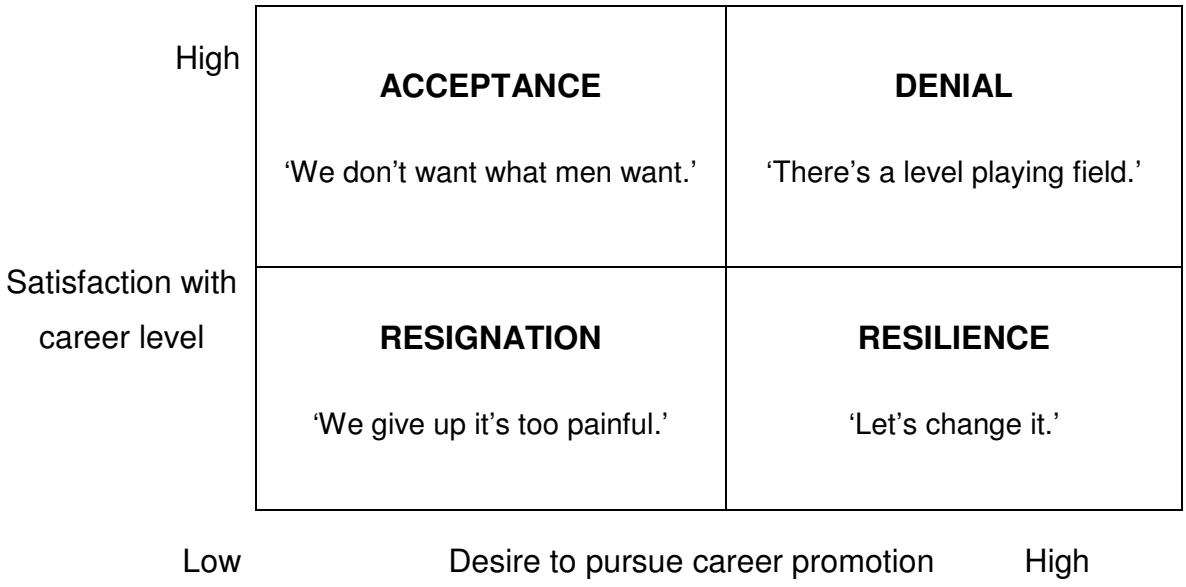


Figure 1: Women's attitudes towards the glass ceiling (Smith, 2012, p. 47)

Jones (1991) conducted a study amongst university students studying towards a bachelor in public relations and discovered that they did not believe that gender bias existed in their chosen career field, nor did they believe that it would present a challenge for them in their future career.

Ironically, Wrigley (2002) identified denial as a factor contributing to the continued existence of the glass ceiling in the public relations field. Women in the study

either accepted personal blame for their non-advancement in the organisation and denying the existence of a glass ceiling in their field, or ignoring the glass ceiling and developing strategies to minimise its significance in their careers (Wrigley, 2002).

Research shows that women who display an attitude of acceptance, are content not to seek high level positions for numerous reasons, including:

- reaching self actualisation in their existing position (Grady & McCarthy, 2008);
- the commitment required would affect their personal life negatively (Cross & Linehan, 2006; Grady & McCarthy, 2008).

Resignation is the negative attitude that gender bias is not likely to change because of the gender imbalance in leadership (Smith, 2012). An attitude of resignation is likely to be adopted by women working in male-dominated organisations or industries, where there are very few, if any, women in leadership positions.

Women who adopt an attitude of resilience, usually have a high desire to pursue their career, but are dissatisfied with their career level and their prospects for success (Smith, 2012).

2.4.2 *Career strategies of women in the legal profession*

Tomlinson, Muzio, Sommerlad, Webley and Duff (2013) undertook a study to explain why "even in contexts populated by highly skilled, knowledgeable agents where organizations appear committed to equal opportunities, old opportunity structures and inequalities often endure" (Tomlinson, Muzio, Sommerlad, Webley, & Duff, 2013, p. 254). The study was conducted amongst legal professionals in England and Wales, and they determined that women and (and minorities) employed six different career strategies to overcome the inequalities and bias that they faced in their profession.

Tomlinson et al. (2013) identified three structural barriers to promotion and progression of women and minorities in the legal profession:

- Long hours – "Long working hours remains one of the key indicators for commitment, especially in corporate firms" (Tomlinson et al., 2013, p. 254). The need to work long hours is a function of client demands and the increased competition between law firms to do things better, faster and cheaper. Increased competition amongst law firms, particularly post the global financial crisis, has seen large law firms increasing the billable hour requirement of attorneys and clients demanding around the clock availability with increasingly demanding turnaround times (Wald, 2010). Lawyers (both men and women) who are not prepared to sacrifice their personal lives, are regarded as being less loyal and less committed to the firm and to their careers (Wald, 2010) and are consequently overlooked for promotion.
- Rainmaking – As law firms become more commercialised in their business model, the ability to secure new clients for the greater benefit of the firm, has become a key performance indicator not only for partners in law firms, but also for professionals seeking promotion to partner status. The respondents in Tomlinson et al. (2013) study, found it difficult to network and nurture client relationships, as many of the networking activities still revolved around white male-oriented activities.
- Lack of transparency in promotional process – According to the respondents, the promotion process was not formalised and often lacked transparency, so it was not entirely what the criteria for promotion were nor what the reasons for not being promoted were.

In order to manage the challenges that they faced, Tomlinson et al. (2013) identified six strategies that the respondents employed, depending on, *inter alia*, their career stage, age, parental status.

Early on in their careers, young attorneys elect to display behaviours and traits that are congruent with the dominant culture in the law firm as the opportunities for candidates who fill the profile of the dominant, white masculine culture are

perceived to be greater in number and more favourable (Chambliss & Uggen, 2000; Ely, 1995; Tomlinson et al., 2013). Tomlinson et al. (2013) named these strategies assimilation strategies. With respect to women in particular, they elect to display agentic, as opposed to communal attributes (Eagly & Karau, 2002) to get ahead (Tomlinson et al., 2013; J. C. Williams, 2004).

Compromise strategies are a response to trying to strike a balance between work and family life (Tomlinson, 2006; Tomlinson et al., 2013). Crompton and Harris (1999) coined the term 'satisficing' to describe the attempt by women to strike a balance between satisfying the stakeholders in both their professional and personal domains. These strategies are mostly adopted by attorneys who either have children or are contemplating having children (Tomlinson et al., 2013). One of the compromises that women make is to postpone having children to a time when they felt more established in their careers (Tomlinson et al., 2013).

According to Tomlinson et al. (2013) Leveraging the structural and cultural barriers in the profession to your advantage is one of the most popular strategies, mostly adopted by younger professionals with between one to four years post qualification experience. 'Playing the game' doesn't seek to change the prevailing culture or systems, but rather to excel within them (Tomlinson et al., 2013).

The aforementioned strategies all require the individual to adapt to the existing systems and prevailing norms. Very few respondents in Tomlinson et al. (2013) study elected to implement a strategy that would challenge the status quo and advocate for a different structural or cultural norm. The respondents who adopted reforming strategies, were by far the oldest, most experienced attorneys in the sample group, but they were also the fewest in number (Tomlinson et al., 2013). Based on their vast life experience and professional experience, the attorneys who implemented reforming strategies, had an intimate knowledge and understanding of what the challenges are and what changes need to be made and which causes need to be lobbied (Tomlinson et al., 2013).

The location/relocation strategy refers to moving, whether it be physically to different office, a different organisation, or changing roles or specialities within the

same organisation, all in an effort to secure more favourable working conditions (Tomlinson et al., 2013). 97% of the respondents who utilised this strategy, were women, who displayed a tendency to relocate at least once between the ages of 30 and 40 to accommodate their family commitments (Tomlinson et al., 2013).

Lastly, respondents who had exhausted all other strategies without satisfactory results considered a complete exit from the legal profession (Tomlinson et al., 2013).

2.5 Maternal Wall

As early as 1989, theories were presented that made a distinction between women who prioritised their careers over having a family and thereby had the same or similar chance as their male colleague for promotion, and those women who were more family oriented and could add value to the organisation at middle management level (Hakim, 2002; Schwartz, 1989).

There are certain nuances to glass ceiling barriers that are endemic to working mothers that do not affect women without children. Professor Joan Williams coined the term ‘maternal wall’ with reference to the barriers that working mothers, specifically, face in their careers (Williams, 2001).

Many women believe that family responsibilities and children in particular are barriers to successful careers (Metz & Tharenou, 2001; Peus & Traut-Mattausch, 2008). Family responsibility in and of itself is not considered to prejudice these women, but rather it is the perceptions held by colleagues and superiors of working mothers that seems to stunt their growth and development (Metz, 2005).

The biggest contributor to the maternal wall in law firms is the billable hour targets (Bounocore Porter, 2006). Lawyers are required to bill anywhere between 1600 and 2000 hours per year which poses a definite challenge to those mothers who wish to or are required to be primary caregivers to their children (Bounocore Porter, 2006).

Similar to the glass ceiling, the maternal wall presents in different forms and to varying degrees.

2.5.1 *Reticence to promote or invest in working mothers*

Companies' reticence to promote and invest in female employees, is said to be founded in the assumption that women are more likely to leave the organisation (resulting in a loss of investment) due to family commitments (existing or anticipated), than their male counterparts (Bounocore Porter, 2006). Yet, an earlier study undertaken by Stroh, Brett, and Reilly (1996), showed that the more children a manager (male or female) had, the more likely they were to remain with the organisation in which they worked, but a lack of opportunities for promotion or career advancement was more likely to induce a female manager to leave the organisation than her male counterpart. This is a prime example of why a distinction needs to be made between the glass ceiling and the maternal wall. Whilst women in general may have a greater propensity to leave an organisation than their male counterparts, women without children have a greater propensity to leave an organisation than men and women with children and yet working mothers stand last in line when it comes to consideration for promotion or training (Cuddy et al., 2004).

The results of a study conducted by (Cuddy et al., 2004) amongst professional working mothers showed that working mothers were perceived to be less competent than their childless female counterparts. The study further revealed that people were less likely to employ, promote or invest in educating working mothers than male candidates or female candidates without children (Cuddy et al., 2004).

2.5.2 *Perceived commitment*

Notwithstanding that many organisations have implemented flexible work options for working mothers, studies show that women perceived these options to have a stigma attached to them, that they were not committed to their careers (Drew &

Murtagh, 2005; Pas, Peters, Doorewaard, Eisinga, & Lagro-Janssen, 2013) and were therefore reticent to make use of them for fear that it would negatively impact their career.

According to Bounocore Porter (2006) It is very difficult for working mothers in particular, to behave as the so-called “ideal employee” would. Women without children are able to work overtime, a working mother’s ability to stay at the office late is impeded by her responsibility to care for her children in the evening. Childless women do not have extended periods of interruption of service due to pregnancy and maternity leave. These are just a few examples of situations that perpetuate the stereotype that men, or even women without children are better suited for certain positions than working mothers.

2.5.3 *Motherhood wage gap*

Not only has there been a disparity between the wages that men and women earn, but there is a definite inconsistency between the wages that women with children earn, compared to women without children, a phenomenon referred to as the ‘family wage gap’ or the ‘motherhood wage gap’ (Felfe, 2012). Almost two decades ago, several researchers found that working mothers earned almost 20% less than their female counterparts who did not have any children in the United States and Germany and 13% less in the United Kingdom (Harkness & Waldfogel, 1999; Kunze & Ejrnaes, 2004; Waldfogel, 1997). In her study Felfe (2011) found that women suffered a decline in wages of minus 10.7% when having children. Maternity leave and a consequent loss in work experience have been posited as a theory to explain the decrease in wages (Albrecht, Edin, Sundström, & Vroman, 1999; Felfe, 2012; Waldfogel, 1998).

Another explanation for the motherhood wage gap, is that after becoming a mother, women are prepared to forego remuneration for more favourable working conditions and therefore may not receive the same monetary reward as their female counterparts without children, but receive a non-monetary award that is more valuable to them, in relative terms (Budig & England, 2001; Felfe, 2012).

2.5.4 *Perceived work-family conflict*

Many women believe that family responsibilities and children in particular are barriers to a successful career and as such are opting not have children in exchange for pursuing their career (Metz & Tharenou, 2001; Peus & Traut-Mattausch, 2008).

Segal and Williams (2003) reported that managers who deliberately chose not to consider mothers for positions that had travel or overtime commitments, considered themselves to be empathetic and considerate of the working mothers circumstance. In no way did they regard their decisions as biased or discriminatory (Segal & Williams, 2003).

The perceived immobility of working mothers constrains their careers by limiting their career opportunities. As (Bounocore Porter, 2006) observes, family responsibilities impede a working mother's ability to travel or relocate is dependent on the level of support that she receives from her husband and his willingness to accommodate relocation by leaving his own job.

More so than the glass ceiling, the maternal wall is rooted in stereotypes, flawed perceptions and generalisations held not only by their colleagues and superiors, but also by working mothers themselves.

2.6 Consequences of the maternal wall

2.6.1 *Skewed perceptions*

Many organisations go to great lengths to implement policies and structures in support of working parents. One of the more common solutions that is made available to working mothers, is "flexi-time". However the extent to which these aids are utilised is very low, because there is a stigma attached to using them (Grady & McCarthy, 2008; Drew and Murtagh, 2005).

Studies in both Ireland and the United States have shown that women who make use of flexible working arrangement are seen to lack commitment and have less

ambition and as a result they believe that making use of these options will be detrimental to their careers (Drew and Murtagh, 2005). This is not because it will result in a decline in their performance, but because of the perception that other people in the organisation will have of her. Yet, in Grady & McCarthy's (2008) study they found a positive correlation between the flexibility afforded to working mothers and their levels of commitment to the organisation i.e. working mothers who were granted flexibility at work felt a greater sense of commitment to their organisation.

In a study conducted by Williams and Segal (2003), career women were regarded as having very little warmth, but being highly competent, whilst housewives were seen to be warm and caring by not competent. It is perceptions such as these, coupled with the Role Congruity Theory (Eagly and Karau, 2002) that prompts working mothers to hide or supress their communal, motherly traits in favour of displaying more aggressive, agentic traits in the workplace.

2.6.2 *Self efficacy*

Research shows that women in higher levels of management displayed high levels of perceived self-efficacy (Ozer, 1995). A cross-cultural comparison undertaken between managers in Germany and the United States of America revealed that notwithstanding the significant body of laws and policies implemented to support working parents, there were more female parent managers in the United States, where regulations to support working parents are scant and limited to tax breaks and maternity leave (Peus & Traut-Mattausch, 2008). In order to mitigate the lack of support for them, working mothers employed numerous strategies to balance work and family, namely:

- Working more efficiently;
- Being diligent and firm about their boundaries;
- Making lateral career moves, whilst maintaining managerial responsibilities;

- Switching companies to organisations that were more supportive of working mothers (Peus & Traut-Mattausch, 2008).

A strong support system is often cited as being key to a working mothers' success in the workplace and at home (Grady & McCarthy, 2008). Notwithstanding that working mothers have support from spouses, partners or parents who share parental responsibilities with them and others also have support for domestic duties, the working mothers are ultimately responsible for the running of the home and the family in addition to working a full-time job (Grady & McCarthy, 2008).

As the primary caregiver, a working mother's support system has limitations that may not be applicable to her spouse/partner. Working mothers often cannot work overtime as they have commitments to collect their children from school, or if a child is sick, the mother is the most likely parent to care for that child (Bounocore Porter, 2006).

The presence of the glass ceiling does not confine itself to the workplace, but because women generally earn less than men (OECD, 2012) it is usually the mother who is expected to forego her career in favour of supporting her husband, who earns more money (Bounocore Porter, 2006).

2.6.3 *Work-family enrichment*

Far less research has been undertaken on the topic of work-family enrichment. In more recent years numerous studies show that employed mothers spend almost as much time with their children and attending at the children's schools as stay at home mothers (Bianchi, Robinson, & Milke, 2006). Daughters of working mothers have been found to be more independent and more likely to work themselves (Stanley-Stevens & Kaiser, 2011).

Women who are content with their careers and employment are likely to bring that positive energy and those positive feelings of happiness and fulfilment home which has a positive correlation to the well-being of their children (Menaghan & Parcel, 1991).

(Greenhaus & Powell, 2006, p. 72) define work-family enrichment as "the extent to which experiences in one role improve the quality of life in the other role". Their proposition is that (i) satisfaction at work can yield satisfaction at home and vice versa, (ii) the resources (tangible and intangible) that are acquired in a job, can be applied at home in family life, and (iii) the experience gained from the job can improve the quality of family life and vice versa.

2.6.4 *Alternative career paths*

The 'mommy-track' is a term used to describe the career path for female attorneys who opt to work reduced hours to accommodate their family (Bounocore Porter, 2006). Within a law firm environment, the 'mommy-track' has little chance of success as part-time attorneys are often forced into areas of law in which they have no interest, but can accommodate a part-time lawyer, whilst other firms refuse to allow lawyers working on reduced hour basis to make partner (Bounocore Porter, 2006).

2.6.5 *Opt-out revolution*

The exodus of working mothers from the workplace has long been a concern, with Morrison, White, and Van Velsor (1992) predicting that more than three quarters of the female executives who participated in their study would leave their organisations.

As a result of the increased tension that many working mothers experience between their work life and family life, many working mothers are choosing to take a hiatus from their careers during their child bearing and child caring years (Mackey Jones & McKenna, 2002) and to return to the workplace when their children are more independent.

2.7 Conclusion of the Literature Review

It is a simple and undeniable fact that there are fewer women in positions of leadership and power than men. There is an abundance of literature dedicated to

unravelling why this simple and indisputable fact exists (Eagly & Karau, 2002; Etaugh & Folger, 1998; Goldberg, 1993; Güngör & Biernat, 2009; Kanter, 1977; Ridgeway & Correll, 2004).

The distinction that is made between men and women in the workplace is not rooted in the belief that women cannot do what a man does, but rather that a woman shouldn't do what a man does. Long-standing cultural and societal beliefs dictate the roles that men and women must play in society (Eagly & Karau, 2002; Eagly & Kite, 1987). Certain behaviours and traits are associated with these gender-specific roles and as a consequence men and women, respectively, are expected to behave in a certain way and to display certain traits and characteristics in accordance with their pre-assigned gender role (Ridgeway & Correll, 2004).

Fulfilling the dual roles of parent and employee, often brings a working mother's commitment to her career and the organisation, into question (Drew & Murtagh, 2005; Pas et al., 2013). More specifically, in the context of a law firm, spending long hours at the office is still used as a proxy for commitment (Tomlinson et al., 2013). Due to their family commitments, working mothers are often unable to avail themselves for work as freely or for as long as their male and childless female counterparts are able to. Ironically it is the perceived lack of commitment of working mothers that triggers the reticence to promote and invest in working mothers (Bounocore Porter, 2006) and in turn the absence of promotion opportunities and career advancement is what prompts working mothers to leave an organisation (Stroh et al., 1996). Yet according to the literature, the more children that a women has, the more likely she is to remain with the organisation (Stroh et al., 1996)

Notwithstanding tremendous effort on the part of organisations to implement policies and structures, such as flexi-time, reduced working hours, alternative career paths, women are reluctant to make use of the organisational support structures for fear of being perceived by their colleagues and superiors as not being committed and not being ambitious (Grady & McCarthy, 2008). Working mothers are more likely to create their own support structures and employ

independent strategies such as working more efficiently, being diligent and firm about their boundaries, making lateral career moves to positions that they perceive to be more accommodating of their new role as mother and even moving to companies that they perceive to be more accommodating of working mothers (Peus & Traut-Mattausch, 2008).

The table below is a synopsis of the literature reviewed applied to the typical career path of a female attorney.

Table 1: Theoretical profile of female attorneys throughout their career

	Pre-partum		Postpartum	
	Associate	**Senior Associate**	**Salaried Partner**	**Equity Partner**
Career Phase (O'Neil & Bilimoria, 2005)	**Phase 1** • Idealistic • Inexperienced • Nothing is impossible • Pursuit of recognition from peers	**Phase 2** • Pragmatic • Disillusioned with organisation • Considering children • Personalised definition of success and happiness • Likely to resign • Likely to opt out	**Phase 2** • Pragmatic • Disillusioned with organisation • Considering/have children • Personalised definition of success and happiness • Likely to resign • Likely to opt out	**Phase 3** • Renewed vigour and passion for carer • Pursuit of recognition from peers
Preferences/Ambitions (Hakim, 2002)	**Work-centred women** • Prioritise work and career • Childless	**Adaptive non-career oriented women** • Aiming to combine work and family • Considering having children	**Adaptive non-career oriented women and** • Aiming to combine work and family • Considering children **Home-centred women** • Have children • Prioritise children and family	**Work-centred women** • Prioritise work and career • Independent children

	Pre-partum		Postpartum	
	Associate	**Senior Associate**	**Salaried Partner**	**Equity Partner**
Attitude (Smith, 2012)	**Denial** • No gender bias • There are equal opportunities	**Denial** • No gender bias • There are equal opportunities	**Acceptance** • Reached self-actualisation in existing position • Definition of success is not centred around career	**Denial** • No gender bias • There are equal opportunities
		Acceptance • Reached self-actualisation in existing position • Definition of success is not centred around career	**Resignation** • Gender bias is not likely to change • Give up trying to juggle everything	**Resilience** • Acknowledge gender bias • Inspired to change the status quo
Strategy (Tomlinson et al., 2013)	**Assimilation** • Fit in and display agentic traits • Show the same level of commitment as male counterparts	**Playing the game** • Leveraging cultural and structural barriers • Excel within the system	**Location / Relocation** • Considering changing roles • Seek more favourable/ accommodating working conditions	**Reforming** • Challenge the prevailing systems • Advocate for a better, more accommodating work environment
	Playing the game • Leveraging cultural and structural barriers • Excel within the system	**Compromise** • Strike a balance between work and family life • Postponing having children	**Prospective withdrawal** • All other strategies exhausted without success • Considering a complete exit from the legal profession	

2.8 Research propositions

2.8.1 *Proposition 1:*

Working mothers in South African law firms experience a different form of gender bias postpartum compared to the gender bias experienced when they were not mothers.

2.8.2 *Proposition 2:*

The postpartum experience of working mothers in South African law firms threatens their careers as practising attorneys.

3 CHAPTER 3: RESEARCH METHODOLOGY

Research relating to glass ceiling is typically conducted using the following instruments:

- Women as Managers Scale (Terborg, Peters, Ilgen, & Smith, 1977)
- Managerial Attitudes Toward Women Executives Scale (Dubno, Costas, Cannon, Wankel, & Emin, 1979)
- Women Workplace Culture Questionnaire (Bergman, 2003)

Smith (1983) is of the opinion that the decision between quantitative and qualitative research is determined by three factors:

a) The relationship between the investigator and the subject matter;

b) The relationship between facts and values in the investigation process; and

c) The goal of the investigation.

This study was inspired by the researcher's current experience and shared experiences of friends and former colleagues as working mothers. At the outset the author had concerns that her subjectivity *vis a vis* the proposed research would impair the integrity of the conduct of the research and its results (Smith, 1983) . According to Trauth (2011), one of the flaws in qualitative research is that the reader must accept how the researcher arrived at his/her conclusions, without any explanation of how those conclusions were reached.

The goal of the proposed research was to search for an in depth understanding of what women experience as mothers, when they return to the workplace postpartum, not to investigate the validity of a prevailing theory. Consequently a qualitative research approach was selected. The study was designed to capture the postpartum experience of working mothers and the consequences that followed as a result of those experiences.

3.1 Research methodology / paradigm

The goal of the proposed research is to explore the experience of working mothers pre- and postpartum and to identify the perceptions that they develop as a consequence of their experience. The study was exploratory in nature due to the dearth of research in this area, specifically in the South African legal sector. A qualitative methodology has accordingly been selected as the preferred means of conducting the study.

Creswell (2013b) proposes that a qualitative study be undertaken when a concept is explored and when a thorough, detailed understanding of the subject matter is required. The goal of qualitative research is to understand the subject matter as intimately as possible and directly from the perspective of the individuals being studied (Kalof, Dan, & Dietz, 2008).

Leedy and Omrod (2005) recommend qualitative research as a preferred research methodology, when the purpose of the research aims to:

- gain new insights into the subject matter being studied;
- identify the facets of a phenomenon;
- test the validity of existing theories;
- evaluate the effectiveness of policies and practices.

In trying to understand the experience of working mothers postpartum, this study will determine whether women perceive the existence of the glass ceiling and/or the maternal wall in South African law firms. By analysing the accounts of working mothers, following their return to work, it is anticipated that the researcher will gain a better understanding of what policies and measures are supportive of women following their return to the workplace and those that detract from their progression in the workplace (Willig, 2008: 158).

3.2 Research Design

The goal of an interview in qualitative research is to gain an understanding of the phenomenon being studied from the perspective of the interviewee (Cassell & Symon, 2004). To be effective in collecting the required data, Cassell and Symon (2004) recommend that an interview:

- Have very little structure;
- Pose open questions; and
- Focus on specific circumstances.

It was anticipated that 13 interviews would be conducted with working mothers in full-time employment with a large South African law firm. Each interview was to be recorded and transcribed for later analysis. How many were actually done? If 13, then just say that 13 interviews were conducted.

Whilst an interview guide was prepared, all of the questions were open questions, which facilitated easy conversation and authentic responses.

3.3 Population and sample

3.3.1 *Population*

The population consisted of female attorneys practicing law in a South African law firm. No restrictions were placed as to race, marital status, tenure or age. However it was a requirement that the respondents have children under the age of six.

3.3.2 *Sample and sampling method*

The choice of sampling method, is based on the three considerations identified by Creswell (2013b):

- Participants in the sample – The sample of participants comprise female attorneys who are currently in practice at one of the six largest law firms in the country, with children not older than six years of age.

- Types of sampling – In this study a combination of criterion and intensity study will be employed in order to ensure quality of the participants (Creswell, 2013b). The participants had to meet the following criteria:

    - Practising attorney;

    - Only have children under the age of six.

Sample size - Creswell (2013b) recommends a sample size of 10 to 15 individuals, whilst Donald Polkinghorne posits a sample size of 5 to 25 individuals (Valle, King, & Halling, 1989). Accordingly a sample of 13 working mothers was drawn from the population. The respondents were all employed in Johannesburg, at one of the following firms:

- Cliffe Dekker Hofmeyr Attorneys

- Edward Nathan Sonnenberg Attorneys

- Werksmans Attorneys

- Norton Rose Inc.

- Bowman Gilfillan

- Webber Wentzel Attorneys

3.4 The research instrument

The interview commenced with a brief explanation of the objectives of the research and the collection of the following demographic information in respect of the respondent:

- Age

- Gender
- Race
- Title i.e. Senior Associate, Salaried Partner or Equity Partner
- Marital Status

The interview was divided into two sections, pre-partum and postpartum. The respondent was asked a set of open questions about their pre-partum experience and allowed to freely discuss the topic. Where necessary secondary questions were posed to the respondent to gain a deeper understanding of their experience, or to prompt the respondent to provide more detail. The respondent was then asked the same set of questions, but in respect of her postpartum experience.

The research instrument may be seen in Appendix A.

3.5 Procedure for data collection

Potential respondents were contacted by telephone and/or email and requested to participate in the research. The respondents were advised of the research topic and the objective of the proposed interview.

A high level description of the research and its objectives was sent to potential respondents who indicated a willingness to participate in the study, following the initial telephone call or email correspondence. A copy of the letter is attached as Appendix B.

The interviews either took place at the respondent's office or at another venue nominated by the respondent. The researcher allowed the respondent to choose the location to ensure that the respondent would be as comfortable as possible during the interview. With the consent of each respondent, the interview was recorded and the researcher also made handwritten notes during the interview.

The recording of each interview was transcribed. The transcripts and interview notes, whilst not included in this report, will be kept in safe keeping for a period of at least three years following the submission of this report.

3.6 Data analysis and interpretation

The general purpose of data analysis in a qualitative study, is to make sense of text data (Creswell, 2013a). For purposes of the current study the approach to data analysis developed by Creswell (2013a) was employed as follows

3.6.1 *Organise and prepare the data for analysis*

During this stage the recorded interviews were transcribed, the transcripts were compared with handwritten notes and a comprehensive account of each interview was prepared. The data was reviewed for general thoughts and commonalities that presented between interviewees and a shortlist of topics were generated for each interview.

3.6.2 *Coding of the data*

The process of coding involves grouping the data into categories based on similarity (Creswell, 2013a). During this stage all of the topics generated in the interview that relate to each other were grouped into broader categories. Codes were created for each of the categories and assigned to the data.

This process revealed common themes amongst the respondents and highlighted similarities and differences in their experience. No quantitative or statistical technique was carried out on the data.

3.7 Limitations of the study

All of the target law firms (save for one) are all based in Johannesburg. As a result, the sample may not, in fact, be representative of all law firms in South Africa.

All of the law firms represented in the study are considered to be large firms. The pressures faced by attorneys in large law firms may not be the same as those faced by a working mother in a smaller firm.

The criterion sampling procedure decreases the generalisability of the findings. This study will not be generalizable to all working mothers.

3.8 Validity and reliability

Guba and Lincoln (1989) propose four criteria that address the concepts of validity and reliability for use in the specific context of qualitative research. A discussion of the four criteria *vis a vis* the proposed study follows.

3.8.1 *Credibility*

Credibility refers to the accuracy with the which the data collected reflects reality (Kalof et al., 2008). The data should be a pure reflection of the participants' experience free of the interviewer's perceptions (Creswell, 2013b).

In order to ensure credibility the researcher compared interview transcripts with handwritten notes to ensure that they were congruent (Kalof et al., 2008).

Member checking is another strategy that can be employed to ensure credibility (Kalof et al., 2008). The researcher ran the preliminary findings of the study by research participants to confirm the accuracy of the data.

3.8.2 *Transferability*

The use of small sample sizes limits the ability to generalize the findings in a qualitative study (Kalof et al., 2008). The present study is not limited to a single site and stretches across organisations and legal practice areas, which contributes to an anticipation of improving the transferability of the results of the study, although they cannot be generalised in any sense.

3.8.3 *Dependability*

At the outset the researcher had concerns about her subjectivity *vis a vis* the proposed research would impair the integrity of the conduct of the research and its results (J. K. Smith, 1983). According to Trauth (2011), one of the flaws in qualitative research is that the reader must accept how the researcher arrived at his conclusions, without any explanation of how those conclusions were reached.

Dependability refers to the veracity of the researcher and the research (Kalof et al., 2008). In order to ensure dependability, the researcher will constantly focused on bracketing her personal experience and bias in respect of the phenomenon so as not to taint the data collection and interpretation process.

3.8.4 *Confirmability*

It is accepted that by its very nature, as an observational method, a qualitative study is subjective in that it relies heavily on the researcher's notes and interpretations (Kalof et al., 2008).

The study is limited to the researcher’s ability and subjectivity and the data may be open to misinterpretation (Leedy & Omrod, 2005).

In order to ensure the veracity of the research, the researcher continuously focused on separating her personal experience and bias in respect of the research subject matter so as not to taint the data collection and interpretation process.

Another tool that was employed to ensure confirmability is negative case analysis, wherein the researcher we actively searched for negative evidence to the findings of the study (Kalof et al., 2008).

4 CHAPTER 4: PRESENTATION AND ANALYSIS OF RESULTS

4.1 Introduction

The presentation of results chapter and the analysis of results chapter have been combined to avoid repetition. This chapter presents the respondents' experiences of discrimination and non-discrimination in the workplace pre-partum and post-partum, and reflects on how their experience ultimately influences the career choices that they make.

Two propositions were derived from the literature review, against which the research was conducted. A total of 13 face-to-face interviews were conducted. The respondents' names have been withheld, as anonymity was agreed to.

The findings have been presented in three sections, the first section documents the pre-partum experience whilst the second section deals with the postpartum experience of the respondents. The third section presents the decisions and choices that the respondents have made or intend to make as result of their experience.

4.2 Pre-partum experience

4.2.1 *Goals and aspirations*

When asked what their priorities were prepartum, the overwhelming response from all of the respondents, was a combination of work and achieving partnership status. All of the respondents save for one, expressed attaining the status of partner and remaining in private practice even after they had children as their career goal. It is worth noting that even the respondent who did not identify becoming a partner as a career goal, had achieved partnership status when the interview was conducted.

> "Work, work and work." (Respondent 1)

> "Ja, so I mean your priorities are probably just getting, you know getting to equity partner and moving up the ladder and that's probably what we were focusing on." (Respondent 3)

> “Climbing the corporate ladder and work.” (Respondent 4)

> “Work has always been the priority over the last couple of years.” (Respondent 6)

> “I think partnership has always been the goal.” (Respondent 9)

The findings indicate that prior to having children, all of the respondents displayed a clear preference for work and their careers over their personal life and family. Prior to having children the respondents were work-centred women (Hakim, 2002).

> “… the concession was family/personal life sort of took a backseat, it sounds bad to say but it did and work was the main priority”. (Respondent 1)

In addition to pursuing partnership, many of the respondents expressed a desire to be recognised for and to excel in their work (Respondents 1, 5, 6, 8, 11, 12).

> “I wanted to be the best finance lawyer. I wanted to be challenged in the work. I wanted to be learning all the time. So you want to do all the really difficult deals.” (Respondent 8)

> “Let me show them I’m doing my best and that I’m alongside the best, that was my priority. I wanted to be alongside the best of my peers.” (Respondent 5)

These findings are congruent with adopting a strategy of “playing the game” i.e. excelling within the existing structures as opposed to reforming them, which is a strategy that is most popular amongst younger attorneys early on in their careers (Tomlinson et al., 2013).

4.2.2 *Career strategies and perception of self*

The average age at which a prospective attorney starts their career is between the ages of 23 and 25. Candidate attorneys typically enter the market after completing at the very least a four-year undergraduate degree and many choose to complete a postgraduate qualification before commencing their articles.

The practice of law is centred around billable hours and the respondents observed that they had a lot of time at their disposal to avail to the firm (Respondents 1, 2, 3, 4, 6, 11).

> "Before [children] I just didn't have any issues, I'd work all hours, all through the night." (Respondent 4)

Respondent 2 said:

> "So ja I think we [my husband and I] were just both working quite hard and I mean back to law school, you do kind of work you know the Saturday nights, Sunday nights, you know late nights here and that carried on until I was literally, until I literally had Joshua, you know I was, I always remember actually working on a transaction where people were coming past my office going 'you are going to have your baby at your desk'."

Respondents were comfortably able and willing to put in the hours that were demanded of them. As Respondent 6 said "So I would work late nights, literally until I have been going, you know, I have been home and stopped at the petrol station and the Teasers girls were going home."

The respondents saw no distinction between themselves and their male counterparts as they were able to dedicate the same amount of time as their male colleagues to their jobs.

> "I could come in, I could stay all night, come in early, over the weekend basically my focus and time was taken by work and the lack of guilt about that". (Respondent 1)

The perception that the respondents held that there was no distinction between themselves and their male colleagues and that they were equally capable of succeeding in their respective careers could be attributed to:

- the phase of their career. During this Idealistic Achievement Phase of their careers, they would have been inexperienced and unaware of the potential barriers to a woman's career (O'Neil & Bilimoria, 2005);

- their ability to contribute time, the most important resource to legal practice and thereby display the traits of an ideal attorney (e.g. working long hours) all the while

behaving in a manner that is not incongruent with the role of a single woman without children (Eagly & Karau, 2002; Güngör & Biernat, 2009);

- the absence of a glass ceiling (Cotter et al., 2001).

The research findings suggest that prepartum the respondents had a tremendous amount of self-confidence, high self esteem, ambition and determination. During that time of their lives, they displayed a preference for and prioritised work, admittedly at the expense of their personal lives, but they were satisfied with the trade-off in pursuit of their ultimate goal, to achieve partnership status.

4.2.3 *Impact of women in senior positions*

Paltry numbers of women in senior management is often diagnosed as symptomatic of the glass ceiling (Hymowitz & Schellhardt, 1986). The responses to the observation of senior female partners was varied. Some of the respondents noted that there were very few female partners relative to the number of male partners, whilst others were of the view that there were a lot of female partners in their firm.

It would seem, however, that even the respondents who remarked that there was a significant number of female senior partners, did so within the context of the prevailing South African corporate landscape ie relative to other South African organisations, even though there were far fewer female than male senior partners, it was an improvement compared to what had been observed in other organisations. As one respondent noted that there's always been at least one female representative on the board.

> “I've always been struck as to how there are so many senior female partners. You can name quite a number of them and they've always been on the board you know, there's always been more than one on the board and they always seem to have a voice.” (Respondent 5)

There are several studies that show that the greater the representation of minorities in senior management, the more accommodating the organisation will be of that minority group (Chambliss & Uggen, 2000; Ely, 1995; Kanter, 1977).

If we accept Respondent 5's observation that there is significant representation of women in senior management, it should follow that the number of junior female attorneys should be on the rise, yet only 37% of all qualified attorneys in South Africa are women, whilst more than half of the candidate attorneys in the country are female (Law Society of South Africa, 2015).

A reason why the representation of women in senior positions is law firms may not be aiding the retention of women in South African law firms, could be that there is not sufficient representation of women who are also mothers in senior positions in law firms. This could result in the organisational culture being accommodating of female attorneys, but not necessarily accommodating of female attorneys who are also mothers.

4.2.4 *Experience of the glass ceiling*

Wrigley (2002) argues that the glass ceiling persists, in part because too many women deny its existence. None of the respondents was able to recall experiencing any type of gender bias in their respective firms prior to having children.

All of the respondents considered themselves to be on an equal footing with their male counterparts and felt that they were afforded the same opportunities as each other and received fair evaluations of their efforts at work pre-partum.

> "And I must say they treated everyone, I mean you were treated like you know, like the pond scum when you're a candidate attorney in that department and whether you were male or female you were treated the same and I think as was sort of your progression from candidate attorney to associate then was the same, male or female. In fact, I think more if you're a white male, it was more, it was hard for them. I would say than actually being female." (Respondent 2)

Respondent 8 was of the opinion that being a woman in a South African law firm pre-partum was actually an advantage.

> "I think in fact, you are probably at an advantage quite frankly as a woman, because when it comes to selections and we have to make a choice and we only have so many spaces, we want to try and take the minority candidates, which

includes women. It's better for your [employment equity] scorecard so I think in some ways, I actually feel like it's actually not been that hard." (Respondent 8)

The respondents were not oblivious to the reality of gender discrimination, they had just not experienced it first-hand.

> "I mean you obviously relatively aware of where you fit in as a female, and I think those inequalities will be there for a while and I don't mean inequalities in the sense that I get a different payslip, it's not necessarily internal, it's also external, the way you are viewed, I think as an attorney, as a female versus a male particularly in the construction industry. That's quite telling." (Respondent 9)

> "My experience at an investment bank, I would say to you as a woman, absolutely different, very little opportunity for promotion or success." (Respondent 8)

According to the research findings, the respondents experienced high levels of satisfaction with their career development prepartum. Respondent 1 recalled that "I could come in, I could stay all night, come in early, over the weekend basically my focus and time was taken by work and the lack of guilt about that."

In addition, the respondents were very clear and resolved in their career ambitions.

> "So I have always wanted to be able to reach the top and whether it's in the time that we set or in record time as they say." (Respondent 5)

A high satisfaction with career level and development coupled with a high desire to pursue career promotion indicates that the respondents held an attitude of denial towards the glass ceiling (Smith, 2012). The research findings suggest that during the early stages of their careers, the respondents did not experience what they considered to be gender discrimination, although they were aware of friends who had been victim to it. They did not deny the existence of the glass ceiling, they simply held the belief that there was no distinction between themselves and their contemporaries that would yield a difference in their respective prospects of success (Smith, 2012).

The attitude of denial has a positive relationship with career satisfaction, happiness, emotional and physical wellbeing and work engagement (Smith, 2012). Consequently

women who adopt an attitude of denial towards the glass ceiling will pursue their career ambitions with fervour and enthusiasm in a manner similar to what the respondents have displayed.

Even in retrospect, none of the respondents could identify any one thing that they would change in their firms to support them in their careers as women without children.

> "You see I don't think that there was anything that I would change really because it's a function of spending the time, getting the practise, getting the experience which is ja, it was open to me, I felt all along. So I don't think that there is really anything that I would have changed." (Respondent 1)

In fact some of the respondents found the environment to be very supportive of women.

> "So my view of women in the workplace here has also been like wow, I praise this place, I think it's an amazing place." (Respondent 5)

> "If you had asked I would have always said that the firm is very supportive of women." (Respondent 3)

4.2.5 *Perception of the maternal wall*

Whilst the respondents may not have perceived the existence of a glass ceiling pre-partum, all of the respondents perceived a bias against working mothers and in some ways associated children with negative consequences for a woman's career.

According to Elacqua et al. (2009) and Smith (2012), the perception of gender bias should cause the respondents to adopt an attitude of resignation which results in dissatisfaction with the organisation and general unhappiness. However in response to perceiving a maternal wall, 10 out of the 13 respondents consciously delayed having children until such time as they felt they had achieved an acceptable level of success in their legal careers. As one of the respondents who was an equity partner in her firm remarked:

> "I've had a good experience and had I done things differently, had I had my kids earlier, it might not have been so." (Respondent 3)

All of the respondents, save for three, waited until such time as they had at least been promoted to salaried partner level, before they considered having children.

> “I didn’t feel comfortable having kids as an associate or a clerk [candidate attorney].” (Respondent 12)

Tomlinson et al. (2013) identified that female attorneys postpone starting a family until they are more established in their careers as part of a compromise strategy. According to the findings, it appears that in the early stages of their careers, prior to having children, the respondents did not recognise having children at all, as a barrier to a successful career, but rather identified having children too early on in their career, as detrimental to their career trajectory. Achieving the status of salaried partner appears to be the point at which the majority of the respondents felt comfortable to consider having children. It can thus be concluded, that prior to having children, the respondents held the opinion that having children was not necessarily detrimental to one's career, but having children too early on in one's career, certainly was perceived to be.

4.3 Post-partum experience

4.3.1 *Exception of the glass ceiling*

All of the respondents' responses regarding gender bias, were rooted in accounts of discrimination against working mothers in particular and not against women in general. For this reason, the discussion regarding any form of postpartum gender bias will be discussed in relation to the maternal wall.

> “In the workplace no, I don’t feel gender issues now [pre-partum]. I feel them now differently after the child.” (Respondent 5)

The findings suggest that a glass ceiling may well not exist in South African law firms, but a maternal wall is perceived to exist.

4.3.2 *Experience of the maternal wall*

> “I think there is a definite bias against mothers.” (Respondent 2)

Prior to having children, whilst the respondents identified that having children too early in one's career (i.e. before reaching partner status) could be detrimental to your career, they did not expressly identify or acknowledge the existence of any bias or discrimination against working mothers in their firms. The arguments that were put forward for why it would be difficult to have children whilst one was still relatively junior in the organisation related to time and availability i.e. having to split your time between home and work and not always being available to clients or your superiors. (Respondents 1, 3, 4, 5, 8, 9, 11, 12)

Postpartum, the perception shifts from a timing concern, to a general belief that having children at all, has negative consequences for your career as an attorney in a South African law firm. Several respondents noted that the distinguishing factor between themselves and their female colleagues, who were excelling in their careers, was the fact that the respondents had children and their colleagues did not:

> “I think the sky's the limit if you don't have children. I do think it puts a hamper on your growth.” (Respondent 2)

> “I look at one of my peers, who is doing phenomenally well. She's not married, she doesn’t have kids. The only reason why she's doing so well is because she doesn't have to worry about the things that we have to worry about as married people with kids.” (Respondent 4)

> “I mean you can do very well in your career very quickly. You probably bring in more hours than the person who does have children.” (Respondent 7)

This is a dramatic departure from the prepartum perception that there was no bias against women in South African law firms and that there was little (if anything) that needed to be done to support women more in South African law firms.

> “I think in the workplace by having a child, you probably a bit more disadvantaged. I can’t think of any disadvantages of not having a child in the workplace.” (Respondent 5)

It is an interesting observation that within the context of a country like South Africa, where there is far more legislative support for working mothers, such as mandatory

maternity leave, financial support from the government during maternity leave, progressive labour and empowerment laws, directed at levelling the playing field and the empowerment and promotion of women, female attorneys still regard children as being detrimental to their careers. This finding accords with Peus and Traut-Mattausch (2008) finding that in societies where gender roles are more traditional and conservative, and in particular where the ideal role of a woman is that of homemaker and caregiver, societal values have a strong influence on a woman's perception of how motherhood will impact her career. Yet in societies where the role of homemaker and caregiver is not as rigid and is not associated with a particular gender, women do not perceive motherhood as having a material impact on their careers (Peus & Traut-Mattausch, 2008).

After having children, every single one of the respondents was able to recall a personal experience of discrimination based on their newly assumed role of mother. Following their return to the office, post-partum, the respondents felt that their colleagues in particular questioned their competence.

> "There was an assumption that, I don't know, I'm just not going to be good enough or as good and it's simply because I've had the child and I'm trying to do the juggling." (Respondent 1)

Whereas prior to having children, none of the respondents had experienced gender discrimination within their respective firms, after having children, all of the respondents had developed an opinion regarding what they considered to be discrimination against women, although all of their accounts were solely based on discrimination against women, who are mothers.

Following her return to the office post-partum, one of the respondents recalls being questioned about what support structures she had put in place to facilitate her return to the office. Certain suggestions were made to her about how to structure her support at home, to increase the time spent at the office. The respondent found the interaction offensive and intrusive and was of the opinion that had she been a man, this discussion would never have taken place.

Organisations take steps to support working mothers, but the inadvertent consequence is that the women feel slighted (Bounocore Porter, 2006; Segal & Williams, 2003).

> "I noticed that people started referring less and less work to me because I would leave at 16h00". (Respondent 11)

Many of the respondents noted that there was a lack of consideration for their new role at home and consequent restrictions on their time and availability. They found that even though colleagues knew that they were not available at certain times i.e. early in the morning, or late at night, meetings would still be scheduled during those times (Respondents 2, 4, 5, 7, 9, 13).

All of the law firms that were represented in this study, had a flexi-time option, as well as an option to work reduced hours. However, only three of the respondents elected to make use of the reduced hours option and the four respondents who made use of the flexi-time option, did so sparingly i.e. leaving work an hour or two earlier than they would normally do and working from home to make up the time.

The reluctance to make use of reduced hours appears to be founded in a perception that it would hinder promotion opportunities.

> "So I know it [flexi-time] can work but the perception is, it's just not possible and maybe it's unconscious bias on their part as well but it seems to them in order for it to work I would then have to take a reduced hours, reduced package, prejudice my promotion prospect." (Respondent 1)

Even those respondents who did work on a flexi-time basis, felt that there were negative perceptions associated with their choice.

> "I feel that for me, working a flexi arrangement, I'm not taken as seriously as everyone else and I think it does kind of hamper prospective promotion." (Respondent 2)

Many of the respondents also felt that utilising the support structures and policies that the firm had in place would draw attention to the differences between themselves and their colleagues, something that they had been trying to avoid from the day that they started working.

> "I find people extremely ruthless and if you are going to do a mommy track, you going to be seen as a second class citizen." (Respondent 5)

Even though the law firms encouraged women to make use of the firm policies and structures designed to support them, the findings show that the women did not actually feel that it was an option to utilise them, because of the negative connotations associated therewith.

> "Well it's wrong, it's wrong but until you fix that perception, to go on a different path, is to make you look weak and I don't think having kids makes me weak but that's going to be the impression that it gives to everyone else." (Respondent 5)

Those respondents who did utilise the policies available to them, such as flexi-time, felt judged for leveraging the system and more than that, they felt judged for making the choice to pursue a balance between work and family, as opposed to prioritising one over the other.

> "But don't judge me because of my choice and I just think you shouldn't think I'm a lesser attorney because I'm making that decision." (Respondent 2)

> "Ja and the fact that just because you doing it, just, you know you're not judging somebody because they want to work it's just that you, just that's not what you want and you just maybe want to spend more time with your kids." (Respondent 3)

4.3.1 *Senior women*

One of the themes that came through very strongly from the respondents was respect for their choice by other women who had made different choices about parenting and balancing work and family life.

> "The women, I don't know, my definite sense is [that their attitude is] well I have had to do it, I have had to make the sacrifices, why can't you?" (Respondent 1)

> "There are women in the firm who are still managing to focus on work and be mothers but that and how they choose to do that, doesn't work for me. I

> completely respect what they want to do, that's perfectly fine but it just doesn't feel right for me." (Respondent 2)

As previously discussed, the women who succeed within South African law firms are perceived to be career-centred women who most likely do not have children.

> "If I look at other colleagues of mine, colleagues at other firms, women who also practice finance, who also have families, who have children, who are at my level, the choice they seem to have made, mostly, I would say, is either no children or if they have children it's completely outsourced." (Respondent 11)

It would seem that the senior female partners are not only perceived as not being supportive or empathetic of new mothers, but the choices that they have made, to prioritize their careers after having children does not resonate with the more junior attorneys who are less career-orientated and want to strike a balance between home and family life.

> "Some women have made some funny comments about it, strangely enough you know that I do leave here at 16h00 every day so that I can be home and spend some time with the kids and if I have to, I rather work at night." (Respondent 3)

Given the paradox between the choices that the female leaders have made, compared to the choices that younger female attorneys want to and are making, it is little wonder that the prevalence of women in senior management of South African law firms is not benefitting the younger mothers in the firms.

A further observation in conflict with Chambliss and Uggen (2000) theory of reliable number, is that more than half of the respondents noted that they considered senior women to be a deterrent to their progression at the firm. The respondents felt that because the women in their firm had adopted a certain approach towards parenting and appeared to prioritize their career over family, they expected all other mothers in the firm to adopt the same approach.

> "I think some of the working moms who are the go-getters, they are very, very hard on you. Their attitude is that if they can be here until 20h00 at night, why

can't you? More and more women coming into power, it's becoming harder." (Respondent 10)

In fact, many of the respondents found that the senior female partners who were mothers, were not very empathetic or supportive.

"Ja, they, particularly ones who are very driven and spend a lot of time here. I don't think they understand. And they are entirely unsympathetic." (Respondent 2)

It would seem that there aren't sufficient role models in senior management in the law firms, who made a choice to prioritise their family over work life, or at the very least strike a balance between family and work life. The message that the law firms seem to be conveying is that it is a man's game and if you want to succeed, you have to play it like a man would ie prioritize work over all else, be as available and as committed as a man would.

The overwhelming perception amongst the respondents is that it is only work-centred women who prioritise their careers (Hakim, 2002) who are likely to succeed in a South African law firm and adaptive, non-career oriented women who aim to combine work and family have very little chance of success in that environment.

4.3.2 *Goals and aspirations*

The experience of becoming a mother has understandably brought about a change in the respondents' ambition, priorities and definition of success. After having children all of the respondents acknowledged that whilst work was still important, it was no longer their number one priority, but rather family and children was, with work coming in a close second.

"My family and my kids. My career is still very important to me… I feel like I still add value and I still want to… but not at the risk of spending time with my children and I don't think that I have to". (Respondent 2)

"My priorities now are my family and my career". (Respondent 6)

> "Work is still very much a priority for me, so it does come second". (Respondent 12)

All of the respondents who were partners (10 out of 13) cited maintenance as their career goal. Respondent 13 specifically noted that she did not want the stress and pressure of managing a R20 billion deal and billing tremendous hours per year. The respondents wanted to maintain the balance that they had struck between work and family life.

> "I don't have aspirations of climbing higher, so it's just a matter of maintaining. I'm happy and I would like to remain more or less where I am, it's not an earnings thing, it's not even an ego thing, it's really just for myself to say I'm still the same person, I still do what I do, I can still do it and I've also got nothing to prove to anybody but it's nice to know that I am able to cope as a working mother." (Respondent 12)

> "Really my goal now is to just keep it going and I don't want to grow, because if I grow, it would require more hours and time." (Respondent 11)

Out of the three respondents who were not partners, one of them cited maintenance as her goal, whilst the other two still maintained that they wanted to become partners.

> "It's going to take a little a longer to get there [partnership] but I still want to get there and I don't want to be overlooked… I don't know if my drive to hit equity is as hard as what it was before. Partnership yes, but equity, I don't know so much… I'm not going to drive as hard to get to the equity branch as I would have in years gone by." (Respondent 4)

Postpartum, it is clear that the career trajectory that the respondents envisioned for themselves is more muted and tempered than it was prior to having children. As an equity partner noted:

> "I have accepted I'm not going to increase my performance at all. I can't with the kids and I'm not going to be rewarded more and that's just fine with me." (Respondent 3)

However, none of the respondents associated maintenance as a career goal, with non-progress or stagnation, in fact Respondent 6 remarked that “I don’t feel that I am stagnating in any. For me, maintenance is growth.”

It bears questioning whether their revised ambitions are a function of their circumstance, or an internal process of redefining what success is.

4.3.3 *Perception of self*

Many of the respondents had assimilated their work and their careers into their identity. It was part of who they were and who they wanted to be, even after having children.

> “I will definitely continue with my career. It’s just, I mean it is a large part of who I am.” (Respondent 1)

Even after having children, they still saw themselves as career women and saw purpose in the work that they did. They did not see themselves as stay-at home mothers.

> “You know that’s why I came back, I don’t want to be at home… I enjoy what I do, I really do and I want to be challenged.” (Respondent 4)

> “I’m not, haven’t ever been tempted to not come back to work.” (Respondent 3)

All of the respondents expressed a desire to work and to work in practice, not in another role e.g.. as an in-house legal advisor.

> “I enjoy work, I really do. I like coming here in the morning, nice people, I do my work. I do really enjoy my job.” (Respondent 4)

> “I like work and I like the work structure and I like earning money and I like the stimulation and the client relationships, all of that.” (Respondent 6)

Some of the respondents viewed their work as an opportunity to acknowledge and nurture another part of their personality/identity that was not centred around being a mother.

> "Ja and producing something else that isn't just about being mom because I found it is like, it is an all-consuming thing and when you're in it, it becomes, you are just mom, which is amazing, it's fantastic but the definite benefit of being able to get away from the home for a few hours, is then you can just be this other person which I then, I think compliments, makes you a better mom." (Respondent 1)

One of the themes that came through very strongly was contentment. Most of the respondents were content with the choice that they had made and were content with their career achievements. Even the respondents who had not yet reached their career goal of being a partner, were content.

> "I'm in a very happy place. I'm a lot happier than I was as an associate." (Respondent 6)

> "I like the balance, the fact that I can apply myself mentally in this way for part of my day and then I apply myself physically, emotionally, mentally, spiritually, when I go home." (Respondent 9)

All of the respondents described themselves as A-type personalities and perfectionists and one of the challenges that they struggled with postpartum, was feeling as though they were not excelling or performing at the level that they expected of themselves, both at work and at home.

> "I'm an obsessive/compulsive person so when I do something I want to do it to the best of my ability, which is now where the tension is coming in between having a family and trying to be a working mother. Ja so between the kind of lawyer I want to be and the kind of mother I want to be, they are not compatible." (Respondent 1)

> "I was senior associate at the time and that for me was really the time that I noticed that it wasn't, I struggled with it. I struggled with managing the perceived role of wife and mom but also being available as a lawyer, ja." (Respondent 4)

All of the respondents were of the view that whilst having children might have detracted from the amount of time that they could dedicate to their career, becoming mothers enhanced certain of their skill sets and they found that after having children, they were

more accommodating, more considerate and patient, better managers, more disciplined, and more productive.

> "I'm going to focus, deliver and then go and I think that would actually, I would be more productive. Look I was productive last year because I was here all the time but I'm even more productive now and I want to do, I want to get the work done, do it right the first time around so I don't have to come back again." (Respondent 1)

The respondents felt very strongly that they could juggle work and family life, without reducing their hours and that it could work, but the greatest hindrance was the perception that others held that it was not possible.

> "So I know it can work but the perception is, it's just not possible and maybe it's unconscious bias on their part as well but it seems to them in order for it to work I would then have to take a reduced hours, reduced package, prejudice my promotion prospect." (Respondent 1)

4.4 Career strategies

Much like the female managers in the United States (Peus & Traut-Mattausch, 2008), , many of the Respondents put their own support systems in place independent of the law firms, to support them in their careers.

Three of the respondents were sole breadwinners and they essentially put the same arrangements in place as a male attorney, with a stay-at-home wife might have i.e. full-time, live-in domestic worker, au-pair to assist with homework in the afternoons and collect children from school.

> "Can you imagine the person that I am competing with? His wife for a long time was at home, she was a housewife, can you imagine how well his kids are doing? Can you imagine how much time he is able to devote to work and being at the office, because all they've got on their mind is just drive to work and just do that. That's why my helper, you know, I have given her a car and her husband lives

with us because I needed the overtime and she fills the role of stay-at-home mom for me." (Respondent 5)

One of three respondents' husband is a stay-at-home father, which is a departure from the traditional family structure. These strategies fall within the realm of assimilation strategies (Tomlinson et al., 2013), and minimizing any distinction between these working mothers and their male counterparts and female colleagues who do not have children.

It became apparent in the findings, that the remaining respondents' support structures were ultimately designed to support their husbands. Even though a respondent may have negotiated flexi-time, she did so, so that she could be home in time to release the domestic, as her husband would only be home much later. All of the respondents (save for the respondent whose husband stayed at home) in the sample assumed the role of primary caregiver to the children and there were limitations to the support that can be put in place, because the support that her spouse is able to provide is limited.

"So my husband also aims to leave about 20h00 but he's home, he tries to come home for bath time which is at about 18h30/19h00 but more often than not, he's home from about 19h30/20h00 but helps throughout the night." (Respondent 1)

However, the support that the respondents received from the spouses was crucial to being able to return to work postpartum.

"At the top of the rung, you'll see that their husbands are at home generally and are working less hard and cooking and are ja, so the women who are doing it, their husbands are playing a massive role." (Respondent 3)

"You can't take a traditional man and put him in that situation or you can't take a man who has traditional aspirations for a wife." (Respondent 5)

Four of the respondents opted to reduce their working hours. However the respondents who opted to work reduced hours, but remain in a billing role, found that although their fee targets and salaries had been adjusted, the nature of their work that they were required to do, resulted in them working as many hours as they had before, but for less remuneration, which started to generate feelings of resentment.

> "Of course nothing changes, I worked exactly the same amount of time and hours on deals as before for half the pay. I need to work, I'm dealing with all of this stuff, I am so stressed, I don't know whether I'm coming or going… and I thought "no"." (Respondent 11)

As the remaining respondents who did not reduce their work commitments were no longer able to put in long hours at the office, many of the respondents adjusted their schedule by leaving the office at a set time and then working either in the evenings after the children's bed time or early in the morning, to ensure that although they weren't able to put in the face time, they were still able to meet their fee targets.

> "So it's just turning around how I work and I will do things like emails which I can do at home, I will do it later and now I have got a setup at home, so if I really have to go home and I really need to do some work that is hectic, I go to my study. I still work at home every day." (Respondent 5)

> "It was, look the working 08h00 until 16h00 and then from 20h00 until 00h00 or whatever, that was hard it was going to be hard, I mean it takes a lot but I was willing to do it." (Respondent 1)

However, some of the respondents have questioned how sustainable this approach is.

> "I don't know just how sustainable to be brutally honest because I was, I am, I was exhausted, I am exhausted." (Respondent 1)

> "I'm hanging on by a thread." (Respondent 4)

Pre-partum it was noted that as opposed to adopting an attitude of resignation (Smith, 2012) towards the maternal wall, more than two thirds of the sample adopted a compromise strategy (Tomlinson et al., 2013) electing to delay the timing of having children to overcome the barrier that having children too early posed to their careers.

Postpartum, the attitude of the respondents appears to have shifted from denial to acceptance (Smith, 2012). By their own admission, the respondents are no longer concerned with pursuing lofty career goals, but they would rather maintain what they currently have in place. They are content with their achievements to date and now need

to divert some of their energy towards their children and family. As one of the respondents noted “It’s not that I am not ambitious anymore, it’s just that my ambition is focussed elsewhere.” Prior to having children, their career goals were aligned with their male counterparts, but postpartum, the respondents don’t want the same things as the men.

It is interesting to note, that none of the equity partners interviewed (save for one) had consciously adopted a reforming strategy (Tomlinson et al., 2013) and was concerned with changing the organisational culture for the benefit of all working mothers.

Having encountered the maternal wall, following their interviews for this study, two of the respondents were reconsidering their chosen career path and weighing up their options.

> “I think it’s very hard for me personally, I’m not sure about any other director but I am having serious doubts about my career path and it’s because I don’t want to feel guilty to my child or guilty to a client.” (Respondent 4)

Two of the respondents were able to reduce their working hours, but both had assumed roles where they were not required to bill hours and four of the respondents had left the firms where they were employed for organisations that they perceived to be more accommodating of their desire to strike a balance between work and family life.

As is evidenced by the number of respondents that have left the employ of the law firms at which they were employed at the time of their interview and the confirmation from several other respondents that they are reconsidering their aspiration to be a practising attorney, the other postpartum strategy that the respondents are employing is location/relocation (Tomlinson et al., 2013).

All of the strategies that the respondents have adopted to cope in their careers postpartum were again, as was the case pre-partum directed towards fitting into the existing system, and not reforming or changing it.

4.5 Conclusion

Two propositions were formulated as the basis for the research study:

4.5.1 *Proposition 1:*

Working mothers in South African law firms experience a different form of gender bias postpartum compared to the gender bias experienced when they were not mothers.

The research clearly shows that female attorneys only experience gender bias within their respective firms postpartum and accordingly Proposition 1 is confirmed.

4.5.2 *Proposition 2:*

The postpartum experience of working mothers in South African law firms threatens their careers as practising attorneys.

The research shows that the postpartum experience of female attorneys in South African law firms has caused them to reconsider their career choice and choice of employer and in certain instances motivated them to leave the employ of the law firms at which they were employed. Accordingly Proposition 2 is confirmed.

The table below presents a summary of the research findings.

Table 2: Research profile of female attorneys throughout their career

	Pre-partum		Postpartum	
	Associate	**Senior Associate**	**Salaried Partner**	**Equity Partner**
Preferences/Ambitions (Hakim, 2002)	• Becoming partner • Being recognised as being excellent • Getting as much experience as possible	• Aspirations to remain in private practice long-term • Becoming partner before starting a family • Achieving salaried partner status, but not necessarily equity	• Family first, work second • Balance between work and family • Maintain existing workload and client base • No desire to increase workload or climb higher up the ladder	• Family first, work second • Maintain existing workload and client base
Attitude towards gender discrimination (Smith, 2012)	• No experience of gender discrimination • Same opportunities as male colleagues • Sufficient senior female representatives • Firm supportive of women • Being a women is an advantage	• More aware of challenges facing working mothers • Becoming a mother too soon is a disadvantage and difficult	• There is a distinction between men and women • There is a distinction between working mothers and women who do not have children • Being a mother is a disadvantage	• There is a distinction between men and women • There is a distinction between working mothers and women who do not have children • Being a mother is a disadvantage
Strategy / Choices (Tomlinson et al., 2013)	• Work long hours • Available at all times • Postpone having children	• Work long hours • Available at all times • Postpone having children • Switch roles to less demanding non-billing role • Resign	• Reduced hours • Full-time helpers • Supportive husbands • Resign • Manage face time at the office, but put in extra hours at home	• Reduced hours • Full-time helpers • Supportive husbands • Leverage the remuneration system to maintain position without increasing hours

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The research aimed to explore the pre- and postpartum experience of female attorneys in South African law firms following their return to work and to illustrate how their experience manifests in subsequent personal and career decisions.

Thirteen respondents, who were practicing attorneys with at least one child under the age of 6 years old, were interviewed and asked to share their personal account of the pre-partum and postpartum experience at work. This included their experience of gender bias, their goals and aspirations and the strategies that they employed to manage the demands of a career and family life.

Content from the interviews and the literature review provided the basis on which a final profile of a female attorney in the different stages of her career was developed.

5.2 Conclusions of the research

The table below conflates the findings of the literature review with the findings of the study, to present a more accurate profile.

Table 3: Proposed profile of female attorneys throughout their career

	Pre-partum		Postpartum	
	Associate	**Senior Associate**	**Salaried Partner**	**Equity Partner**
Career Phase (O'Neil & Bilimoria, 2005)	**Phase 1** • Idealistic • Inexperienced • Nothing is impossible • Pursuit of recognition from peers	**Phase 2** • Pragmatic • Disillusioned with organisation • Considering children • Personalised definition of success and happiness • Likely to resign • Likely to opt out	**Phase 2** • Pragmatic • Disillusioned with organisation • Considering/have children • Personalised definition of success and happiness • Likely to resign • Likely to opt out	**Phase 3** • Renewed vigour and passion for carer • Pursuit of recognition from peers
Preferences/Ambitions (Hakim, 2002)	**Work-centred women** • Goal to become equity partner • Prioritise work and career • Gain as much experience as possible • Be the best in her field	**Adaptive non-career oriented women** • Aiming to combine work and family • Considering having children • Aspirations to remain in private practice • Achieving partner status, but not necessarily equity	**Adaptive non-career oriented women** • Family first, work second • Aiming to combine/balance work and family • Maintain status quo • No desire to increase workload or climb the corporate ladder • No desire to stay at home full-time • Work is part of their identity	**Adaptive non-career oriented women** • Family first, work second • Maintain status quo • Choose to work

	Pre-partum		Postpartum	
	Associate	**Senior Associate**	**Salaried Partner**	**Equity Partner**
Attitude towards gender discrimination (Smith, 2012)	**Denial** • No experience of gender bias • There are equal opportunities for all • Suitable number of female representatives • Law firm supportive of women • Being a woman is an advantage	**Resignation** • More aware of gender bias • Becoming a mother too soon is a disadvantage	**Acceptance** • Reached self-actualisation in existing position • Definition of success is not centred around career	**Resilience** • Acknowledge gender bias • Inspired to change organisational norms • Having children earlier in career would have been detrimental
		Acceptance • Reached self-actualisation in existing position • Definition of success is not centred around career • Cost of pursuing career is too great	**Resignation** • There is a distinction between working mothers and men and women without children • Gender bias is not likely to change • Being a mother is a disadvantage • No desire to climb further up the ladder	
Strategy (Tomlinson et al., 2013)	**Assimilation** • Fit in and display agentic traits • Work long hours, available 24/7 • Display same level of commitment	**Location / Relocation** • Considering changing roles • Seek more favourable/ accommodating working conditions	**Location / Relocation** • Considering changing roles • Seek more favourable/ accommodating working conditions	**Playing the game** • Leveraging existing systems for personal benefit • Excel within the system
		Compromise • Strike a balance between work and family life • Postponing starting a family until after achieving partner status • Reduced hours	**Assimilation** • Support structures so that she can avail herself to work as much as colleagues • Manage face time at the office, but put in extra hours at home	

5.3 Recommendations

The research study has identified the key postpartum challenges that a working mother faces in a South African law firm and how she responds to being faced with those challenges.

The findings are important, as each female attorney who opts out of practice entirely, or leaves the law firm at which she did her articles, represents a tremendous loss for the law firms:

- Financially - a significant investment is made to train candidate attorneys to the point where they can become viable fee earners, and there is also the loss in the form of future earnings
- Intellectual capital – every working mother who opts out of practice takes with her a wealth of intellectual capital and experience.

The researcher therefore recommends that law firms start managing their female professionals proactively. Engage them early on in their careers, understand what their professional and personal aspirations are and craft a career path that will accommodate both sets of aspirations.

5.4 Suggestions for further research

Knowledge surrounding the working mother, what motivates her, what inspires her, what support she needs at the different stages of her life and her children's lives, is still nascent. The research study was conducted in order to cast some light on the lived experience of working mothers in order to understand the effectiveness of current approaches towards supporting working mothers. The following areas are suggested for future research:

- *Impact of South African cultures:*
  Whilst the population in the current study was not purposively selected on the basis race, or ethnic grouping, it is very clear from the literature review that societal and cultural values have a significant influence on the perceptions that a

women holds regarding her role as a mother and wife *vis a vis* her role as a career woman. An opportunity exists to investigate the degree of influence that the varying cultures within South Africa have on a woman's perceptions. This would allow organisations to gain a more intimate understanding of the individual and the impact that her cultural values has on her career goals and ambitions, as opposed to applying a 'one size fits all' approach.

- *Impact of senior women:*

  None of the equity partners interviewed (save for one) had a conviction to change the status quo not only for their personal benefit, but also for the benefit of those who were to come after them. An opportunity exists to investigate the effect that senior women who advocate the rights of working mothers could have on the postpartum experience of working mothers and contribute to the retention of working mothers.

- *Longitudinal study:*

  The current study is limited, as it only provides insight into a women's mind set for a particular period of time i.e. the first six years of her child's life. A longitudinal study of women, tracking their careers from candidate attorney level, to equity partner level, would aid in predicting the trajectory and potential career path that a working mother is likely to adopt, which would aid firms in proactively managing their professionals, by adjusting budgets, accommodating working differently and truly understanding the long-term costs and rewards of accommodating working mothers.

- *Men, senior women and women without children*

  This study only tells one side of the story. An opportunity exists to conduct a study that includes both the working mothers and their colleagues (male and female), so that it can be determined whether the perceptions that they hold about themselves and each other are aligned.

5.5 Concluding remarks

The challenge with managing working mothers, is that they are each so unique in their goals and aspirations, their preferred parenting approach and depending on their cultural background have differing ideas of how to manage the role of mother and wife and

career woman. What works for one mother, may not work for another. And yet there are very few, if any business models that could viably accommodate each mother in the exact, unique manner that she requires.

The law firm model of selling hours is unlikely to change in the foreseeable future and time, the most valuable commodity in practice, is the one resource that working mothers do not have in abundance.

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APPENDIX A – ACTUAL RESEARCH INSTRUMENT

Interview Questions

1. What were your feelings on gender issues at work before having children?
2. Tell me about a time when you may have experienced gender specific issues in the workplace before having children?
3. How did you respond to that experience?
4. What were your priorities before having children?
5. What were your career ambitions before having children?
6. Can you share some examples of how you managed your personal/family life with your work life before you had children?
7. What were the advantages or disadvantages of not having children, as a practising attorney?
8. What is the one thing that you would have changed in your organisation to support you in your career prior to having children?
9. What are your feelings on gender issues at work, now that you are a working mother?
10. Tell me about a time when you may have experienced gender specific issues in the workplace as a working mother?
11. How did you respond to that experience?
12. What are your priorities now?
13. What are your career ambitions now?
14. Can you share some examples of how you manage your personal/family life now?
15. What are the advantages or disadvantages of being a working mother?
16. What is the one thing that you would change in your firm to support you in your career as a working mother?
17. What has your personal experience been working with fellow working mothers, compared to working with women who do not have children?

18. How do you now engage with working mothers and women who do not have children?

APPENDIX B - LETTER TO RESPONDENTS

Dear Respondent

I am completing an MBA at the University of Witwatersrand, Johannesburg (Wits). My MBA thesis is on the postpartum experience of female attorneys in South African law firms. In a bid to gather data on this subject I would be grateful if you would avail yourself for a one-hour interview to understand your experience as a working mother. I appreciate that you are extremely busy and your agreement to contribute to my research is greatly appreciated.

Confidentiality and anonymity will be observed throughout the thesis process and the final report will be used for academic purposes only.

I will be available to meet with you at a location and time of your convenience.

Thank you in advance for your kind assistance.

Yours sincerely

Stacy Mogale

Tel: 082 577 6355

APPENDIX C - CONSISTENCY MATRIX

To contrast the pre- and postpartum experience of female attorneys working in South African law firms and to illustrate how their personal experiences manifest in their careers.					
Sub-problem	**Literature Review**	**Propositions**	**Source of data**	**Type of data**	**Analysis**
Determine whether working mothers experience a different type of gender bias postpartum compared to when they were not mothers.	Bounocore Porter (2006) Cuddy et al. (2004) Eagly and Karau (2002) Hakim (2002)	Working mothers in South African law firms experience a different form of gender bias postpartum compared to the gender bias experienced when they were not mothers.	• What were your feelings on gender issues at work before having children? • Tell me about a time when you may have experienced gender bias in the workplace before having children? • How did you respond to that experience? • Can you share some examples of how you managed your personal/family life with your work life before you had children? • What were the advantages or disadvantages of not having children, as a practising attorney?	Note the type of data, e.g. nominal, ordinal, etc.	Thematic/Content Analysis

To contrast the pre- and postpartum experience of female attorneys working in South African law firms and to illustrate how their personal experiences manifest in their careers.					
Sub-problem	**Literature Review**	**Propositions**	**Source of data**	**Type of data**	**Analysis**
Discover whether the experience of gender bias affects a woman's career decisions.	Peus and Traut-Mattausch (2008) Smith (2012)	The experience of gender bias in South African law firms affects the perceptions of women in respect of their careers.	1. What were your priorities before having children? 2. What were your career ambitions before having children? 3. What is the one thing that you would have changed in your organisation to support you in your career prior to having children?	Note the type of data, e.g. nominal, ordinal, etc.	Thematic/Content Analysis