

Full Length Research Paper

Occupational and Mental Health Consequences of Women's Experiences of Gender Discrimination and Negative Workplace Acts in the Legal Profession

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Women have been entering the legal profession increasingly over the last three decades, yet continue to leave the profession at significantly greater rates than men. Previous research has documented the influence of workplace discrimination in influencing women's entry and retention in the legal profession, but less research attention has been directed toward the occupational and mental health consequences for these women. The present study examined whether negative acts in the workplace, gender discrimination, and work-life conflict were associated with negative occupational and mental health consequences for women lawyers. Questionnaires containing measures of negative acts in the workplace, gendered elements of the work environment, work-family conflict, job satisfaction, burnout, and mental health symptoms were mailed to a stratified random sample of Canadian women lawyers, resulting in a sample of 277 women lawyers from Alberta, Ontario, New Brunswick, and Nova Scotia. Findings supported our hypothesis that negative workplace experiences, including gender discrimination, would predict lower levels of job satisfaction and greater levels of burnout in women lawyers. In terms of mental health outcomes, work-life conflict emerged as the strongest predictor of perceived stress and anxiety, while negative workplace acts significantly predicted depression. The findings of this study highlight the importance of addressing negative acts and gender discrimination in the legal profession in order to increase women's job satisfaction and to safeguard their health and well-being.

Keywords: law, women, gender discrimination, job satisfaction, mental health

Introduction

Since the 1980s, Canadian women have been entering the legal profession in significant numbers. The percentage of women in the legal profession is impressive, comprising 39% of the profession in Canada (Gregg, Kelly, Sullivan, & Woolstencroft, 2011). Theorists maintain that the increase in women in the profession will transform the "culture of law" to facilitate the successful integration and retention of women into the profession (Cooper, Brockman, & Hoffart, 2004). Yet, in 2014 this transformation remains an "unfinished agenda" (Rhode, 2001).

The integration of women into the profession remains a formidable challenge. "Women cannot move up the ladder in sufficient volume to influence significant change and the few who do either grow weary of fighting against the current, or become co-opted over time" (Cooper et al., 2004, p.168). Moreover, studies dating back to the 1990s reveal that women have been leaving the legal profession, especially private practice, at higher rates than men (Gregg et al., 2011;

Kay, Alarie, & Adjei, 2013). Retaining women in the profession is the focus of extensive study by the Law Society of Upper Canada (Kay et al., 2013) and nine recommendations aimed at retaining women in the profession were adopted in 2008 (Law Society of Upper Canada, 2011).

Discrimination in the legal profession is a formidable obstacle to the integration and the retention of women in the legal profession. This has been well documented since the 1989 report by the Law Society of Upper Canada in *Women in the Legal Profession* (Kay, 1989). More recently, *The Final Report, Turning Points and Transitions* (Kay, Curry, & Masuch, 2004), and *Leaving Law and Barriers to Re-entry: A Study of Departures from and Re-entries to Private Practice* (Kay et al., 2013) confirm the continuance of the problem. Seventy-four percent of women in the last cited study reported having experienced sexual discrimination in the legal profession (Kay et al., 2013).

It is possible that gender beliefs in Canada contribute to the existence of the

challenges women face in the legal profession and to the effects of these challenges on women's health and wellbeing. In the Annual Review of Law and Social Science, the authors state that the standard to which some women in the legal profession work demonstrates their desire to overcome the discrimination and stereotypes they face (Kay & Gorman, 2008).

The Literature Review

In a 2009 report, the Law Society of British Columbia In a 2009 report, the Law Society of British Columbia described some double standards for men and women in the Canadian legal profession. First, it has been found that male lawyers are presumed to be competent and are, therefore, judged more often on their potential. Their success is, then, attributed to their personal qualities and skills, and because of this, they receive larger rewards. In contrast, women lawyers are not presumed to be competent and are often held to higher standards, are subject to greater scrutiny, and must often prove their competency through their achievements (Rhode, 2001). Second, women's achievements are attributed to external or temporary situational factors, and they receive lesser rewards than men (Law Society of British Columbia, 2009).

The reverse is true regarding failures. Men's mistakes tend to be attributed to situational factors while women's tend to be attributed to their personality traits. Also, statements made by men and women lawyers are often interpreted differently as a result of gender stereotypes related to appropriate behaviour in the workplace. Women lawyers are more often described as abrasive or aggressive whereas men are described as assertive and self-promoting (Rhode, 2001).

The Annual Review of Law and Social Science found that employers often hold assumptions about women lawyers regarding their motivation and commitment, and these attitudes disadvantage women in their prospects for challenging work and career advancement. These assumptions regarding women's personality traits can lead employers to offer women work assignments and career opportunities that are generally less challenging or in lower profile than those of men. Furthermore, women in law often also risk appearing "too soft or too strident, too aggressive or not aggressive enough" as a result of gender stereotypes (Kay & Gorman, 2008). Many of these stereotypes regarding women in the legal profession and regarding Canadian women in general may be related to the prevalence of the negative events examined in the present study (i.e. discrimination, harassment, etc.). Therefore, these gendered beliefs may also be related to the discovered effects of these negative events on women lawyers such as stress, anxiety, and depression (Lafreniere, Eansor, Kraft and Sardinha, 2009).

Although there is some research related to the manner and rate in which women are entering into the legal profession and the challenges Canadian women face as legal professionals, such as harassment and discrimination, more needs to be discovered.

Very little is known about the effects of these challenges on women lawyers. As such, the purpose of this study is to inquire about women's subjective experiences as Canadian legal professionals, to discover the challenges and their effects that come with the occupation, and to bring these experiences to the attention of the legal profession in order to work towards their elimination.

Specifically, the impact of discrimination on the mental health of women lawyers is a topic of the present study (Canadian Bar Association, 2013). Evidence has been gathered since the early 1990s to suggest that women lawyers might be at a higher risk to experience some mental health problems¹ like depression, anxiety and burnout at higher rates than women in the general population. There are three key links in support of this hypothesis.

First, there is a link between an individual's occupation and higher rates and incidences of mental health problems. There is a relationship between lawyers, both men and women, and elevated mental health risks (Sells, 1994). Second, women experience higher rates and incidence of depression. This relationship is globally established and runs across socioeconomic levels (World Health Organization, 2002). Women are nearly twice as likely to experience depression, as compared to men (Patten, 2006; & World Health Organization, 2002). Third, there is a link between discrimination and poor mental health (World Health Organization, 2002).

Discrimination impacts negatively on a woman's health and vulnerability to and risk of experiencing negative health consequences rises where a woman is subject to multiple levels of discrimination². Sexual harassment is recognized as a mental health issue-affecting women in the paid workplace (*Janzen v Platy Enterprises*, [1989] 1 SCR 1252) and is reported at consistently high rates by women in the legal profession (Law Society of Upper Canada Discrimination and Harassment Counsel, 2012).

Canadian women lawyers in private firms report both job dissatisfaction and depression in contradistinction to women working in public legal careers such as government sector work. These women site the lack of occupational power in the organizational culture of private firms as well as being paid less than their male counterparts as contributing factors to job dissatisfaction and depression (Hagen & Kay, 2007).

More generally, statistics gathered from lawyer assistance programs document the existence of mental health problems in the legal profession. Many provinces have established assistance programs to help lawyers and law students meet health challenges experienced in the practice and study of

law. In Ontario, for example, the Ontario Lawyer's Assistance Program provides assistance to law students as well as clinical services to lawyers (Ontario Lawyer's Assistance Program, 2013). In 2004, the greatest number of cases requiring clinical services involved mental health issues including stress, anxiety and depression, and a 13% increase in these cases was reported between the 2003 and 2004 annual reports (Ontario Lawyer's Assistance Program, 2005).

Data collected and reported in *Turning Points and Transitions* (Kay, Curry & Masuch, 2004) revealed that mental health issues including stress, depression and burnout was a pressing issue for lawyers. Health, particularly mental health, emerged as a new concern and a recommended future focus of research in the report. Many lawyers wrote at length about their health struggles and many attributed their departure from the practice of law to mental health problems; some examples from women lawyers are listed below.

Why I left law: 1) total mental breakdown 2) major depression... (Kay et al., 2004, p. 77).

Left practice of law due to depression/burnout. Main challenges/reasons for leaving for many women seem to be *stress and burnout*" (Kay et al., 2004, p. 76).

I am currently on stress leave (for depression, post-traumatic stress, and other illness) that is work-related, caused in part by a bully boss.... (Kay et al., 2004, p. 77).

I hit a wall this summer and, coping with my third major depression in 30 years, could not go on doing what I was doing. I'm on indefinite medical/disability leave and working with a therapist and medication to get well. Then we'll see if I go back to law. I feel the firm does not value the work I do or the folks I help –my values are at odds with theirs. My opinions are not respected at my work and service to clients is undervalued. "Value" in my mind does not mean monetary value. I think I'm a classic case of burnout from family law and this particular firm. (Kay et al., 2004, p. 76).

Most recently, *Leaving Law and Barriers to Re-entry: A Study of Departures from and Re-entries to Private Practice* reported that lawyers who experience sexual discrimination leave private practice 29% quicker than lawyers who do not experience discrimination (Kay et al., 2013). Seventy-four percent of women lawyers reported that they had experienced discrimination in contrast with 11% of male lawyers (Kay et al., 2013). Moreover, many lawyers who left private practice did not return to the profession at all. Some of these individuals attributed their decision to extreme stress, health issues and burnout. Some examples are:

Left because of stress (Kay et al., 2013, p.55).

Good old 'nervous breakdown'. Burn out...Clinical depression. Burn out.... Would not return to practice ever (Kay et al., 2013, p.56).

The report concluded that the emotional and physical health of lawyers was worthy of study because of the stressful and demanding nature of the work in private practice (Kay et al., 2013).

In an earlier article by our research team, we focused on the relationship between work-family conflict and family-work conflict on women's job satisfaction and mental health consequences. Our study revealed a relationship between higher levels of work-family conflict and family-work conflict and the experience of greater perceived stress, burnout, and mental-health symptomatology. Higher levels of both conflicts negatively impacted on job satisfaction, and personal resilience improved job satisfaction. Women's resilience also acted as a buffer to stress, reducing the negative impact of family-work conflict on health consequences including depression and anxiety (Lafreniere, Eansor, Kraft, & Sardinha, 2009).

The Present Study

The present study examined whether negative acts in the workplace, gender discrimination, and work-life conflict were associated with negative work consequences, including decreased job satisfaction and burnout, in a sample of Canadian women lawyers. In addition, we wanted to examine mental health symptoms associated with these women's work experiences, including an examination of women's levels of depression, anxiety, and perceived stress. Questionnaires containing measures of negative and positive events in the workplace, gender discrimination, work-family conflict, job satisfaction, burnout, mental health symptomatology, and demographic characteristics were mailed to a random sample of women lawyers from the Canadian provinces of Alberta, Ontario, New Brunswick, and Nova Scotia.

Research Questions

- 1) To what extent did women lawyers experience negative events in the workplace, including bullying behaviors, gender discrimination, and sexual harassment?
- 2) How do positive and negative workplace experiences affect the occupational functioning and mental health outcomes of women in the legal profession?

Hypotheses

- 1) It was predicted that negative acts in the workplace, gender discrimination, and greater levels of work-life conflict would negatively affect women's occupational functioning. Specifically, we expected that such negative workplace experiences would increase women's level of burnout and would reduce their job satisfaction.

- 2) It was predicted that negative acts in the workplace, gender discrimination, and greater levels of work-life conflict would negatively impact on women's mental health, leading to higher levels of stress, anxiety, and depression.
- 3) Positive workplace events were expected to be a positive predictor of job satisfaction, and to be negatively related to the mental health outcomes.

Methods

Participants and Recruitment

The sample consisted of 277 women lawyers who ranged in age from 27 to 77 years (median age = 38 years). The majority of women identified as heterosexual (95.7%), were married or living with a partner (72.9%), and reported having one or more children (56.0%). Most women identified their ethnic or cultural group as English Canadian (52.7%), followed by British (7.2%), and French Canadian (6.9%). The remainder identified as Eastern (5.1%), Western (3.2%), or Southern European (2.5%); Far Eastern (2.9%); Aboriginal (2.5%); Scandinavian (2.2%); and a number of other diverse cultural groups including Middle Eastern, African, Caribbean, Latin American, South American, and Australian, with fewer than 1.5% of respondents in each of these groups.

The majority of participants worked in law firms as counsel or associates (38.3%) or as partners (15.5%), as industry or corporate counsel (14.8%), as government lawyers (10.8%), or as sole practitioners (9.0%). The remaining participants worked in various settings including legal-aid clinics, as union lawyers or labor arbitrators, as in-house counsel to non-profit organizations, or had recently retired from legal practice. Most of the women (58%) had practiced law for 10 or fewer years. Participants' personal annual incomes ranged from less than \$24,000 (1.1%) to greater than \$500,000 (2.2%), with the majority of women indicating annual earnings in the \$50,000 to \$99,999 range (39.4%), followed by the \$100,000 to \$149,999 range (25.3%).

Questionnaires were mailed out to a random sample of 1,234 women lawyers from the Canadian provinces of Alberta, Ontario, New Brunswick, and Nova Scotia, based upon lists obtained from the Canadian Bar Association. Eleven questionnaires were returned unopened because the recipient was no longer at the same postal address. A total of 277 completed questionnaires were returned, yielding an overall response rate of 22.6%. Response rates varied by province, with the highest rate of responding obtained from Nova Scotia (30.1%), and the lowest from New Brunswick (17.8%). Ontario and Alberta had response rates of 22.8% and 18.0%, respectively.

Procedure and Measures

The entire questionnaire took approximately 35 to 45 minutes to complete and contained detailed demographic questions that included a number of questions regarding

professional background (e.g., areas of practice, years practicing, current position, hours worked per week, and characteristics of the work setting), and personal background information. Included in each questionnaire package were an informed consent letter that invited them to participate in a study of women's work experiences in the legal profession, the questionnaire, a postage pre-paid return envelope, and an individually wrapped teabag with a sticker that said "Please enjoy this cup of tea while you complete our survey. Thank you for your help!" Dillman's Tailored Design Method (Dillman, 2000) suggests including a token incentive to maximize response rates to mail-out surveys.

In addition to the demographic questions, the questionnaire included the following measures:

Negative acts in the workplace. The Negative Acts Questionnaire (NAQ; Einarsen & Raknes, 1997) was used to assess the extent to which participants experienced negative acts in the workplace such as ridicule, social exclusion, and harassing behaviors (e.g., *"Devaluing of your work and efforts"*). One item was removed from the original 22-items measure (*"Funny" surprises*) because it was ambiguous and could be interpreted to reflect a positive workplace event. The original NAQ was developed to assess harassment and victimization of male workers, but the items are neutrally worded and suitable for assessing negative acts toward female employees. Previous reviews (e.g., Out, 2005) have reported high internal consistency reliability, with Cronbach's alphas ranging from .84 to .93. A Cronbach's alpha coefficient of .88 was obtained for the modified version of the NAQ used in the present study. Following a procedure used by Out (2005), we added a separate item that asked if participants had been bullied at their workplace. We also included two items that asked whether respondents had experienced unwanted sexual suggestions or physical contact from supervisors, colleagues, or clients, based on items developed by Goldenhar, Swanson, Hurrell, Ruder, and Deddens (1998) in their study of job stressors experienced by female construction workers.

Positive events in the workplace. Positive events were measured by 9 items from the 18-item Positive Events subscale of the Specific Events in the Workplace measure (Keashly, Trott, & MacLean, 1994). Items were selected that were most appropriate for women lawyers' work experiences (e.g., *"Given credit for initiative"*). The original Positive Events subscale showed strong internal consistency, with Cronbach's alphas of .78 to .84 (Keashly et al., 1994), and a Cronbach's alpha coefficient of .82 was found for the 9 items that were used in the present study.

Workplace gender discrimination. Gender discrimination was measured through a 17-items scale that was comprised of items adapted from other inventories or generated by the researchers (e.g., *"Women lawyers are promoted to fewer partnerships and senior positions than men lawyers of equal competency and experience"*). Three

items were based on items from Klonoff and Landrine's (1995) 23-items Schedule of Sexist Events (e.g., "How many times have people failed to show you the respect that you deserve because you are a woman?"), and 6 items were based on items from Riger, Stokes, Raja, and Sullivan's (1997) 35-item measure of female faculty perceptions of the work environment (e.g., "Sex discrimination is a big problem"). All items were reworded to make them applicable for the workplace context of women lawyers. The resulting workplace gender discrimination measure showed strong internal consistency in the present sample (Cronbach's alpha = .94).

Work-family conflict and family-work conflict scales.

Work-family conflict (WFC) and Family-Work Conflict (FWC) were measured using Netemeyer, Boles, and McMurrian's (1996) scale. This measure consists of five items assessing WFC and five items assessing FWC measured on a 7-point Likert-type scale (strongly disagree to strongly agree). WFC refers to job-related demands that interfere with home and family life (e.g., "The demands of my work interfere with my home and family life"), while FWC concerns the conflict that arises from demands from family and home life impacting upon performing work-related duties (e.g., "I have to put off doing things at work because of demands on my time at home"). Both WFC and FWC have been found to be reliable and valid measures of work-life conflict in numerous previous studies, and the measures showed strong internal consistency reliability (Cronbach's alpha = .94 for WFC and $\alpha = .90$ for FWC) in the present sample.

Job satisfaction survey. Job satisfaction was assessed using Spector's (1985) Job Satisfaction Survey. This measure is comprised of subscales assessing satisfaction with workplace experiences including pay, promotion, supervision, benefits, contingent rewards, operating procedures, co-workers, nature of work, and communication. To shorten the measure and make it more uniformly applicable to women lawyers employed in diverse legal settings; we eliminated the pay, benefits, and communication subscales, which yielded a 24-item instrument of total job satisfaction. A sample item of the retained items is "When I do a good job, I receive the recognition for it that I should receive". The abbreviated measure showed good internal consistency ($\alpha = .91$) in the current sample.

Maslach burnout inventory – 3rd edition (Schaufeli, Leiter, Maslach, & Jackson, 1996). The Maslach Burnout Inventory (General Survey) is a 16-item inventory that has been used successfully in previous research on occupational groups that included lawyers (e.g., Langballe, Falkum, Innstrand, & Aasland, 2006) and was used in the present study to assess three sub-factors of burnout: emotional exhaustion, cynicism and professional efficacy. Internal consistency of the subscales was adequate in the present

study ($\alpha = .92$ for Emotional Exhaustion, $\alpha = .83$ for Professional Efficacy, and $\alpha = .88$ for Cynicism).

Perceived stress scale (Cohen, Kamarck, & Mermelstein, 1983). This 14-item scale is widely used as a measure of non-specific appraised stress (e.g., "In the last month, how often have you felt difficulties were piling up so high that you could not overcome them?"). The PSS has been shown to have strong reliability and validity in previous studies (Cohen & Williamson, 1988). Internal consistency reliability was strong ($\alpha = .89$) in the present study.

Symptom Assessment – 45 (SA-45). The SA-45 is a brief measure of psychiatric symptomatology that is suitable for use in both clinical and non-clinical samples (Strategic Advantage, Inc., 2000). In the present study, only the 5-item subscales for Anxiety and Depression were assessed. Internal consistency was adequate for each of these subscales in the present study, with Cronbach's alpha coefficients of .72 for Anxiety and .84 for Depression.

The questionnaire also included some open-ended questions that asked for examples of challenges confronting women in the legal profession, and solicited other comments they might wish to make about their workplace experiences.

Results

Preliminary Data Considerations

The data contained some missing values, with less than 5% missing values for the majority of items. Exceptions were items that were not applicable to all lawyers (e.g., asking about supervisor support resulted in 7.6% missing values, since this item would not be applicable to sole practitioners). Missing data were handled through imputing the scale mean for the missing items, unless the missing data exceeded 20% of the items on a particular scale, in which case, listwise deletion was used. Inspection of skewness and kurtosis of each variable showed only the Negative Acts in the Workplace scale to show moderate skewness and kurtosis, with less variation and more responses at the lower end of the scale. We performed a logarithmic transformation on this variable, and the transformed variable was used in all correlation and regression analyses. All measures showed adequate internal consistency reliability, with Cronbach's alpha coefficients $> .70$, as indicated in the description of each scale in the Measures section.

Prevalence of Selected Negative Workplace Events

To address the first research question, we examined the percentages of women's responses to key questions regarding bullying, unfair treatment due to gender, and sexual harassment. Of the 270 women who answered the item regarding workplace bullying, 86.7% reported never having been bullied in the workplace, while 9.3% reported infrequent experiences of workplace bullying (less than monthly), 2.2% reported being bullied on a monthly basis, 1.1% on a weekly basis, and .7% ($n = 2$) reported daily

experiences of workplace bullying. Frequencies for reported experiences of being treated unfairly due to gender and sexual harassment are shown below in Table 1. While reported experiences of sexual harassment by supervisors tended to be less prevalent, approximately 35% of women had received unwanted sexual suggestions by clients, and approximately 25% had received unwanted sexual suggestions from colleagues. Only 34.5% of women in our sample said that they had never experienced unfair treatment due to their gender, while more than 65% reported experiencing unfair gender treatment at some point.

Table 1

Percentage of Women Reporting Unfair Gender Treatment and Harassment

At work, how often have you:	never	almost never	smt	fairly often	very often
experienced unfair treatment due to your gender?	34.5	25.5	28.7	7.3	4.0
had unwanted sexual suggestions made to you by supervisors?	81.1	11.6	6.2	.4	.7
had unwanted sexual suggestions made to you by colleagues?	74.6	18.1	5.4	1.4	.4
had unwanted sexual suggestions made to you by clients?	64.6	22.0	11.2	1.8	.4
had unwanted physical contact, including that of a sexual nature, made to you by supervisors?	88.7	8.0	2.6	.4	.4
had unwanted physical contact, including that of a sexual nature, made to you by colleagues?	86.3	10.5	2.5	.4	.4
had unwanted physical contact, including that of a sexual nature, made to you by clients?	84.8	13.4	1.4	.4	-

Multiple Regression Findings

To address our second research question and to test our hypotheses, we conducted a series of standard multiple regression analyses with job satisfaction, perceived stress, the burnout subscales (emotional exhaustion, professional efficacy, and cynicism), anxiety, and depression as outcome measures, and negative acts in the workplace, positive workplace events, gender discrimination, family-work conflict, and work-family conflict as potential predictor variables. Although we had no specific a priori hypotheses about the influence of age, we found that it was correlated with a number of our outcome measures, so we also included it as a potential predictor variable. We first examined the pattern of intercorrelations among predictors and outcome measures, and included as predictors only those variables that were significantly correlated with a particular outcome measure. The highest correlation between predictor variables was $r(220) = .64, p < .001$ between negative acts in the workplace and gender discrimination, and examination of

collinearity diagnostics indicated no problems with multicollinearity in any of the regression models. Significant predictors in the final regression models for each of our seven outcome measures are displayed below in Table 2.

Table 2

Significant Predictors of Workplace Outcome Measures

Outcome Variable	Predictor Variables	β	t	sr^2
Job Satisfaction	Positive events	.37	7.58***	.11
	Negative acts	-.40	-7.12***	.10
	Gender discrimination	-.26	-4.14***	.03
Emotional Exhaustion	Work-family conflict	.46	7.56***	.16
	Negative acts	.29	4.22***	.05
Professional Efficacy	Positive events	.20	2.72**	.03
	Family-work conflict	-.14	-2.05*	.02
Cynicism	Gender discrimination	.30	3.50**	.05
	Negative acts	.16	2.04*	.02
Perceived Stress	Family-work conflict	.22	3.45**	.04
	Work-family conflict	.22	3.26**	.04
	Negative acts	.21	2.74**	.03
	Positive events	-.16	-2.38*	.02
Anxiety	Work-family conflict	.24	3.36**	.04
	Negative acts	.27	3.30**	.04
Depression	Negative acts	.35	4.25***	.07

Note. $N = 218$; * $p < .05$ ** $p < .01$ *** $p < .001$

The overall regression model for job satisfaction was significant, $R^2(adj) = .64, F(5, 177) = 66.20, p < .001$. Examination of the squared semi-partial correlation coefficients indicates that positive workplace events positively predicted job satisfaction, accounting for 11% of the unique variance, while negative acts in the workplace and gender discrimination were significant negative predictors of job satisfaction, accounting for 10% and 3% of the unique variance in this outcome variable, respectively.

The burnout subscales of emotional exhaustion, professional efficacy, and cynicism were examined in separate regression analyses. The regression model for emotional exhaustion was significant, $R^2(adj) = .43, F(6, 190) = 25.88, p < .001$. Only work-family conflict and negative acts in the workplace emerged as significant predictors of emotional exhaustion, accounting for 16% and 5% of the unique variance in this outcome, respectively. Professional efficacy, which is inversely related to the other burnout components, also produced a significant regression model, $R^2(adj) = .16, F(4,$

197) = 10.36, $p < .001$. Older participant age and positive events in the workplace emerged as significant positive predictors, accounting for 7% and 5% of the unique variance in this outcome, respectively, while family-work conflict negatively predicted professional efficacy, accounting for 2% of the unique variance. Cynicism, the third component of burnout, also resulted in a significant regression model, $R^2(adj) = .30$, $F(6, 188) = 14.66$, $p < .001$. Significant predictors of cynicism were gender discrimination (accounting for 5% of the unique variance) and age, which accounted for 3% of the unique variance in this outcome. Participants who reported more gender discrimination and those who were younger were higher in cynicism.

The regression model for perceived stress as an outcome variable was also significant, $R^2(adj) = .31$, $F(6, 188) = 15.69$, $p < .001$. Family-work conflict, work-family conflict, and negative acts in the workplace all emerged as significant predictors of this outcome, accounting for 4%, 3%, and 2% of the unique variance, respectively. Positive workplace events and older participant age predicted lower amounts of perceived stress, each accounting for an additional 2% of the unique variance in this model. The regression model for anxiety was also significant, $R^2(adj) = .16$, $F(5, 208) = 9.04$, $p < .001$. Here, work-family conflict accounted for 5% of the unique variance in anxiety, while negative acts in the workplace accounted for an additional 4% of the variance. Although the overall regression model for depression was significant, $R^2(adj) = .22$, $F(6, 191) = 10.11$, $p < .001$, only negative acts in the workplace emerged as a significant predictor of depression, accounting for 8% of the unique variance in this outcome.

Discussion

Findings from our regression analyses provided support for Hypothesis 1, which suggested that negative acts, gender discrimination, and work-life conflict would negatively impact on women's occupational functioning by increasing their levels of burnout and reducing their job satisfaction. Negative acts in the workplace and gender discrimination both emerged as significant predictors of lower job satisfaction, and negative acts predicted the emotional exhaustion burnout factor, while experiencing gender discrimination predicted cynicism. Work-family conflict predicted emotional exhaustion, and family-work conflict was a negative predictor of professional efficacy.

Our second hypothesis, which predicted that negative acts in the workplace, gender discrimination, and work-life conflict would predict higher levels of stress, anxiety, and depression, received partial support. Family-work conflict and work-family conflict were both positive predictors of perceived stress, along with negative acts in the workplace. Work-family conflict and negative acts in the workplace also predicted anxiety, but only negative acts in the workplace emerged as a significant predictor of depression. Contrary to

our hypothesis, gender discrimination did not significantly contribute to the prediction of these mental health outcomes.

Hypothesis 3, which stated that positive workplace events would be a positive predictor of job satisfaction, and would be negatively related to the mental health outcomes, also received partial confirmation. Positive workplace events emerged as a strong predictor of job satisfaction, and negatively predicted perceived stress, but were not found to be related to anxiety or depression in the current study.

Taken together, findings from the present study suggest that women in the legal profession do report negative workplace events that include gender discrimination and, to a lesser extent, sexual harassment. While other factors, most notably issues related to maintaining work-life balance, were more strongly related to emotional exhaustion, perceived stress, and anxiety, negative acts in the workplace significantly predicted depression in women lawyers. Both negative workplace events and gender discrimination negatively impacted on women's job satisfaction and were related to cynicism about one's work.

Consistent with our third hypothesis, positive workplace events, such as being praised for one's accomplishments, being given constructive feedback, and being recognized for one's work were strong predictors of women lawyers' job satisfaction and sense of professional efficacy, and also had a significant effect on reducing perceived stress. Positive workplace events were not sufficient to reduce the other aspects of burnout, anxiety, or depression. These negative mental health consequences were largely determined by other factors, including high levels of work-family conflict and negative acts in the workplace. Thus, the positive events that occur in the workplaces of women lawyers do not seem to mitigate the impact of negative workplace experiences that impact on their mental health and well being.

Our inclusion of age in the regression analyses revealed significant relations with burnout, in which older women were lower in cynicism and higher in professional efficacy. These findings suggest that burnout might actually be more prevalent among younger women, who are likely to be at an earlier stage of their career. While the idea that burnout might lessen over time might appear to be counterintuitive, it makes sense that women's sense of professional efficacy would increase with more time in the profession, and that this might empower women to make changes in their careers that could help to counter their earlier burnout and cynicism. The finding that younger age and greater work-life conflict were significant predictors of perceived stress suggests that women may be experiencing a sense of overload in their early career that may be exacerbated by pressures associated with child rearing or decisions concerning starting a family. It is also important to consider the possibility that the older women in our sample might represent a selective survival effect, in which the women who are managing their professional lives the best (due to either their favourable structural

circumstances or their personal efficacy and resilience) are the ones that remain in the legal profession longer.

Workplace events that lead to women lawyers' growing dissatisfaction, increased cynicism, and depression must be given serious attention, since they can ultimately have an impact on retention of women in the legal profession, as well as on the mental health of women who remain. While some women leave the legal profession altogether, other women move from private practice to other positions within the profession to escape discrimination and job dissatisfaction. In open-ended responses, many women in the present study reported that these employment changes can result in less challenging legal work, fewer opportunities for advancement and less remuneration.

Although a large majority (86.7%) of women in the present study did not report being bullied in the workplace, an inspection of the rate of endorsement of specific negative acts indicates that many women did experience specific negative interpersonal behaviors from others in their workplace. Inspection of negative acts that occurred on at least a monthly basis indicated that 66% reported that others withheld necessary information from them; 65% reported that their opinions and views were neglected, and 57% reported that they were ordered to do work below their level of competence. Smaller but notable percentages of women reported more direct bullying behaviors, including being gossiped about (34%), social exclusion from others (39%), and having others devalue their work or efforts (36%). Thus, a number of women who reported never being bullied in the workplace did report specific negative interpersonal behaviors that are consistent with workplace bullying. Coupled with the finding that over 65% of women in the present study reported experiencing unfair gender treatment at some point, it is possible that women lawyers have come to perceive gender mistreatment and negative acts in the workplace as a background feature of their work environment that does not garner their overt attention. At the same time, these negative and discriminatory events in the workplace do appear to negatively impact their mental health and lead to reduced job satisfaction.

Gender discrimination and negative events in the workplace appear to negatively impact the mental health of women and this leads to reduced job satisfaction. This in turn can impact on the retention of women in the legal profession. The specific and acute risk these links pose for women should be addressed to explore ways to prevent the disenfranchisement of women from the profession of law. Without this exploration, changing the culture of the legal profession will remain an "unfinished agenda" (Rhode, 2001).

Limitations and Conclusions

The present study was a self-report mail-out survey of a stratified random sample of Canadian women in the legal profession. Despite rigorous efforts to recruit a random

sample, returned surveys were subject to the usual volunteer sampling biases, in which women who were more highly motivated to complete and return the survey, for a variety of reasons, would be over-represented in the final sample. Volunteer bias may have interacted with some of the variables of interest, in that women who had more to say about experiences of discrimination and negative workplace acts may have been more strongly inclined to use the surveys to relay their stories. However, descriptive analyses of our measures indicated that most variables closely approximated a normal distribution, and where they didn't (i.e., for Negative Acts in the Workplace), the responses were clustered around the lower end of the distribution, indicating lower rates of endorsement of negative acts for most respondents.

The overall pattern of our findings showed that while the majority of women in our sample did not report that they were sexually harassed or bullied in their workplace, a substantial number (65%) indicated that they had experienced unfair treatment due to their gender. Where women did experience gender-based discrimination, the consequences could be serious and detrimental, leading to reduced job satisfaction and higher rates of cynicism, a component of burnout. Being subjected to other negative acts in the workplace also reduced job satisfaction, increased burnout, and influenced mental health outcomes in terms of increased levels of stress, anxiety, and depression. On the whole, our findings point to the need for the law profession to attend to and address negative workplace behaviors, including gender discrimination, in order to increase women lawyers' job satisfaction and safeguard their health and well-being.

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¹ The terminology mental health problem(s) refers "to diminished capacities – whether cognitive, emotional, attentional, interpersonal, motivational or behavioral – that interfere with a person's enjoyment of life or adversely affect interactions with society and environment" (**The Standing Senate Committee on Social Affairs, Science and Technology**, 2004, p. 68).

² Each woman's experience will be different as every woman is impacted by varying degrees of oppression affecting racial and ethnic minority women, Aboriginal women, disabled and aging women, lesbians and immigrant and refugee women (Capen, 1996).