ACC Chief Legal Officer Roundtable
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ACC Association of Corporate Counsel

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Developing Women Leaders: the In-House Context

This Report summarizes the discussion at the ACC's CLO Roundtable session "Developing Women Leaders: the In-House Context" held in Calgary on January 19, 2017. It is the second session on this topic. The first, held in April of 2016, was a women only event. Given that progress on this topic will require involvement of both genders, the current session attendees are comprised of both male and female CLOs. ACC's CLO Roundtable sessions are designed to provide a forum for CLOs who wish to exert greater leadership in their companies, at the bar, in the courts, and in the halls of government on emerging issues of greatest concern.

Roundtable participants were:

- Janice Odegaard – Our Host and Senior Vice-President, General Counsel & Corporate Secretary
Suncor Energy Inc.
- Bonita Croft – Former Vice-President Legal, General Counsel & Corporate Secretary
Trican Well Services Ltd.
- Trudy Curran – Former Senior Vice-President, General Counsel & Corporate Secretary
Canadian Oil Sands
- Ray Hansen – Vice President Law & Land and Corporate Secretary
Syncrude Canada Ltd.
- Suzanne Hathaway – Vice President, General Counsel
KEYERA Corp.
- Peter Johnson – Executive Vice President, Chief Legal & Regulatory Officer
Shaw Communications Inc.
- Susan Jones – Senior Vice President and Chief Legal Officer
Agrium Inc.
- Stephen C. Lee – General Counsel and Vice President
ConocoPhillips Canada
- Erica Young – Executive Vice President, Regulatory and Chief Legal Officer
ENMAX Corporation

KEY TOPICS

The participants discussed the following key topics:

- Challenges faced by women
- Strategies for overcoming challenges and developing women leaders
- Mentoring and sponsorship
- How to drive change

KEY TAKEAWAYS

Generally roundtable participants feel that notwithstanding that there has been awareness of the gender gap for several decades, the pace of change related to the issues of gender discrimination and the development of women leaders has been slow. They note that some progress has been made (for example law school enrolment is split 50-50 between men and women and even organizational recruiting demographics show a relatively even distribution amongst the genders) but they also believed that much more would have been accomplished in the last thirty years to advance the cause and status of women generally and in the legal field. Although one participant indicated that his entire department was currently comprised of women, participants generally noted that after 10 or so years women tend to drop out of the legal landscape and of those women that remain, only a paltry minority are in leadership positions. Thus participants wish to ensure that when dealing with succession planning matters, everyone (male and female) is provided with a fair opportunity to develop and advance their career. All participants at the table expressed a passion for developing leaders (whether male or female), take an active interest in promoting diversity in the senior ranks and gathered to explore successful tactics. All the CLOs wish to help shape attitudes through the corporate ranks engendering a positive impact on women to help them develop through the pipeline. More personally, they desire to leave a legacy for their daughters and sons that permits and equal opportunity to succeed.

Participants gathered to discuss the topics noted above, to share experiences, to learn from one another and share ideas about what they are doing and could each do in their own organizations to help advance and develop women. Participants noted that many industries in Alberta are male dominated and steeped in a biased culture, sometimes making progress very difficult. Specifically, senior leadership positions in the organizations represented at the table were heavily male dominated (in many instances more than 90% were males). In addition, the affect of the oil crisis on the Alberta economy over the past few years is having a detrimental affect on some organizations' willingness to focus on, and drive forward, anything (other than core strategies) including gender–based initiatives. It was noted that in some organizations promising initiatives that began prior to the crisis were halted or lost steam resulting in too short a trajectory for which to track and analyze potential beneficial impact.

There is unanimous agreement that solutions to gender-based challenges and advances in developing women leaders will not be found or gained by women acting alone: Men must be part of the solution. Progress is often difficult during economic downturns thus

participants agree that they will have to be deliberate in driving the agenda. It is within this context that thought-leaders participating in this session described a number of ideas and practices. Listed below are some top themes and takeaways.

Challenges faced by women:

Although some of the CLOs participating in the roundtable sit on their respective organizations' executive team and although legal departments seem to have a more even gender-based distribution, participants noted that the vast majority of senior management and executive teams are comprised of all males or have only a very few women representatives and that women are in more traditional roles. Either challenges facing women are not being met and they self-select out of the organization or they do not advance within the organization.[1] Participants note that this reality stems from the following issues and challenges:

1. <u>Male Dominated Culture and Gender Bias</u>: The male dominated culture is pervasive and raises barriers to networking opportunities and the entry of women in senior management roles. As a result, hidden or latent gender biases may affect protocols, processes, requirements and even the definition of leadership itself. Hidden bias may be built into criteria for advancement.

    It is possible that latent biases are at work during management succession planning meetings where often (although not true of all organizations) no women or very few women candidates are discussed notwithstanding the existence of talented women that are eligible to move up the corporate ladder. The various biases evinced related to the following:

    a. <u>Institutional Bias</u>: This type of bias is typically codified into the operating procedures, policies and objectives of organizations. For example, making hiring and advancement decisions based on seniority or full-time versus part-time status or whether the person had completed an expat assignment may not be a true requirement for the position. Interestingly, there were varying opinions amongst participants about whether part-time status or an expat assignment was or was not a legitimate requirement. Ultimately, participants agreed that it is necessary to attempt to un-biasedly and clearly define the bona fide requirements of a position by carefully challenging any assumptions upon which they are based: ask what skills are developed in such an assignment and is that the only way to develop those skills? Also, it is necessary to ensure decisions are based on these true requirements and to support team members who desire flexibility in working conditions and hours. For example, if an expat assignment truly

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[1] One participant noted that his department faces the opposite attrition problem: he has a difficult time keeping the men. Speculation about the cause is that the department's compensation package (base, stock options and other monetary perquisites) is not competitive. Participants commented that generally male lawyers are driven by compensation and females tend to be driven by the whole work-life balance package such as on-site daycare, gym, flex schedules.

is a criteria for advancement, participants suggested that the duration of the time abroad should be carefully considered: perhaps a shorter time is all that is needed and perhaps people with young children would be willing to undertake such an assignment based on a shorter duration. Without jumping to conclusions, the key would be to communicate true requirements to the potential candidate and candidly discuss the potential opportunity.

b. Unintended Bias: Related to institutional bias, participants noted that unintentional biases reside not only with men but also with women. These are latent biases that are imbedded in our culture and society. One participant recounted that in her organization, the leadership team started unintended bias training and started a train the trainer method of implementation. This point, among others, was raised in the previous roundtable held on this topic in Calgary and it is worth noting that a book called *Blindspot: Hidden Biases of Good People* is very helpful for this sort of training. The book is about the "bias blind spot" which is about the cognitive bias of recognizing the impact of biases on the judgement of others, while failing to see the impact of biases on one's own judgement. The leadership team took a bias blind spot test to make them more aware of the fact that they all have inherent bias which factor into decisions. The goal was to, in the exercise of their judgement, make them more aware of the need to ask whether it is based on impartiality and merit or their blind spot bias. (It is interesting to note that although some people may be more susceptible to a bias blind spot than others, intelligence, cognitive ability, decision-making ability, self-esteem, self-presentation and general personality traits have been found to be independent characteristics and not related to the bias blind spot.) As a result of the exercise, the leadership team agreed to call each other out when their behaviour demonstrated bias. Participants agree that change is not possible without starting uncomfortable conversations and introspection.

c. Assumptions and Family Status: Participants noted that in discussions regarding promotion, expat assignment or succession planning, the number of children a women had seemed to be important yet, in regard to male candidates, succession planning and similar discussions did not tend to involve family status matters. Participants noted that often assumptions are made that women cannot be promoted too quickly or cannot be sent on an expat assignment if they have small children to raise. Males are not judged in the same manner. Again, without jumping to conclusions, the key would be to communicate true requirements to the potential candidate and candidly discuss the potential opportunity.

2. <u>Inhibition</u>: Some women feel hesitant to raise these gender-based challenges. In particular, as the women CLOs are often the only female at the executive table, they may feel that they are the lone voice. Some may also feel that the current working environment is not conducive to open dialogue about these issues. Having said this, some participants are now raising issues and asking why companies are not doing more to develop women leaders and place women on the succession planning ladder. This takes political capital and it takes some women a long time to muster the courage to raise the issues. However, the more seniority a woman has, the more comfortable she may feel in doing so. For those in the early or middle stages of the pipeline, Participants agreed it is important to encourage and teach people how to ask for change and what to seek.

3. <u>Work-life balance</u>: Although many more men are joining the role of primary family caregiver, in a great number of cases this role continues to be shouldered by women. As a result, some women in the workforce have difficulty meeting expectations of a 24/7 presence or lengthy travel requirements. Interestingly, as they discussed this issue, participants noted that millennials, for various reasons, are also eschewing such requirements and expectations and are demanding arrangements that conveniently help to alleviate some of the work-life balance challenges women face. On the other end of the spectrum, participants noted that males who take on more "non-traditional" roles and who, for example take paternity leave, also face some discrimination. Having said this, it seems that changing demographics may be pushing society toward change in a structured way as organizations move to meet the demands of a younger workforce looking for remote access, flexibility, childcare, unpaid time off for life-events and more.

4. <u>Political Correctness</u>: A participant mentioned that political correctness may inhibit discussion that may help alleviate the very concern it attempts to address (not merely gender bias, but any diversity issue). Where unspoken canons of propriety govern behaviour in cross-gender-cultural and diverse interactions you will have instances where people may fear raising concerns (eg. a woman associate wishing to advance in career resists seeking coaching on leadership style for worries that doing so would confirm the notion that women don't have what it takes.) While embracing the commitment to equity that underlies political correctness, this participant expressed concerns about the barriers that political correctness can pose to developing constructive, engaged relationships at work which are necessary to help overcome the barriers and challenges women (and others) face.

Strategies for Overcoming Challenges and Developing Women Leaders:

Progress toward gender equality has been woefully slow notwithstanding the compelling economic arguments that underpin the case for equality. So, how do we, men and women, become intentional about changing unintentionally biased behavior and environment? In search of solutions, some of the actions and strategies discussed by our roundtable participants are listed below:

1. Engage both men and women in the solution: Participants unanimously believe that both men and women must be part of the gender-gap solution. Thus, any organizational networks that are developed to help close the gap must include, ideally, as many men as women. It is not possible to be successful without engaging everyone. Firstly, start the conversations and create personal and cultural awareness. Participants state that with awareness, knowledge and data (hiring data, pipeline data and exit data) you can "flip the switch."

2. Start by creating awareness: At one organization, the senior leadership team took a moment to look around the table only to see that 90% of the team were males. The visual was so striking and created such awareness (more so than just having looked at the statistics on paper) that they immediately embarked on an initiative to promote eligible women in the organization to senior VP roles (fortunately, there were several women in the pipeline available to promote).

3. Change the vocabulary: Don't focus on male versus female but rather on talent and outcomes.

4. Make it personal: If conversations about talent, potential and hiring are framed in terms of opportunities for daughters and sons, people tend to be more open-minded. People care deeply and believe in the ability of their children - their daughters - and want to see them advance in a more neutral and fair environment. Making it personal may lead to less gender bias.

5. Point out stereotypes: Engage in conversation where you bring attention to gender stereotypes: recognize them, label them and break them down.

6. Redefine what constitutes a candidate and train with that in mind: For example, do all board directors need to be former CEOs or CFOs? Break down the built-in bias. Do you really have to be abroad for three to five years to advance? If international experience is indeed necessary, then challenge the assumptions relating to the duration of such an assignment and provide family support. If operational experience is indeed a necessity for a position assist women to cross over into an operational role and gain business influence.

7. Set targets and measure success: One company represented at the table decided to set targets for female hires and promotions because they found that even though they talked about the issue nothing was being done to move it forward. The company decided that the situation would not improve unless they set a target and tracked and measured outcomes in order to develop an appropriate pipeline. Another participant noted it was particularly important to conduct and track exit interviews to understand where and why an organization is losing people. This participant noted that the exit interviews helped the organization understand that the disproportionate loss of the female workforce was due to the fact that the organization unintentionally created barriers, obstacles and challenges that compounded the fact that some women bear the brunt of household management

and caregiving in addition to their careers. As a result of this realization, this participant's legal department tends to place younger people in areas of practice that require more travel or they discuss the opportunity and allow the candidate to make the choice. Such conversations are raised in a neutral manner: if travel due to child rearing is a problem, then the company has a solution. Care is taken to avoid the suggestion that the existence of young children presents a problem for advancement.

8. <u>Track special event attendee lists:</u> (This discussion assumes events fall within an organization's code of business conduct's acceptable standards.) This step relates to hidden bias and developing awareness. It assists in determining whether invitations to events (which help to build networks) are skewed to one particular gender, in turn allowing analysis and behavior course-correction where warranted.

Mentoring and Sponsorship:

Participants noted that the predominant industries in Calgary, (agriculture, mining, oil and gas…) are very insular and steeped in history (things are done "the way they have always been done") and that it is difficult to garner respect and get ahead if "you haven't done your time in the field and if you don't have 20 years of connections." As women are relatively new entries into the industry they do not have this history and experience. Typically, males rely on those they know best and on their personal networks (comprised of other senior male executives or male up-and-coming associates) to fill vacancies rather than investing in a thorough recruiting effort. Given that most women are not as well known and perhaps due to unintentional bias, many women do not go to lunches with male leaders and many do not have as broad a network as their male counterparts. Participants believe that mentoring and sponsorship can help break through this old-boy's network. Further, they believe it is necessary to go beyond mentoring and ensure that sponsorship is in place to help women move up.

Given that the current state of affairs is generally one of men sponsoring men, participants explored whether there was a way to make sponsorship available to a broader group of people? Could it be turned into a program? Generally it was felt that one could not force the development of a sponsorship but one could create an environment that would nurture the development of sponsorships of women.

One participant noted that in her organization they have made a concerted effort to determine who the high potential women are and to pair them with a male sponsor who will act as the woman's advocate with the hope of kick-starting a sponsorship.

In order to help create these mentoring and sponsorship opportunities as well as other initiatives, some participants indicated that their organizations have created either: a women's network, employees' network or diversity networks. For example, one organization has developed a "Breakfast with an Executive" program where each month 8-10 people are free to sign up for the breakfast and have an opportunity to have an informal chat with an executive. In a similar vein, another organization offers "Dinner with the CEO." To help ensure the success of these programs, it is important for these

initiatives to: 1. be supported at the highest levels of the company; 2. be comprised of a broad representation of employees; and 3. hold many activities and events.

Networks are seen as an opportunity to educate people, to talk about experiences, to bring in speakers on issues of interest such as work-life balance, managing stress and financial planning and ultimately as a way to build career advancement networks. Networks can be used for self-improvement initiatives such as to help coach others on things such as acceptable self-promotion, building confidence, and skills for building personal networks. They are also good for providing a more casual and relaxed environment to connect with others via community building events and social events.

Developing Leadership Skills:

What skills do women need in order to advance and do they face a greater challenge in gaining those skills? In regard to at least one example discussed at the session we saw that women tended to face a greater challenge in the area of expat assignments and we also explored ideas relating to solving these challenges.

In relation to specific leadership skills development, participants mentioned a highly regarded program called "Taking the Stage." This is a program offered by the Humphrey Group and helps women to build a leadership presence: it shows women how to speak with courage and confidence so they can be seen and heard as leaders. To accomplish this, participants are taught to develop a "take the stage" mindset and script themselves as leaders. The program introduces speaking and presentation skills and tactical ideas about how to be seen as a problem solver, how to project your voice and how to make your case. One participant noted that her organization has now developed the expertise to deliver the program in-house: currently it is being delivered by female leaders throughout the organization

How to Drive Change:

Participants noted that since change is not happening naturally, organizations and leaders must start the process artificially. That is, start with a structure and process such as the sponsorship initiative discussed above, create metrics and track results and keep the process going until it becomes natural regardless of sex.

Policies and formal or informal procedures for handling complaints and establishing quotas to increase women's participation are meaningful measures but it is necessary to address entrenched cultural norms or attitudes towards women in a systemic way. This may entail a review of hiring practices, job descriptions and job requirements to weed out unintentional bias. Companies can document how assignments are distributed between women and men and base performance evaluations on objective measurements versus gut-driven evaluations. To help advance women leaders, legal departments and preferably companies in general, should: 1. Assess data on gender bias in the organization's workplace, 2. Create a hypothesis on steps that the company can take to address the bias, and 3. Implement the change, see if it works, reassess, and try again.

Conclusion:

It is clear that participants have a strong desire to change the way women are perceived and treated -- not only within the legal department but within companies and society as a whole. Participants' discussions highlighted that both men and women help to perpetuate gender bias and that both men and women are needed to change the paradigm. Strides in addressing gender inequality have been made but there remains a great deal of work to do to eradicate latent, built-in, unintentional bias before one can begin to see sufficient gains in the promotion and development of women leaders. Participants believe that each and every one of us is part of the solution that will help ensure that our sons and our daughters will have the choice to contribute fully and succeed whether at home or in the workforce. By having a willingness to learn from each other, to create awareness and try out new behaviours, together we will arrive at the collective wisdom to create organizations that thrive as a result of gender equality.

Additional Resources and Links:

Cause and Effect: Why Women Leave the Legal Profession (Jan/Feb 2017)

http://www.accdocket.com/articles/resource.cfm?show=1448397

Finding Equality and Balance in the Face of Legal Typecasting
ACC Resource Library - ACC Docket, April 2016

📄 **accdocket201604-dl.pdf**

Beating the Legal Gender Gap: Tips on Achieving the Improbable
ACC Resource Library - ACC Docket, April 2016

A More "Authentic" Workplace: Gap Inc. Global General Counsel Michelle Banks on Working with Women
ACC Resource Library - ACC Docket Jan 13, 2016

Influential Female CLOs Weigh in on the Industry Gender Gap
ACC Resource Library - ACC Docket, July 20, 2015

Gender Diversity on the Board
ACC Resource Library - Article, November 2014

The Mindset, Skills ad Behaviours of high Performing Women
http://webcasts.acc.com/detail.php?id=365948 Feb 2016