



LAUNCH OF THE VICTORIAN WOMEN LAWYERS' PROFESSIONAL MENTORING PROGRAM 2022

The Honourable Associate Justice Mary-Jane Ierodiconou

Remarks of the Honourable Associate Justice Mary-Jane Ierodiconou, Melbourne.¹

Thursday, 28 July 2022

Introduction

Good evening. I would like to begin by acknowledging the traditional custodians of the land on which we meet tonight. I offer my respects to their elders, past, present and emerging, and extend that respect to those with Aboriginal and Torres Strait Islander heritage here today.

When I was a third year solicitor in a large law firm, a second year solicitor who I was mentoring came to me. She sought my advice on how to have a discussion with human resources about getting a pay rise. I asked her how much she was being paid. To my astonishment, she was being paid the same amount as me.

I then gathered information from my peers. I spoke to another lawyer in my year level and found that we were being paid the same amount. Like me, she had not thought about negotiating a pay rise. I spoke to one of my male peers. He had negotiated a pay rise and was open in sharing what he was being paid – significantly more, even though we had both met our budgets. I spoke with peers outside my firm. One peer provided me with a report from a recruitment firm on industry-wide pay standards. I shared that with my mentee, and we then practised how to have a conversation on negotiating a pay rise. My mentee and I subsequently both obtained a pay rise.

From this I learnt three important lessons.

¹ I thank my associate, Aiman Tarmizi, for his research on pay equality. This is an edited version of my speech.



Firstly, know your value and be prepared to negotiate. Do not just assume that you will be paid appropriately.

Secondly, you can be guided by a mentor and also learn from those you are mentoring. As Norah Breekveldt, a leadership coach, writes in her book *Me and My Mentor*:

Positive mentoring is built on a foundation of equality, where the relationship is reciprocal and enriching for both the mentor and mentee. Even where a mentor may be the more senior person, they are open to learning from their mentee, using the relationship to reflect on her own learning and development and the insights and knowledge her mentee provided.²

The third lesson I learnt is to pay it forward. Breekveldt writes:

Great mentees are driven to become mentors themselves, passing on the gifts and benefits they received to others, so that a mentoring community is formed and becomes self-perpetuating.³

The gender pay gap continues to be a topical issue.

In a report prepared by the Nous Group for the Victorian Bar in March 2018, it was reported that the average annual income in the 2015-16 financial year for male barristers was \$388,000 compared to \$214,000 for female barristers.⁴ That is a gender pay gap of about 55%. This pay gap appears worse, by far, than any of the other occupations identified in government agency reports at that time. The Nous report identified that a major cause of gender pay disparity at the Bar is that male and female barristers typically undertake different work, in different areas of practice. The three practice areas with the lowest average incomes (Criminal Law, Family Law and Children's Court matters) are those in which female barristers are most strongly represented (39%, 49% and 63% respectively).⁵

² Norah Breekveldt, *Me and My Mentor: How mentor supercharged the careers of 11 extraordinary women* (Melbourne Books, 2018), 183.

³ Ibid, 185.

⁴ These figures do not separately account for part-time work.

⁵ Nous Group, *The State of the Victorian Bar – Performance, challenges, and opportunities* (March 2018), 19-20.



Have we reached pay equality in the years since?

The Law Council of Australia's Equitable Briefing Policy Annual Report for 2019-20 reported that 69% of briefs went to male barristers and 31% to female barristers. However, male barristers earned 77% of the fees while female barristers earned 23%.

What about solicitors and others within the legal sector?

The Workplace Gender Equality Agency obtained data from over 70 law firms and legal bodies across Australia. The latest figures show that the gender pay gap in the legal sector is 21.2%.⁶ This is worse than the national pay gap of 13.8%.

A recent report warns that progress in Australia to close the gender pay gap has stalled.⁷ That report states that discrimination continues to be the single largest contributor to the gender pay gap.

We can conclude that equitable remuneration remains an issue ripe for discussion between mentors and mentees. These discussions might include the mentor coaching the mentee on how to negotiate a pay rise. They might also include discussion of how to eradicate systemic barriers to equal pay at an organisational level. The Workplace Gender Equality Agency website contains many practical suggestions and useful toolkits.⁸ The Agency recommends taking concrete steps. These include:

- (a) conducting an analysis to determine whether there is gender pay equity;
- (b) providing transparency of salary bands and identifying gender pay equity gaps;

⁶ These figures are the total gender pay gap including full-time, part-time and casual workers. The full-time gender pay gap is worse at 23%. See *Australia's Gender Pay Gap Statistics*, WGEA Data Explorer (February 2022) https://data.wgea.gov.au/comparison/?id1=1&id2=115#summary_content.

⁷ Workplace Gender Equality Agency, Diversity Council of Australia, KPMG *She's Price(d)less – the Economics of the gender pay gap*, 13 July 2022.

⁸ See *Gender strategy toolkit*, Workplace Gender Equality Agency (8 October 2019) <https://www.wgea.gov.au/tools/gender-strategy-toolkit>.



- (c) considering the terms and conditions of employment contracts - because gender-biased terms and conditions can result in unequal allocation of roles and remuneration;
- (d) implementing policies in relation to gender pay equity; and
- (e) reporting against pay equity targets.

Conclusion

In my career, I have benefited from mentors. They have given me perspective, encouragement and practical strategies for navigating the workplace. I have benefited, too, from mentees. Mentees have also given me perspective, along with fresh ideas and positive energy.

Invest in your mentoring relationship. Build a relationship of trust. There are mentors here who are generous and open-hearted. There are mentees who are prepared to listen, reflect, and share. Mentees who are prepared to take up the mantle of mentor one day, and pay it forward. This is all a recipe for a successful mentoring program.

It is with great pleasure I launch the VWL mentoring scheme for 2022.