

GENDER, LAW, AND CULTURE IN THE LEGAL WORKPLACE: A CHILEAN CASE STUDY

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Abstract

To examine law and culture's effects on labor conditions of male and female lawyers, the author interviewed Chilean lawyers. The study found that the reality of women's family responsibilities and stereotypes about women's weaknesses as work leaders harm women lawyers' careers. Although the law permits mothers to share their six-month post-natal leaves with fathers, fathers rarely take leaves because of societal and employer disapproval, a practice that reinforces traditional separation of male and female roles. The article concludes that culture has an even greater effect than law on the gendered conditions of lawyers' work, but that law also may affect behavior. Culture is not static, and lawmakers should consider law's effects and unintended consequences to propose new legislation to correct inequities.

Key Words: *Lawyers, Sex Discrimination, Gender, Stereotypes, Parental Leaves, Law and Culture.*

1. INTRODUCTION: LAW VS. CULTURE IN CHILEAN LEGAL CIRCLES

Although Chile is a traditional country, it is changing rapidly.¹ It has twice elected a female socialist president, Michelle Bachelet, who has made significant changes in labor law and law regarding women's rights.² Chile has a relatively new law that

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1 Divorce was illegal in Chile until 2004, but many married people lived with other persons and had children out of wedlock. HEPBURN and SIMON (2006), pp. 50-51. The upper classes found a way around the problem. Thanks to Sergio Gamonal for this insight. Abortion was just legalized in 2017 for three causes only. DIDES and MAULHARDT (2015). The new President, Sebastián Piñera ran as a conservative and may dismantle some of Bachelet's initiatives. EL MOSTRADOR (2017); BONNEFOY and LONDOÑO (2017).

2 MCGINLEY (2018).

protects dignity rights of private and government employees.³ Chilean law also provides generous paid pre- and post-natal parental leaves and forbids firing pregnant women and mothers on maternity leave (*fuero*), absent serious cause.⁴ It requires businesses with twenty or more female workers to subsidize infant care,⁵ and gives lactating mothers time off from work to breastfeed.⁶ Given these and other family-oriented laws that far exceed U.S. protections, if law governs employers' behavior, female workers in Chile should thrive, unless a culture of discrimination dominates or the law has an unintended consequence.

Given the apparent contrast between its progressive labor legislation that supports women in the workplace and traditional culture that sees women's role as caregiver for the family, Chile presents an excellent environment to test the question of whether family-friendly laws create equal working environments for women or whether traditional culture deprives women of equality in the workplace. To partially answer this question, I conducted a snowball study⁷ between January and August

3 In 2006, Chile enacted changes in the labor laws, articles 485 to 495, which make constitutional protections of fundamental rights applicable to labor contracts. These changes create a special process for workers to vindicate their dignity rights -- the *tutela laboral* -- that applies to actions of private and public employers. UGARTE CATALDO (2009), pp. 23-26.

While the so called "Zamudio's Law" of 2012 prohibits discrimination based on race, color, sex, gender identity, sexual orientation, disability, age, political affiliation, and other categories, it has few remedies. "Ley de Zamudio", Ley N° 20.609, Art. 2° (2012). <https://www.cbsnews.com/news/4-guilty-in-chile-gay-murder-that-led-to-hate-law/>; <https://www.leychile.cl/Navegar?idNorma=1042092>

4 Women have six weeks of paid pre-natal leave, and six months of paid post-natal leave. Art. 195; Art. 197 bis. While many of the female lawyers take the entire six months, a few told me that they took much shorter leaves. See Interview CH03, at 12; CH52, at 14. Permitting an employee to return early to work, however, is illegal in Chile. Labor rights are not waivable. Mothers may share the final three months of post-natal leave with the baby's father, but this is rarely done. Men independently have five days of paid paternity leave that some men take, but, despite the rights granted by the law, even taking five days off is a taboo in many offices. Art. 195 inciso segundo del Código del Trabajo. The government pays for the pre- and post-natal leaves, but because there is a cap (*tope*), a lawyer whose salary exceeds the cap will either be paid less than salary, or the employer may pay the difference between the cap and the person's salary. The *fuero* protection against firing of pregnant women appears at Art. 201. Interview CH10, at 5. Chilean pregnancy protection and parental leave policies are far superior to those afforded by U.S. law. MCGINLEY (2015).

5 Art. 203; GAMONAL (2013), p. 65.

6 Art. 206. This is the "right to alimentation." The mother may take time off during the workday or arrive one hour late for work or leave one hour early, or by split the time to one-half hour in the morning and one-half hour in the afternoon. GAMONAL (2013), pp. 64-65.

7 A "snowball" study gains momentum as it progresses. The interviewer asks the interviewee to recommend others who would voluntarily participate in the study. A snowball study was appropriate because it sought qualitative rather than quantitative responses, and earning trust of the subjects was crucial to the success of the study. Although this was not a highly sensitive area, it was sufficiently sensitive that the interviewees needed to trust the interviewer. As the only interviewer, although I was a foreigner, because I was both a lawyer and a professor in the U.S. and was able to relate to the interviewees, I gained their trust, and they contacted other lawyers and judges they knew to ask them if they would like to participate. The first group of master's degree students and graduates was selected out of convenience (a "convenience sample"), but as the study grew, I broadened the study by considering lawyers of all different specialties in different kinds of workplaces, of different ages,

2017, consisting of extended individual interviews of fifty-six Chilean lawyers and two law students⁸ and three focus groups of fourteen additional Chilean law students.⁹ I chose lawyers as the subjects of the study because lawyers are professionals who because of their legal training are in a greater position than other workers to avoid illegal discrimination. If lawyers experience or cause discrimination, it is likely that most other professionals do as well. Moreover, because I am a lawyer and law professor I understand legal culture and have access to lawyers as subjects that I would have with no other group. Because my interviews were limited to lawyers, my conclusions apply to lawyers only; it may be that other professional and non-professional workers have different experiences. I encourage others to engage in empirical and ethnographic research on other groups of employees to test whether my conclusions are transferable.

and genders as well as judges. I also requested university professors to refer lawyers to interview for the project. This led to new chains that reached out broadly into the legal community (a “judgment sample”). Finally, I added law student focus groups to consider generational differences. A theory emerged that a look at generational differences might lead to innovative solutions to problems identified by interviewees. This last group was a “theoretical sample.” “Snowball” studies are accepted by social science researchers. MARSHALL (1996) pp. 523-524; BIERNACKI AND WALDORF (1981) pp. 143-8. Although there are some limitations to snowball sampling – the possibility of the lack of a heterogeneous group, and the unwillingness of subjects to refer others for interviews, I did not encounter either of these problems. First, as to heterogeneity, within the subject group, I was able to speak to lawyers and judges of different ages, types of practice, genders, education, statuses in their offices, etc. Second, I did not encounter the problems that others have found in snowball sampling where the subject matter is too sensitive and/or the individuals sampled were not part of a greater social group. WATERS (2015), pp. 373-377.

- 8 “Lawyer” broadly means a graduate with a law degree who works as a lawyer in litigation, consulting, prosecutor, general counsel, or as judge or justice, law professors who have practiced law, and “*relatores/-as*,” similar to law clerks in the U.S., but who, in addition to law degrees, have also graduated from the Judicial College.
- 9 This study was initiated with the help of professors at the Universidad Adolfo Ibáñez (“UAI”), particularly, Sergio Gamonal C., Titular Professor of Law and Director of the Master’s Degree Program in Labor and Social Security Law.

2. METHODOLOGY¹⁰

2.1 The Interviews

From January 2017 to August 2017, I interviewed male and female¹¹ lawyers, judges, prosecutors, law professors, and law students¹² and conducted focus groups of law students. In total, there were 72 subjects. Because the vast majority of these interviewees have worked in more than one legal position, the sample includes lawyers who have worked in more than 200 law offices. All of the interviews and focus groups were conducted and transcribed in Spanish.¹³ All interviewees and focus group participants signed consent forms. All were assured confidentiality of their identities and were assigned identifying numbers; their names were not used in the interviews and do not appear on the tapes or in the transcripts.¹⁴ Some individuals were interviewed in their workplaces, while others were more comfortable meeting in neutral locations, such as coffee shops or university conference rooms. All interviews lasted from one hour to 90 minutes. The focus groups took place at Universidad Adolfo Ibáñez with each group averaging five students; focus groups lasted from one hour to 90 minutes. Interviews were completed from January through the beginning of April, 2017. I returned to conduct the focus groups in August 2017.

10 The project was characterized as “exempt” by the UNLV Social/Behavioral IRB, Las Vegas, Nevada in December 2016.

11 It was important to interview both male and female subjects as this project deals with the effect of gender – masculine and feminine concepts of how a person of a particular birth sex should behave – on lawyers. It was crucial: 1) to consider the viewpoints of male and female lawyers to see if they had different perceptions of gender and its effects on both men and women; 2) to look at the labor laws in effect in Chile, and how they operate on the ground to affect both male and female lawyers; and 3) to consider whether culture influences how the laws operate on the ground. While many think of gender as relating only to women, men also have gender, and society’s stereotypes about the proper gender roles affect how men and women act. MCGINLEY (2016) pp. 15-16. It is my view that concepts of masculinity affect how men behave and often deprive them of positive relationships with their children. A good example of the importance of looking at gender as it relates to both men and women is that Chilean law permits a mother to give the last three months of her post-natal leave to the father of the child. Interestingly, the vast majority of the subjects – male and female – stated that men do not take post-natal leave because it is “*mal visto*” (frowned upon) by their employers and colleagues.

12 “*Fiscal*” has different connotations in Chile. The “*fiscal*” is a prosecutor in the criminal process, but the word also means the general counsel of a company. I use the word in both senses. I interviewed both prosecutors and general counsel. Chileans ordinarily distinguish between *abogados* (lawyers) and *fiscales*, but in the U.S. we do not make this distinction.

13 The translations in quotations in this Article are mine.

14 Because of the sensitivity of the subject and the broad promises I made not to identify the respondents in my research, I cannot name the law offices, but there was a great diversity of types of legal offices where interviewees worked.

2.2 Profile of the Interviewees and their Experience

I interviewed 56 Chilean lawyers, and two law students,¹⁵ and conducted three focus groups of 14 additional Chilean law students. Interview subjects were 38% male and 62% female and ranged from 25 to 55 years-old, with a mean age of 38; they work in various legal settings: trial courts with jurisdiction over family, civil, criminal, and labor law; the Court of Appeals in Santiago and the Chilean Supreme Court; small and large private law firms; large multi-professional international firms; public service organizations including those that specialize in representing and/or investigating employment discrimination claims as well as the Ministry of Women and Gender Equity (*Ministerio de la Mujer y la Equidad de Género*); for-profit companies; non-governmental (non-profit) organizations; various universities; and the Chilean legislature. Interviewees practice in civil, criminal, energy, intellectual property, international, labor and employment, legislative, and real estate law in private firms, government offices, and non-governmental organizations. The university professors teach antitrust, business, constitutional, criminal, family, insurance, labor and employment law, and legal clinics in university settings. Many of the university professors have practiced law, and a number of the practicing lawyers and judges also teach law as adjuncts.

All interviewees have undergraduate degrees in law. Many also have “*diplomados*”¹⁶ or “*Magister*”¹⁷ degrees. A few have Ph.D. degrees. Interviewees graduated from various universities in Chile and abroad. Some speak English and other languages besides their native Spanish.

The students in the focus groups are third- and fifth-year law students, ranging from 20 to 24 years of age. Extended ninety-minute interviews of two students who attend a branch of a Chilean university in Viña del Mar were also conducted. These students are 21 and 30 years-old, respectively, and are in the fourth year of their legal education. Twelve of the sixteen undergraduate students were women; four were men.

15 I use the term “lawyer” broadly to mean a person who has graduated from the university with a degree in law and who is using that degree to work as a lawyer in litigation, consulting, as a prosecutor, as a general counsel in a business, or as a judge or justice. I also include law professors who had previously practiced law or continue to do so, and “*relatores/-as*,” similar to law clerks in the U.S., but who, in addition to law degrees, have also graduated from the Judicial College and served as judges in trial level courts. Some trial judges are asked to “relate” either in one of the Courts of Appeals or the Supreme Court of Chile.

16 A “*diplomado*” is a postgraduate certificate in a specialized area of law.

17 “*Magister*” is the term used by Chileans for a “master’s” degree and is the equivalent of an LLM degree in the U.S. To earn a “*Magister*,” students study the course material in a specialized area of law, are tested on it, and write an original thesis in an area of their choice. A “*magister*” degree is often pursued so that the lawyer may engage in more specialized work and be more attractive to employers. See, e.g., Interview CH26, at 15.

2.3 Locating the Subjects

This study was initiated with the help of professors at the Universidad Adolfo Ibáñez (“UAI”) in Santiago and in particular, Sergio Gamonal C., Titular Professor of Law¹⁸ and Director of the Master’s Degree Program in Labor and Social Security Law.¹⁹ My affiliation as a “*Profesora Extranjera*” (Visiting Foreign Professor) at UAI’s Master’s degree program since 2012 offered me access to the first interviewees and to the students who participated in the focus groups. However, the interviewees were not limited to those who attended UAI or who were known to Professor Gamonal, but instead, a snowball study was conducted that reached a wide variety of subjects in Santiago and a few in Valparaiso.²⁰

The project started with eight volunteer interviewees: most were students from UAI’s Labor and Social Security Law Master’s Degree Program, all of whom are practicing lawyers or judges; a few were former students or family members of students who are practicing lawyers or judges. From there a snowball study began. At the end of each interview, subjects were asked to recommend other potential subjects. I monitored areas of practice, gender, age, and experience of potential subjects to assure that a representative group was interviewed. When the study needed more interviews of law firm partners, a number of professors from UAI and other universities helped locate subjects, and so began another chain or snowball. When additional subjects in a particular demographic were needed, I asked interviewees to recommend volunteers in this demographic, and they did so. The lawyer/judge/law professor interviews yielded a broad group. The respondents did not belong to the same social or work circles, and most did not know each other. I began to hear the same points of view over and over, which helped me conclude that I had exhausted the responses on the subject matter.

The snowball method has the advantage of reaching a broad range of individuals: male and female lawyers of all ages who graduated from various universities, with diverse specialties, types of jobs and law practices. For the student interviews, I had access to two students who studied at the University Adolfo Ibáñez in Valparaiso, one through Professor Gamonal and the other who was recommended by the first student, but it became clear after interviewing these students and some of the practicing lawyers that speaking to more students about gender and their career aspirations would be useful. A number of interviewees expressed different views about the question of whether female students were ambitious to have careers, and some young

18 A “*Professor Titular*” is similar to a U.S. “Professor of Law.” The title is reserved for the person who is not only tenured but who also has a distinguished research and publishing career.

19 See <http://www.uai.cl/pstgrados-y-diplomas/magister-en-derecho-laboral-y-seguridad-social>.

20 I chose to limit my study to Santiago because as a city of more than 6 million people, it is home to more than one-third of the Chilean population, and it serves as the center for law, policy, government, and business in Chile. Moreover, all of the firms classified as “Big Law” in Chile are located in Santiago. See DE LA MAZA GAZMURI *et. al* (2018). I have two students and one judge interview from Valparaiso because these individuals were recommended by others as good interviewees. Both students will soon be living in Santiago and the judge is originally from Santiago.

female lawyers expressed doubt about the same subject.²¹ Some of the older lawyers believed that the younger lawyers and law students are not as ambitious as they were. Rather than take the older lawyers' characterization of young lawyers, I asked young lawyers who were practicing law their opinion of this concept and did focus groups of students studying law to test how they perceived themselves. Professors at UAI advertised and collected names of student volunteers who participated in the focus groups. Because UAI is a private school with a middle and upper-class student body, the focus groups may not be representative of all students studying law in Chile. While I attempted to conduct focus groups of students at the University Diego Portales (UDP), I was not able to do so. Although at least one interviewee—a professor from UDP—opined that the UAI students would be wealthier and possibly the women would be less ambitious, the students from UAI who joined the focus groups evidenced no difference between men and women's responses. All were ambitious for their careers, but perhaps in a different way than earlier generations.

2.4 Questions Asked

The interviews of lawyers followed a semi-structured format. Questions were created in advance, and all interviewees were asked these questions, beginning with educational and employment history, the gender composition of their legal workplaces, policies in effect in those workplaces that relate to gender, their family compositions, who takes primary responsibility for caregiving in their homes, the jobs their spouses have, whether they have taken pre- or post-natal leaves, whether they have worked part-time, whether women share their post-natal leave with men and if so, whether men take the leaves, how the employer would react or has reacted, etc. I asked outright whether there was gender discrimination in any form: hiring, pay, promotions, harassment, or other differential treatment. For younger lawyers who were single or had no family connections I asked how they expected their lives to be as they grew older and what allocation of work at home and work at the office would occur for a couple if they intended to be part of a couple. For all interviewees, I followed up with questions concerning their answers and ultimately, followed up with broad open-ended questions about the individuals' experiences in their homes and workplaces and those of acquaintances. Examples of these questions include why they believe that their employer has a large percentage of women lawyers in lower level positions, but so few women in partner positions, etc. One question at the end of a long interview that yielded interesting responses was to ask parents whether they would recommend that their children practice law, and if so, in what context. At the end of the interviews, I requested that the interviewees talk to other lawyers they knew to see if they would be interested in talking to me. I also asked an open-ended question about whether the interviewees had anything to add to our conversation. This question often yielded interesting results.

21 Interviews CH28, at 8-11; CH33, at 16, CH17 at 3-4.

I was the moderator of the focus groups, which I began with an explanation that I had spoken with a number of lawyers in both Chile and Spain,²² and that many of the middle-aged lawyers and even some younger lawyers mentioned that law students and new lawyers do not have the same ambition as their elder counterparts do.²³ I asked focus group members to respond to this statement. As students responded, other students broke in and explained their views, and I asked all of them what their plans – family and career – were for the future. Many of the questions echoed those of the interviews, but were questions relating to the future.²⁴ Every member of the three focus groups participated equally in the discussion.

2.5 Mode of Analysis

Every tape was transcribed in Spanish by native Spanish speakers from Chile. When the transcripts were finished, I read through them multiple times, categorized and coded different concepts that arose frequently, and annotated each transcript. Once this was completed, I re-read the transcripts and the annotations and began to outline my findings and analysis. This was a time-consuming process, but it yielded a comprehensive understanding of the information in the transcripts.

3. STEREOTYPES, FAMILY RESPONSIBILITIES, CULTURE, AND STRUCTURAL INEQUITIES

3.1 Private Law Firms vs. Government Work

While women represent a majority of lawyers graduating from Chilean universities, female lawyers are extremely rare in partnership and leadership positions, especially in the most prestigious private law firms and prosecutors' offices.²⁵ Although female lawyers have increased their percentage of law firm partners from 2% to 11% from 2006 to 2013, in 2016, *Latin Lawyer* found that Chile had only 9% female partners in major law firms, the lowest percentage of all Latin American countries surveyed.²⁶

22 After leaving Chile, I went to Spain to conduct a similar study. I then returned to Chile later in the summer to conduct focus groups. These studies are part of a broader multi-national research project on gender and lawyers.

23 Interview CH33, 16-17.

24 I asked students what they expected their careers to be, where they would work, whether they planned on marrying or having a life partner, whether they planned on having children, and if so, who in the couple would take time off to care for the children, etc.

25 A study by *Latin Lawyer* of the 10 largest law firms in Argentina, Brazil, Chile, Colombia, Mexico, and Peru found that women represented only 3.3% of the partners in large law firms in Chile, lowest of all the countries studied. MELLINO (2009).

26 Women in Law 2016: Highs and Lows (Chile at 9% is lowest of 19 countries surveyed). CRESWELL AND RUMSEY (2014), pp. 5, 7-9. By comparison, the average percentage of women associates in the region is 49% and of women partners is 20%. CRESWELL AND RUMSEY (2014), p. 6. In the U.S.,

Both male and female interviewees noted that women's careers suffer when they hit the maternal wall.²⁷ Many mothers leave the workforce, change jobs, or work reduced hours when they have children. Once a female lawyer takes a reduced load to care for her children, she ordinarily does not go back to full-time work. Part-time workers have few prospects for partnership. Although one interviewee returned to full-time work and eventually became a firm partner, this trajectory is extremely rare.

There is a distinct difference, however, between women lawyers' prospects in private law firms and government. In the public sector, most interviewees opined, women are treated equally. Two exceptions to this general rule apparently exist: prosecutors and public defenders. Interviewees noted that female prosecutors have trouble gaining leadership positions and receive less prestigious work assignments—those relating to crimes against women and children—whereas men prosecute burglaries, murders, and other high-profile crimes. Female public defenders also confront resistance from clients, other lawyers, and judges.

Female lawyers in other government jobs expressed satisfaction with their careers, but government compensation ultimately is lower,²⁸ especially later on in the lawyer's career.²⁹

Female judges, especially at trial level courts, dominate the judiciary and have succeeded well, but women have not yet reached representative numbers on the Santiago Court of Appeals (the most prestigious Court of Appeals) or the Supreme Court. In universities, female law professors are more numerous than in the past, but still lag considerably behind male colleagues. There is a sense, however, that things are moving in the right direction in the judiciary and the academy.

women represented 15% of the equity partners and 26% of non-equity partners in 2012. CRESWELL AND RUMSEY (2014), p. 10. Generally in Latin America, few women have become members of managing committees, etc. CRESWELL AND RUMSEY (2014), p. 10. In 2010, women represented 58% of Chilean lawyers. MICHELSON (2013), pp. 1115-1119 (table of proportion of lawyers who are female in more than 200 countries). At 58%, Chile is ahead of the worldwide average of 36% and the United States at 32%, but behind other South American countries such as Brazil (66%), Argentina (62%), and Venezuela (61%). MICHELSON (2013), pp. 1115-1119. The percentage of lawyers does not give information, however, about the type of work performed or percentage of women partners. Moreover, female lawyers in Chile do not have a proportionate share of political or firm power or of positions as academics. AZOCAR (2015), pp. 16-17 (noting that women lawyers represent a small proportion of law firm partners and only about 20% of professors at the law school at the University of Chile, are often segregated in the lowliest positions in the university and are underrepresented in courses such as criminal law); ORGANIZATION OF AMERICAN STATES INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (2009) pp. 5-6 (concluding that despite the high level of education achieved by Chilean women, women are not getting jobs with greater responsibility or better pay. "The Commission finds that the wage gap separating men and women performing the same jobs in Chile is truly alarming; the more responsibility a position involves, the more pronounced the salary gap.").

27 "Maternal wall" is the term for barriers that women encounter in their careers when they become mothers. WILLIAMS AND DEMPSEY (2014), pp. 127-176.

28 At least one interviewee who works in the public sector works from 9 a.m. to 9 p.m. daily. See Interview CH11, at 11.

29 Interview CH 06, at 5.

3.2 Family Responsibilities

Male and female interviewees universally agree that Chile is a traditional society that sees women as caretakers and men as providers, but opinions diverge regarding how the cultural norm affects female lawyers in the workplace.³⁰ Some believe that women are not discriminated against in the workplace, and that it is only a matter of time until women share equal power in law firms. They note that female lawyers are hired in approximately the same numbers as male lawyers and argue that some women voluntarily choose to leave the workplace or reduce their work and career opportunities when they become mothers.³¹

Other lawyers defend a firm's right to hire men over women of childbearing age because a female associate may become pregnant and take leave during her tenure at the firm. These employers admitted that they consider women's caregiver role when deciding whether to hire or promote them.³² They argue that it is not discrimination to consider the statistical reality that most Chilean women become mothers, take long maternity leaves, and return to work only to become pregnant again.³³ This revolving door, according to some interviewees, makes it difficult for employers to rely on female lawyers to do the same work as their male counterparts.

In job interviews at law firms, female lawyers are questioned about their plans to have children – a taboo in human resources departments in the U.S.³⁴ While Chilean law prohibits these questions, according to experts, “it is a dead letter law.”³⁵ Lawyers with hiring responsibilities admitted that the issue of marriage and childbirth is raised regularly behind the scenes with regard to female applicants; no similar discussion occurs concerning male applicants of the same age.³⁶

More progressive lawyers believe that considering a woman's potential child-bearing in hiring and promotion is harmful sex discrimination. They assert that many mothers work a reduced schedule but continue to produce work that is equal

30 A recent study of female participation in the Chilean labor market concludes that sexist (*machista*) culture affects women's labor market participation. CONTRERAS and PLAZA (2010), p. 31 (women with greater education have greater participation in the labor market while women who have internalized *machista* views have lower participation rates). Of course, Chile's history – the socialist government of Salvador Allende, which was overthrown by the Army and resulted in the Pinochet dictatorship, which lasted from 1973 until 1990 – has affected the roles and rights of women in Chile. MCGINLEY (2018); POWER (2004).

31 Interview CH30, at 5-6, 21.

32 Interview CH27, at 5-7.

33 Interview CH07, at 4; Interview CH53, at 5.

34 Pregnancy discrimination is sex discrimination according to U.S. law. 42 U.S.C. Sec. 2000e (k); Interview CH37, at 6 (noting that she was asked regularly when she would have children).

35 Art. 194, inciso final, Código del Trabajo. Thank you to Sergio Gamonal for this information. It is his view that the law is a “dead letter.”

36 Interview CH04, at 10.

to or better than that of male counterparts. In exchange for the reduced hours, mothers give up raises, a percentage of their salaries, and opportunities for promotion and partnership.³⁷

Chilean culture has traditional views of men's and women's roles at work and home. Women carry the laboring oar on family responsibilities. Men, in contrast, provide the family's income. Both men and women acknowledge these expectations. Even those who consider the constraints sexist (*machista*) find it difficult to escape tradition in their own lives. All interviewees agreed that mothers who are lawyers do more family-related work, and exclusively take extended leave to care for infants. Mothers with egalitarian views explain that their spouses have more demanding jobs than they do or that the husband's employers would not accept the father's equal participation in childcare if it meant reduced work time.³⁸

Many fathers acknowledged that it is more socially acceptable for women than men to take parental leave, and that employers and co-workers would judge harshly a father who takes an extended leave.³⁹ A lawyer who does management-side labor law gave three reasons why fathers do not take leave: 1. Women believe it is their responsibility, not the father's; 2. Mothers breastfeed; and 3. Men are *machista* (sexist) and do not think they should take leave.⁴⁰ Even if men want to take paternity leave, it is easier to do so in a government job than in a private law job. In public jobs, there are systems for replacements of employees on leave; these systems do not generally exist in private law firms. Moreover, men fear employers and colleagues will treat them badly if they take leaves.⁴¹

Some fathers also admit that mothers who return to work after post-natal leaves continue to bear the brunt of family responsibilities.⁴² Both parents acknowledge the difficulties in insisting upon egalitarian practices in the family and the workplace, given the macro-culture, the meso-culture of lawyers in Chile, and the micro-culture of particular law offices.⁴³

As have mothers in other countries, Chilean mothers have adapted their careers to cultural demands that accord them primary responsibility for their families. Women from the upper classes have traditionally had the help of low-cost paid labor – women who clean and cook and care for the children.⁴⁴ Chilean professionals who are mothers benefit from the labor of these *nanas*. Because families from Santiago tend to live near one another, grandparents do significant amounts of childcare as

37 Interview CH03, at 3, 7, 11-15; CH22, at 13, 22-23.

38 Interview CH03, at 5.

39 Interview CH05, at 15-16.

40 Interview CH36, at 8.

41 Interview CH36, at 8.

42 Interview CH36, at 15.

43 Interview CH03, at 5; CH05, at 15-16.

44 RODRIGUEZ (2007).

well.⁴⁵ Many consider daycare in Chile to be sub-par and most of the parents interviewed stated that they did not use daycare for their children.⁴⁶ But even grandparents' help may be insufficient for many female lawyers to meet the dual demands of a full-time legal career and a family. Especially jobs at large private and international firms and criminal prosecution and defense require very long hours.

While a large percentage of female lawyers – mothers or not - appears to encounter gender-based difficulties in private law firms and prosecutor and defender offices, the interviews suggest that pregnancy and motherhood exacerbate female lawyers' problems. Many young women who are hoping to have children stressed that it will be impossible for them to fulfill their responsibilities as lawyers and mothers. As a result, they plan to leave their firms, and move to in-house counsel and other jobs or attempt to work part-time.⁴⁷

Unfortunately, many private firms do not have a partnership track, and even those that do, generally do not promote to partners the associates who have worked part-time.⁴⁸ There are few exceptions. A few firms have permitted women to work part-time for a while and then return to full-time status and become considered for partnership.

3.3 It's Not Only About Motherhood

Given the strong traditional culture of the gendered division of labor, even female lawyers who do not choose the traditional path suffer from the expectation that they will or should have families.⁴⁹ Many interviewees believe that the stereotype that women are not good leaders harms women lawyers who seek to advance in their positions.⁵⁰ This result is consistent with U.S. research on stereotypes of women as leaders. When women violate prescriptive norms – for example, women should not be aggressive and should be caring and friendly – they are judged more harshly than men for the same behavior.⁵¹

Many interviewees agree that blaming motherhood for women's failure to thrive is a canard. Women do not choose to work in lower-paid or less interesting work because they are mothers, but often the demands of work and family make it impossible for women to do otherwise. These interviewees stated that even single

45 Interviews CH02, at 12; CH03, at 9; CH04, at 12; CH06, at 12.

46 One judge thinks the state should guarantee improved childcare so that mothers can succeed in their work. Interview CH51, at 12.

47 Interview CH22, at 13, 23.

48 Interview CH19, at 13 (female associate believes that when she has children in this small firm she can cut back on her work and later become a partner, but this would not be possible in a large firm).

49 Interviews CH15, at 8, 12-13; CH39, at 5-6, 8, 10; CH05, at 10.

50 Interview, CH40, at 12 (female academic told that other male colleagues think women are inferior to men); CH33, at 14-15, 18; CH05, at 10-11; CH18, at 4; CH04, at 4; CH16, at 17-18.

51 MCGINLEY (2009), pp. 109-112.

women who have no children face difficulties in rising to the top of firms and some public offices.⁵² Legal employers devalue women's work and ability to lead. These attitudes affect women's assignments and female lawyers perform more menial tasks than their male colleagues of equal status.⁵³ A fortyish male lawyer attributes inequalities to Chilean views that law is a masculine endeavor.⁵⁴

The greater Chilean culture is still invested in gender roles. Women lawyers are to some extent outsiders who are expected to conform to stereotypes of hard-working and organized. Even if they have no interest in becoming mothers, female lawyers are judged through the lens of the roles expected of women. Women who choose not to have children are considered odd.⁵⁵

Successful women lawyers note differential treatment. A division head in a firm who litigates sophisticated cases for large international companies while working reduced hours believes that she is treated like a second-class citizen.⁵⁶ Likewise, a female supervisor in a top prosecutor's office notes that her male colleagues often expect her to do the "secretarial" work when they try cases together.⁵⁷

All women, even those who do not wish to marry or have children seem to be treated similarly, although mothers may have a particularly bad time.⁵⁸ One middle-aged male lawyer who in the past served as a federal prosecutor stated:

I must insist again that [maternity] is not the issue; the issue in our case is still a culture governed by work environments where the important positions are always occupied by men; I believe that the best proof of this ... is that there are [in Chile] many incompetent male bosses, and, in general, few incompetent female bosses.⁵⁹

That women who have no children are also considered less competent than men may illustrate the concept of "gendered competence" or "gendered expertise." Because law is considered to be a masculine endeavor and only certain types of law such as family law are considered to be feminized or within the competence of women, women will often be treated differently because they assumedly lack the masculine expertise to be what is considered a good lawyer in masculine endeavors.⁶⁰

52 Interview CH33, at 14, 18.

53 Interview CH33, at 4, 11-12, 14, 18; Interview CH20, at 11; Interview CH49, at 4-5.

54 Interview CH42, at 9.

55 Interview CH39, at 5.

56 Interview CH03, at 15.

57 Interview CH49, at 4-5.

58 Interview CH49, at 10; Interview CH33, at 14, 18.

59 Interview CH33, at 18.

60 AZOCAR & FERREE (2015), pp. 855-857 (explaining that views of competence and expertise are gendered, and that law, especially the prestigious, respected areas of the law such as criminal law are gendered masculine).

3.4. The Catholic Church and Opus Dei

Many interviewees mentioned the role of the Catholic Church, and, more specifically, Opus Dei⁶¹ in setting cultural norms. Many lawyers working in Santiago are graduates of the University of the Andes, a private university that is linked to Opus Dei.⁶²

Certain law firms are dominated by partners who are members of Opus Dei. In these firms, because of the emphasis on the family, there is more respect for women, and support for women's role as mothers. On the other hand, women feel constrained. One young female lawyer said that she was warned not to mention at work the issue of living with a boyfriend (rather than marrying one).⁶³ Another, who had attended the University of the Andes said that older women lawyers at a law firm with Opus Dei partners reprimanded her for "inappropriate" clothing.⁶⁴ She said that female attorneys were generally more sexist than male attorneys, and that if an unmarried woman was sexually active the other women would consider her to be a "*puta*" (slut).⁶⁵

A female former associate of a firm dominated by Opus Dei agreed: she liked the firm's meritocratic selection system⁶⁶ and appreciated her male supervisors, but she believed that "fatherly" male lawyers had a sexist, protective view of women. Female lawyers did not get along with female superiors who imposed rules on young female associates⁶⁷ and treated them more harshly than male associates.⁶⁸ The interviewee concluded that these dynamics make it very difficult for women to advance in the Opus Dei firm, and women become very competitive with one another.⁶⁹ As a result, she left the firm.⁷⁰

61 Opus Dei is a "secret society" founded by a Spanish priest, Josemaría Escrivá de Balaguer on October 2, 1928, near Madrid, Spain. WALSH (2004), pp. 10, 13. Lay members include male numeraries who are celibate, live together as if they were priests, and do apostolic works. Female numeraries are also celibate, and are responsible for domestic work at male numeraries' centers; oblates or "aggregati" have the same rules as the numeraries, including celibacy, and the same apostolic works, but they live with their families. Supernumeraries may be married and live with their families. *Id.* at 89-90. The role of women is confusing within Opus Dei. Although some women are assigned housework of the numeraries, others have professional careers. MÖNCKEBERG (2016). The organization has very conservative values; it opposed Vatican II's effort to modernize the Church. WALSH (2004), p. 62. Opus Dei has a traditional view of the roles of women and men. WALSH (2004), pp. 109-110.

62 Interview CH31, at 5. Many of the women working at Universidad de los Andes are *numerarias*.

63 Interview CH12, at 15-16.

64 Interview CH44, at 5.

65 Interview CH44, at 6.

66 Interview CH21, at 7.

67 Interview CH21, at 11.

68 Interview CH21, at 12.

69 Interview CH21, at 11.

70 Interview CH21, at 12. A male managing partner noted that in at one Opus Dei firm in Santiago there are forty lawyers with only three female lawyers. Interview CH53, at 4.

A less doctrinally conservative university than Universidad de los Andes is the Universidad Católica, which has professors from different ends of the political spectrum.⁷¹ But despite the relatively moderate faculty at Universidad Católica, the Church itself takes conservative positions on social issues, and operates elite Catholic grade schools and high schools (*colegios*). Their influence is conservative and class-based. Thus, religion and class seem to meld into one another.⁷²

3.5 Class Structure

In Chile social class imposes a heavy burden on outsiders and grants important advantages to insiders. Many interviewees believe that class may be even more important than gender in hiring lawyers, especially for jobs at the prestigious law firms in Santiago.⁷³ A large percentage of law students who graduate from prominent law schools attend private schools (*colegios*), some operated by Catholic organizations. Chilean lawyers universally explain that the *colegio* much more than the university a person attends, determines whether doors will open to top law firm jobs.⁷⁴ A lawyer's attendance at a particular *colegio* is less important, however, to a government job.⁷⁵

Interviewees stated that important law firms hire mediocre young male lawyers from prominent families,⁷⁶ but women who are hired must be exceptional. Interview subjects complained that the concept of merit only emerged as women began applying for jobs in male-dominated careers; "merit" is used to keep women, but not men,

71 Currently, the university has banned hospitals and clinics in the university network from performing abortions. This action has led to protests and disagreement in the university community. SEGOVIA (2017).

72 Interview CH03, at 14.

73 The private school one attends is an issue in hiring by prestigious law firms, but not for judicial positions. Interview CH25, at 14. The traditional firm was an institution of a family, and the lawyers were "gentlemen" who came from the upper class. DEZALAY & GARTH (2002), pp. 18, 21-22. During the Pinochet regime, this tradition was challenged by a group of well-educated "technopols" who were often educated at the University of Chicago in neoliberal economics. These new, young men had economic expertise and were able to resist the upper crust "gentlemen" lawyers because they were young, aggressive, better educated and more international in their focus. AZOCAR & FERREE (2015), p. 847-848. Both the gentlemen lawyers and the "technopols" who studied economics emphasized a male, masculine version of law, albeit different from each other.

74 WEISSMAN (2016) (attending one of eight *colegios* increases significantly the probability a Chilean will be in the top 1% of income). Half of Chile's CEOs of the 100 largest businesses graduated from five *colegios* in Santiago; "La mitad" (2013). Interview CH38, at 11 (large firms hire from certain *colegios* because they know who the applicants' parents are; if a lawyer is from the provinces, it is very difficult to get a job in a major law firm in Santiago); RAMIREZ (2016) (private schools in Chile are expensive, accept only students with high test scores from upper classes, and once in private school, students do not have access to other children from lower classes); Toro A. Evonne (2014) (one of the richest families in Chile sends its boys to the prestigious Grange School and to a business college in the U.S.).

75 Interview CH06, at 2-3.

76 Interview CH49, at 20; CH50, at 18-19.

from appointments or promotions.⁷⁷ As one prominent female lawyer stated, “[W]e will have real gender equality when mediocre women become bosses.”⁷⁸

Likewise, a person’s name or manner of speech that reveals lower class origins may disqualify applicants from positions in the most prestigious law firms.⁷⁹ Partners do not want to hire lower class applicants, they say, because their clients will not be comfortable with them.⁸⁰

A partner in a large international firm, noted, however, that practices are changing in the large firms. In those firms, she noted, unlike in earlier days, hiring is meritocratic, but she acknowledged that certain *colegios* grant a significant advantage because they teach children a second language, and how to express themselves well in Spanish.⁸¹

While some of the social restrictions are gender-based, subjects say that men, too, suffer as a result of the rigid social class system,⁸² but class merges with gender to have a particularly negative effect on women’s opportunities⁸³ because upper classes in Chile follow very traditional views concerning appropriate gender roles.

3.6 Traditional Structures of Legal Workplaces

Some argue that Chileans do not work efficiently and their productivity is low.⁸⁴ Even so, ordinary Chileans work from early morning until at least 7 or 8 p.m. Many take a long lunch and then return to work. At law firms, the vast majority of lawyers work at least until 7 or 8 p.m.; at the large law firms, many work regularly until 11 p.m. and later.⁸⁵ Because this is a punishing schedule, many lawyers, especially women with children, leave large firms.⁸⁶

It seems that an efficient lawyer could complete the work earlier, but Chileans value face time at work over accomplishment.⁸⁷ One lawyer explained that employers would prefer to hire male lawyers who are available until late in the evening over

77 Interview CH49, at 21.

78 Interview CH49, at 21.

79 An article criticizing class consciousness in Chile focuses on wealthy families who vacation at the exclusive beachside resort, Zapallar, and require their maids to wear crisply-pressed uniforms with aprons, while caring for children at the beach. UGARTE CATALDO (2011).

80 Interview CH38, at 4. There is, however, an exceptional successful female lawyer who has Arabic surnames. Interview CH38, at 4.

81 Interview CH 52, at 17-18.

82 Interview CH37, at 8; Interview CH42, at 12-13.

83 Interview CH 03, at 7.

84 See e.g., Interview CH43, at 14.

85 Interview CH03, at 7; CH44, at 8; CH10, at 7, CH22, at 10-11.

86 Interview CH21, at 13.

87 Interview CH43, at 14; CH03, at 11, 15.

women who get their work done so they can go home to be with their children, even if the men read the sports page at work in the evenings.⁸⁸

The Chilean schedule – a long work day with a long lunch, late arrival at home, and a late dinner – reinforces the traditional gender roles of men as providers and women as caregivers. Law office work is organized around the traditional roles and schedules of men who benefit from a woman who cares for the children and fulfills other family responsibilities. This is particularly harmful to the careers of female lawyers who are mothers or caregivers.

For example, female lawyers working for a government ministry explained that with no advance notice government commissions schedule meetings to occur between 7 and 10 p.m. When that happens, young mothers scramble to find childcare.⁸⁹ An impromptu evening meeting is a “tsunami” for a single mother: she must arrange for her babysitter to drop her child at her parents’ home and assure that her parents will be there to take her child.⁹⁰

Even a mother who is married to her children’s father encounters serious difficulties because of her husband’s demanding job and his colleagues’ assumption that he has domestic support.⁹¹ Her mother cares for her children on short notice, when necessary.⁹² Without her mother’s help, she would be in trouble.

3.7 The Changing Legal Marketplace and Young People’s Response

Student focus groups noted that practicing law has changed. Law is a much more competitive career than it has been in the past.⁹³ Law firms today are hierarchical, but students hope to recontextualize work.⁹⁴ They have no expectation that they will work for thirty years in one place, but they hope to develop skills by working in Chile and other countries, attending graduate school, traveling, and learning languages so they can compete in the global workplace.⁹⁵ Because they belong to the first generation to grow up using the Internet, they can work in many settings very efficiently.⁹⁶ These abilities, combined with the changing nature of work should increase flexibility in what they do, when they do it, and how they do it. Flexibility will create more opportunities to acquire more skills, develop their interests, and raise their families in egalitarian ways as they develop their careers.

88 Interview CH43, at 14.

89 Interview CH43, at 9.

90 Interview CH43, at 13.

91 Interview CH43, at 13-14.

92 Interview CH43, at 14.

93 Focus Group, CH68-72, at 2.

94 Focus Group, CH68-72, at 3.

95 Focus Group, CH68-72, at 2-3.

96 Focus Group, CH68-72, at 6.

Students believe that members of older generations are much more sexist than they are, and students are optimistic that their generation will change society. Nonetheless, they note that Chile is a class-based country, and law firm leaders from upper classes teach class-based discrimination to their children, who may be the future leaders of the firms. The students say it is necessary to break up class-based discrimination so that Chile can become an egalitarian country along class and gender lines.⁹⁷

4. LAW, CULTURE, AND ALTERNATIVE SOLUTIONS

4.1 Changing Legal Requirements and Gendered Responses

Law is shaped by culture.⁹⁸ Soon after the defeat of the dictatorship, democracy emerged from a pent-up demand for freedom and equality. Reforms for parental leaves and other family-friendly legislation were enacted.

This study suggests that these reforms have mixed effects on female lawyers' opportunities. Mothers should have adequate maternity leaves that allow them to recover from childbirth, bond with their babies, and establish a feeding routine that benefits both baby and mother. But a law that makes only a *mother's* leave mandatory reinforces the cultural norm that it is not the father's role to care for their children. Other laws, such as the *fuero's* limitation to women and basing childcare support requirements on businesses with a minimum of *female* employees also appear to disadvantage women's careers. These provisions make it more expensive and/or inconvenient for employers to hire women. Moreover because of the culture and the statistical reality that most women are caregivers, all young women are "potential mothers." While employers mention the cost of paying the difference between the government subsidy and the employee's salary when she is on leave, they appear more concerned about the potential serial nature of the missed time at work. Chilean women rarely have only one child, they say, and the leave time away from work can add up to years of missed work and interrupted career development.⁹⁹

Family-friendly reforms, legal employers admit, make them cautious about hiring women lawyers of childbearing age. The law was intended to help women and families and has succeeded by requiring longer paid maternity leave. Combined with cultural norms that strictly segregate women's and men's roles, however, the law may have the unintended consequences in this demographic of harming women's careers and not eliminating the traditional distance between fathers and their very

97 Focus Group, CH68-72, at 8-9; 14-15.

98 The interrelationship between law and culture is complicated. Even the definitions of culture and legal culture are contested. Law and culture are not distinct realms that are only marginally related to one another. MEZEY (2001) pp. 35-38 (seeing law and culture's interaction as "an unstable synthesis between the two, formed by a continuous recycling and rearticulation of legal and cultural meanings.").

99 Interview, CH53, at 5. In reality, Chilean women have an average number of 1.8 children per woman, virtually the same as the rate for U.S. women. CENTRAL INTELLIGENCE AGENCY.

young children. This does not necessarily mean that the law has not helped the vast majority of women in jobs where salaries do not exceed the government cap, job replacements are not difficult to find, and career interruptions do not take the same toll. But even in those jobs, the law could be improved. The law's failure to include fathers in protection against dismissal (*fuero*), to require all employers with 20 employees (regardless of the number of *female* employees) to subsidize daycare, and to mandate fathers' post-natal leave causes a significant cost differential between hiring and promoting of men and women in legal and likely other jobs. The legislature should consider addressing these weaknesses.

4.2 Meso-Culture: Lawyers, Masculinity, and Tradition

The meso-culture of lawyers is traditional and masculine.¹⁰⁰ Law offices in Chile, as in the U.S., rely on masculine, "lawyerly" traits of aggression, adversarial behavior, and hard-work that freeze into place the gender roles of men as providers and women as caregivers.¹⁰¹

Especially in the large firms, expectations of hard work and long days, the need rapidly to respond to clients without delay and to sacrifice one's personal life for the "cause" of the firm is a masculine neoliberal way of practicing law.¹⁰² The work schedule assumes that a lawyer has no familial responsibilities and has a person at home who cares for the lawyer's family and home.

Chilean law firms build their schedules and expectations around the lifestyle of the traditional male lawyer, who has few family obligations during the week other than to earn a good living. Female lawyers with parental responsibilities work hard and take few breaks at work so they can finish their work and go home to spend time with their children. To the extent these mothers are considered less effective merely because men spend more time at the office, it is men's lifestyles that determine exactly what work is.

Law offices are the locus of a man's work and homosocial friendships among male colleagues that build connection and masculine self-esteem.¹⁰³ In large part women lawyers are excluded from this fraternity. The question is to what extent long lunches and long workdays form part of the work itself. Male and female interview subjects disagree about this subject. Certainly, if work dominates lunch, all lawyers involved in the work should be present, but if long lunches' purpose is to maintain homosocial relationships among men that are only marginally work-related, presence at many of these outings should not determine whether a female or male

100 MCGINLEY (2016), pp.158-170.

101 MCGINLEY (2016), pp. 160-169.

102 COLLIER (2013), pp. 426-432.

103 KIMMEL (2004), pp. 81-91 (men prove their masculinity through homosocial relationships; relationships between men are dangerous because they could be interpreted as homosexual, thus leading to hyper-masculine behaviors).

associate succeeds. Mothers protest what they view as wasted time at long lunches while men with few family responsibilities argue that lunch is an important time to discuss work with colleagues or meet with clients. Depending on the situation, both may be correct, but law firms generally consider face time as more valuable than it likely should be.

Many firms see women as more organized, better workers. Although these attitudes appear complimentary, women are assigned lower level, organizational work but are not viewed as potential leaders or partners, especially if and when they become mothers. Firms benefit from women who work hard their first few years, give birth, and either leave work altogether or work a reduced schedule. In many cases, the reduced schedule comes with a lower salary even though the woman may complete as much work as her full-time counterparts. Moreover, in most cases, part-time work precludes the mother from becoming a partner.¹⁰⁴

Law offices have made few accommodations that are not required by law. Allowing a mother to work a reduced schedule often advantages the firm because women are paid less for the same amount of work, and the reduced schedule is characterized as preferential or beneficial treatment for women, when in reality, because it takes women out of partnership consideration or impedes their promotions, it may be discriminatory treatment against mothers.¹⁰⁵

5. CONCLUSION: CULTURE AND LAW WORKING TOGETHER

The interviews suggest that culture is largely determinative of how law works on the ground. In Chile, culture affects the interpretation and operation of the law that deals with women's rights as lawyers. Women lawyers often suffer sex discrimination, even though the law prohibits it. Women are assigned work and benefits based on stereotypes, and expectations that young women will become mothers affect hiring and promotions of female lawyers. The post-natal leave law is progressive in that it permits mothers to give three months of their paid leaves to the fathers of the infant, but fathers rarely take leaves because of the disapproval of their employers and colleagues. On the other hand, because the law itself emphasizes the mother's rights to leave, *fuero*, and subsidized childcare, at least these provisions are reflective of cultural biases and stereotypes that it is the mother's and not the father's responsibility to care for the child. While these laws might reflect these biases, this project demonstrates that law reform should be considered.

Law in Chile prohibits discrimination in hiring under the Labor Code, but proof mechanisms and remedies are inferior to those of the *tutela laboral*. Unfortunately, the *tutela laboral* does not protect applicants for employment from discrimina-

104 Only one woman I interviewed who had a reduced schedule subsequently became a partner at a firm. Interview CH52, at 2-3.

105 Solutions are beyond the scope of this articles. For a discussion of potential public and private solutions, see MCGINLEY (2018).

tion. This lack, combined with parental leave laws, creates an incentive not to hire fertile young women, at least those who are lawyers.¹⁰⁶

Response to law and/or culture does not occur in a straight line, however. Without cultural readiness, progressive law will not be enacted. Once enacted, a law can be ignored, ineffective, or have unintended consequences. Or the law can have a modernizing effect on the culture. The public solution is to educate the populace at the same time as policymakers work on legislation. After new legislation is promulgated, educators and policy makers should study the effects of the law, both positive and negative, and react accordingly.¹⁰⁷

106 Art. 194 prohibits asking about pregnancy in an interview, but this provision is ignored. Thanks to Sergio Gamonal for explaining this to me.

107 For a discussion of potential legislative amendments as well as private changes that law offices should make to achieve more egalitarian workforces, see MCGINLEY (2018).

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