

My personal story

R: So, I then went on to qualify as a lawyer. So, I did two more years of study to become a lawyer, so that's what I've done ever since.

I: And you're also combining your children with working?

R: Yes, although I quite deliberately chose to go into an area that is more flexible and that is much easier to balance with having children. So I only work now part time three days a week.

I: And what area of law would that be?

R: It's employment law, but the job that I do: I don't deal very much face to face with clients, I provide more of a kind of supporting function to the team, so research and I write quite a lot of articles for publications, so it's marketing the firm that I work for and we do training for clients and seminars and that's my job. So, it is not really a very client facing role.

I: It is more of a back office job?

R: It is! It is, so I'm a qualified lawyer, and I give legal advice, but, just generally speaking, I perform the back office, which is much easier to do working part time, because clients want advice instantly.

(...)

I: Is it, when you solicited for the job, during the recruitment phase, is it something that they asked for? Like for example towards women: are you going to have children?

R: No, not usually, and as a lawyer who specialises in employment law, that is something that employers are advised really not to do, because if a woman is not given a job, and she thinks it is because she said that she wants to have children, then that's sex discrimination, that would form the basis of a legal claim against that employer. So, most employers know now that that is not something that they should ask about. But I still think it influences employers in making decisions about who to recruit and if they've got a man or an older woman. I think if they are faced with a choice between someone who they would think is about to go on and have children or a man who obviously won't be, I think that would influence the decision not to recruit that woman, definitely. Not outwardly, you know, they would come up with other reasons. But that would definitely be a factor.

I: And if you look at the claims that you are dealing with in your job concerning employment, are there cases that deal with... well, let's say, that have a gendered context, like for example sexual harassment or sexual discrimination?

R: Yes, yes, we have quite a few sexual harassment claims and also claims around women who are perhaps on maternity leave and they want to come back to work, but they only want to come back and work part time and they have the right to request to come back part time, but the employer isn't obliged to offer part time work unless it fits in with the business. And I think that causes, you know, a lot of women, especially when they've been out of the workplace and they have been focusing on having their baby, they become very - it is almost as though, well - it is our right to come back to work and to work the hours that fit in with my child. Whereas for employers, they want people to do the work the way that fits in with the way they want to run the business. And that often causes quite a lot of upset.

I: So, women go to court to deal with this?

R: Yes, they will do!

I: That's interesting because I would think that this would really destroy their good relationship with their employer and they would in the end say: 'I don't want to work here anymore!'

R: Oh yes, and it is the same, especially at the moment with a lot of employers who have to make people redundant and women who are on maternity, who are potentially facing redundancy, and again that is a huge cause of difficulty for employers, because women on maternity leave have certain rights and they are protected in many ways. Almost to the point that employers are a bit frightened of selecting a woman who is on maternity leave to be made redundant, to lose their job. Because they have so many rights. But, if it is done the right way, they can make that person redundant. But obviously the woman then feels quite naturally, if she's been out of the workplace: 'well, I've only been selected to be made redundant because I'm on maternity leave'. And that's nearly always not the case, that is not why they have been selected, but they feel that that has played a factor in it. Because they have been out of the workplace. So, yes, we do get quite few. (...)

R: But we get the sexual harassment type cases, is quite rare to find a case where the harassment has been particularly serious and solely directed at a woman. It is more often that you're in a workplace and the environment of that workplace is that there are lots of inappropriate comments made by lots of the employees, male and female, towards each other. And so it is tolerated by people, it is what is known as 'banter', between different employees and most people participate in it and think it is funny. And it is all meant to be a joke.

I: And they call that Banter? And how would you spell that word?

R: B.A.N.T.E.R. And it's like a joking thing, it's comments that are not really appropriate, but people say it as a bit of a joke and if it is shared by people equally and they find it funny, people see it as harmless.

I: Oh yes, there is a very thin line between joking and between harassment.

R: Exactly! Exactly and it is something that people may tolerate for quite a long period and then something happens in the workplace so that they feel threatened of they have a disagreement with another worker, and then that person - and sometimes that is a woman - will say: 'Well, I've been harassed by that person for years and nothing has been done about it.' Where in reality, she may have equally participated in the same types of conversations and she may get to the point where she thinks she can use that by almost holding the employer to ransom by saying... You know that is not all that uncommon. That women - not always women - but trying to use something like to... hang on.

I: To settle an account.

R: Yes, exactly! And I think that gives women a bad name, sometimes that they use something that has been said to them. When it was said in joke and they've said equally bad things back about the man or about someone else. So we do have cases like that. So, it is quite difficult to see the truth in what's happened and decide who is right and who is wrong.

I: Yes, that sounds very interesting.

R: Oh yeah, I think, some of what goes on in the workplace, it's a real, you see the roots of sort of human psychology really and people spend so much time at work and different workplaces. You know, the things that go on, just amazing sometimes!

I: Yes, and as you say, sometimes gradually a certain attitude or mentality can change without people noticing it and then, at a certain point, you cross a line where it is not really acceptable anymore, but since everybody is really in that same mentality, they don't notice until something really snaps with somebody.

R: Or, you also have people who have an argument about something different and they suddenly think: 'Well, actually for years I've been targeted and I've been subject of jokes', but they lose the fact that actually they participated in it as much as anyone.

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Gender did matter