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WORK – LIFE BALANCE IN HIGHLY COMPETITIVE LABOUR MARKES: PERUVIAN LAW FIMRS LAWYERS’ EXPERIENCE FINDING EQUILIBRIUM

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List of Acronyms

In order of appearance

ILO	International Labour Organization
WLB	Work life balance
INEI	Peruvian National Institute for Statistics and Computing

Abstract

Gender inequality in the labour market presents a big problem for women; one of the reasons for this is that traditional ideas of the social division of labour are still embedded in the majority of the societies. Peru is not the exception, and in this paper I explore how these traditional ideas are also reproduced in the law firms' labour market and specifically in the work life balance discourse and agreements entered by the female lawyers. In this sense, drawing on interviews and an auto ethnographic approach this research paper examines how the discourse of work life balance in Peruvian law firms underlies different gender assumptions regarding childcare responsibilities and the role of mothers and fathers within the labour market. Additionally, I look into how the strategies lawyers use to cope with childcare responsibilities are gendered and the effects that supposes for their careers.

Relevance to Development Studies

Gender equality is a fundamental human right and thus studying and deconstructing the reasons why women continue to face barriers and obstacles because of their gender in almost every aspect of life is relevant for development studies. Moreover, as Mohanty (as cited in Beckwith 2000:433) mention neither “*Western women*” nor “*white women*” nor “*third world women*”... *constitute an automatic unitary group*” or even coherent shared interests”. In this sense, this paper focuses on a specific workplace and in a specific group of individuals (senior lawyers) to evidence how the work life balance discourse of Peruvian law firms reproduces gendered assumptions about the social division of labour. Taking conscious of gendered assumptions embedded in specific practices of employers is relevant to the development studies because identifying the source of the problem is a first step to find solutions to take an action plan to combat gender inequality in the labour market.

Key words

Work life balance, law firms, gender roles, social division of labour, motherhood

Chapter 1: Introduction

1.1. Introduction

As the International Labour Organization has reported (ILO 2016:xi), gender inequality in the labour market still presents a big problem and only minimal improvements have been reached since the Fourth World Conference on Women in Beijing in 1995. For workingwomen, inequality in the labour arena supposes that they “continue to face significant obstacles in gaining access to decent work¹” (ILO 2016:xi). One of the reasons contributing to this situation is the uneven distribution of childcare responsibilities between men and women and also between families (ILO 2016:66). Indeed, since women continue to be the ones carrying out the vast majority of unpaid care-work this “limits their capacity to increase their hours in paid, formal and wage salaried work” (ILO 2016:v).

In this scenario, where child care responsibilities and work seem irreconcilable, the WLB discourses emerged in the United States and the United Kingdom within a neoliberal context under “assumptions about individual responsibility to make changes in a supposedly gender neutral” market (Lewis et al. 2007: 368). But, as pointed out by Lewis et al. (2007: 368-369) WLB policies aimed only for quick fixes of flexibility working agreements that gave the idea that employees were making a choice but the reality was that these WLB policies, embedded in gendered assumptions, ultimately only serve the interest of the employers.

In this regard and setting apart the different contexts between the United States, the United Kingdom and Peru, our labour market also operates under a neoliberal model since the 1990’s when, under Alberto Fujimori’s administration, we entered a new “phase of

¹ “Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men” (ILO 2016).

political-economic development that embrace a strict stabilization policy accompanied by neoliberal reforms” (Kay 1996:61-62). These reforms supposed that the labour market was a “self regulated system, guided by an invisible hand” that operates by the principle of free competition, thus everyone (men and women) are treated under the same rules of the market and therefore the labour market is gender neutral (Marchand and Osorno 2016:429).

This neoliberal market put pressure towards men and women and particularly working parents because it assumed that in a gender neutral arena in order to succeed one must comply with the concept of the “ideal worker” which is set by the market and is constructed based on someone who is devoted to work, works full time and has no time off for childbearing or child rearing (Blair-Loy as cited in Williams 2007:381, Williams 2007: 382). As evident, working mothers are the ones who suffer the most because they cannot comply with the ideal worker model since they are the ones responsible for performing the caring responsibilities. In this sense, WLB policies implemented by organizations to allow parents to cope with child caring and work can not be assumed to be gender neutral because organizations consist of relations between people so they are never gender neutral and neither are the work policies they implement (Acker as cited in Lewis and Humbert 2010:241).

In this scenario, and even tough the neoliberal labour market describe above, affects parents across all professions and job positions, senior Peruvian lawyers working in law firms provides an interesting and unique workplace context because it is not only a highly competitive labour market and the workers working in it are not protected by any labour law, but moreover the WLB policies implemented there are rare, few and have been granted to specific female lawyers based on how “valuable” they are to the firm.

1.2. The social problem and research questions

Based on the aforementioned, the social problem that this paper aims to study is gender inequality in the labour market derived from the traditional social division of labour and the

fact that women are the ones expected to perform almost exclusively the caring for the children, which contribute to the perpetuation of traditional gender roles.

For the purposes of this research I will focus in the Peruvian law firms' labour market where I intend to look into:

- (i) *How are the Peruvian law firms' work life balance policies for parents gendered?*
- (ii) *How are the personal family dynamics that lawyers use to cope with child caring and childrearing responsibilities gendered?*
- (iii) *How do gendered assumptions about parenthood affects lawyers' professional career development in law firms?*

1.3. Organization of the paper

This paper is organized in five chapters: in chapter one, I present an overview of the Peruvian labour market situation, the social division of labour and how the law firms labour market operates. In chapter two, I present the theoretical framework used for answering the research questions proposed in this study. In chapter three, I present the methodology approach used for collecting the data from the fieldwork. In chapter four, I present and analyse my findings in the light of the theoretical framework presented before. And finally, in chapter five I present my conclusions.

1.4. Background

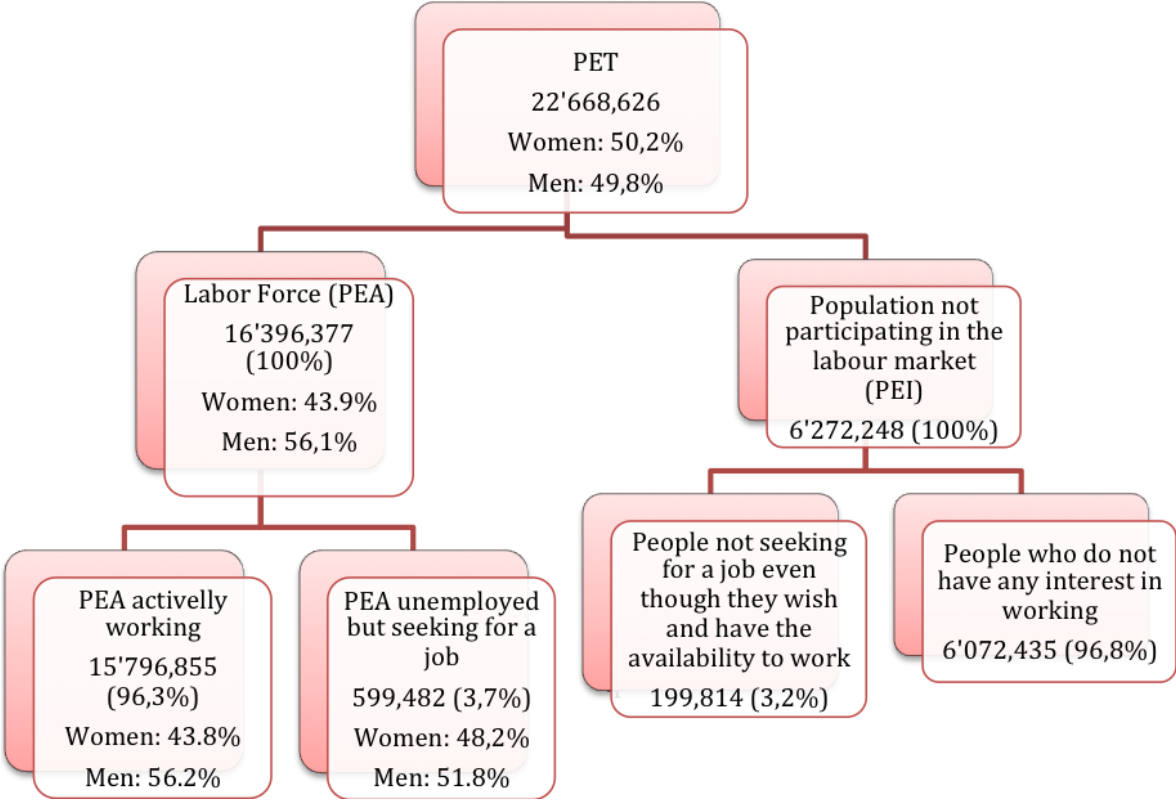
1.4.1. Overview of the Peruvian labour situation

Over the last decade, Peru has consolidated as one of the strongest fast-growing economies of South America “with an average growth rate of 5.9 per cent in a context of low inflation” (World Bank 2016). The economic growth of the country has had a direct relation with employment (Labour Ministry 2014:11).

Notwithstanding the aforementioned, the United Nations (as cited in Galvez 2016:20) has warned that although there is a gender gap worldwide in the labour participation, this gap is so wide in Peru -18 percentage points- that it affects not only issues related to gender equality, but could also potentially impact the future pattern of the country's economic growth.

In this regard, the Labour Ministry (2015:8) reported that even though the female population has had increasing access to employment and an improvement in earnings in the last 25 years, they continue to face fewer opportunities in education, social and economic aspects in relation to men. These disadvantages are reflected in lower income, less access to the labour market, precarious jobs, among others. Moreover, it has been pointed out that mostly women engaged in low-productivity activities and participate more in the informal economy than men (Labour Ministry 2015:8).

For the year 2015, the INEI reported that Peru's population consisted of 31,151,643 people of whom 15,605,814 were men and 15,545,829 were women (INEI 2015:5). For its part, the Labour Ministry (2014:36) indicated that for the year 2014 the age able working population (PET) were 22'668,626 and they were distributed in the labour market as follows:



Source: The author based on the Labour Ministry Report (2014:36-37)

As it can be appreciated, even though there are more women than men in the PET that is not reproduced in the PEA which means that there are more men working or seeking to work than women. Moreover, an important factor to take into consideration is that the population –almost exclusively women- who do unpaid household work are considered part of the PEA actively working: 17.7% of women participate in this category (INEI 2015: 299), this means that from the percentage of women that are considered part of the labour force an important percentage of them are not being paid for their work.

Furthermore, it should be mention that Peru has a high rate of informal work, which is also associated with other important variables such as: poverty, inequality, and job quality, among others. For the year 2014, it was reported that 7 out 10 people who were part of the PEA actively working were employed in an informal job, this means that a total of 11'500,000 Peruvian workers were informally employed (Labour Ministry 2015: 13, 62, 66). Important to note here is the fact that informal employment has an indirect relation with the education level and therefore also with gender.

Indeed, when introducing the gender variable to the comparison between informal employment and education we have that workers with university, higher non-university education and primary studies are mainly men². As a result, women tend to have a higher propensity of working in the informal labour sector than men which led to women having less labour and social benefits that are associated to the employment in the formal sector. Also, as it happens in most of the labour markets worldwide, the workers with higher education and level of expertise are more value than those with less education and this is reflected in the salaries they perceived. Indeed, in terms of income, a worker with a

² In this regard, as the INEI (2015:207) reported, even tough some progress has been made regarding parity between men and women in terms of access to education, there are still great obstacles that impede the full realization of the right to education for women such as child labour, early marriage, early pregnancy, poverty, etc.

university education can earn 6 times more than a worker without education (Labour Ministry 2015:13, 57, 58, 63, 73).

In this regard, for the year 2014, the INEI (2015:323) reported that women earned on average 29.7% less than their male counterparts, being one of the main reasons for this that many of them worked fewer hours since they had to take care of the household and their families (Labour Ministry 2015:323).

Finally, with respect to Lima, the capital of Peru and where my research was conducted, it should be mention that it centralizes the political and economical power of the country. In fact, one of the biggest indicators of the economic centralization is the concentration of human capital, being that the best professionals, technicians and entrepreneurs work, do business and live there (Gonzales de Olarte 2001:1). Moreover, in 2015 it was reported that Lima was home to 9'835,000 people, which represented 32% of the country's population, this made Lima the department³ with the highest concentration of population and where the majority of workers were employed in the country (INEI 2015:5-7, Labour Ministry 2015:69).

1.4.2. The social division of labour and how it affects women in the Peruvian labour market

In the last decades, women's participation in the labour market has rise, this can be attributed to different factors such as: "falling fertility rates, rising levels of female education, changing aspirations, the declining importance of agriculture, growing landlessness, urbanization, economic recession, debt crisis, structural adjustment policies, and accompanying declines in male prospects and wages" (Kaaber 2014:62). In Peru, the INEI reported that the rate of female activity had had a 9.8 per cent increase in the period 1997-2013, which had to do with the falling of fertility rate and the increased access to education for women which resulted in their ability to have more time to insert themselves

³ Peru's current administrative political division consists of 24 departments and 196 provinces (INEI 2015:4), being its capital Lima.

in economical activities (INEI 2014: 292; INEI as cited in Galvez 2016:20).

Nevertheless, the rise of women in the labour force has not been accompanied with the reorganization in the society of the traditional gender roles assign to men and women, being that housework and child caring continue to be almost exclusively associated to women regardless of their social-economical status and/or their labour position and/or if they actually perform these activities themselves while the breadwinner role is assign to men. These differential allocation of activities based on cultural constructs are known as the social division of labour (Rodriguez 2010:144-149).

As it can be appreciated from the INEI Report, in the Peruvian society the sexual division of labour is still very much present (INEI 2014:51-55). Certainly, the INEI stated that the increasing number of women in the labour force has had as a consequence the increasing amount of hours they dedicate to work since in addition to their responsibilities as workers they are also in charge of the maintenance of the house, the child caring, childrearing, etc. (INEI 2014:51-55). In contrast, men spend most of their time in the paid work and a marginal time in the unpaid domestic work.

The aforementioned leads to women working overall 9 hours 15 minutes more than men per week. Indeed, while men spend 15 hours with 54 minutes a week in unpaid activities, women spend 39 hours with 28 minutes; this is 24 hours with 14 minutes more than men. On the contrary, men spend on average more time in paid work than women, the gap being 14 hours and 19 minutes⁴ (INEI 2014:51-55):

⁴ This data was generated by the INEI in 2010 through the National Survey on Time Use. No other survey on time use has been performed since then.

Table No. 1: Hours spend in paid work and unpaid domestic work

Sex	Paid work	Unpaid domestic work	Global workload
Men	50:46	15:54	66
Women	36:27	39:28	75:55
Difference	14:19	-24:14	- 9,15

Source: The author based on the INEI Report (2014)

As the table above shows, the inclusion of the women in the labour market has not liberate them of the domestic responsibilities traditionally associated to their gender. In this sense, Blofield (2012:14) notes “responsibility for family care continues to fall almost exclusively on women, even when they participate in the work force, producing what many scholars refer to as the “double burden” for women. This burden differs by class as well as by gender. While both low-and high-income women increasingly work outside the home, their options for resolving this double burden are dramatically different”⁵.

With regard to middle and upper class women’s “double burden”, the Human Watch 2002 (as cited in Blofield 2012: 14, 16) pointed out “the ostensible liberation of well-to-do women has taken place without the need to negotiate the sharing of household responsibilities with their male partners, but rather by outsourcing these responsibilities to women from lower socioeconomic classes. Moreover, paid domestic workers essentially perform for wages the tasks that women of the house is socially expected to perform for free”. This has been the case for middle and upper class Peruvian women and particularly women living in Lima as more than half of domestic workers work in the capital (ILO,

⁵ Furthermore, as Hochschild (as cited in Chen et al. 2007:2) points out “traditional gender roles within households may imply that an improvement in labour market opportunities for women simply leads them to increase their market effort without releasing them from their household duties, resulting in a “double burden” or “second shift””.

2013: 11).

Hence, as Moore et al. (n.d.: 183) mention “it is precisely because of the presence of large numbers of domestic workers that middle-class women have been able to participate in the public while simultaneously living up to the norms of private domesticity common in their social circles”. Indeed, with their entering into the public sphere and without any substantial change in the traditional gender roles, women have had the need to relegate their “gender assign responsibilities” to other women.

On the other hand, regarding men and their role in the social division of labour it should be noticed that men’s understanding of traditional gender roles has also change over time with the entering of women into the labour force. Indeed, studies in the United States showed that because of the social and economic changes occurred in the last decades and the women’s rise in the labour markets, the idea of the men as the breadwinner and their traditional role as the primarily or sole provider of the family have weakened (Zuo 1997:802).

Nevertheless, as Thébaud and Pedulla (2016:7) argue the stigmatization by other men associated with men performing housework and child caring prevents them from engaging in these activities since men’s belief about gender are shape by the social expectation and the approval by other men (Connel, Kimmel and Pascol as cited in Thébaud and Pedulla 2016:7). In this regard, a survey conducted in the United States in the 1990 showed that men had ambivalent feelings towards their work and family roles; however, even tough less than 25% believe that child care was primarily the mother responsibilities, fewer consider that the father should be the one staying at the house to take care of the children (Zuo 1997:803). In sum, men accepted the women’s employment in the public sphere as long as it does not interfere with their own work and family roles (Zuo 1997:803).

Studies of masculinity in Latin America in urban societies where women have largely incorporated into the labour market suggests that an increasing number of men are seeking other paths than the traditionally ones assign to them. For Nolasco (as cited in Vigoya

2001:239-340) one of the difficulties that men face when trying to form an identity that fulfils their abilities and desires is that what is socially expected from them is not consistent with others aspects of the identities they wish to form. Moreover, he points out that the stereotype of the macho makes us believe that “men are made from a series of absolutes: they never cry, they must be the best, they must always compete, they must be strong, they must not get affectively involved, and they must never retreat. This is the model that some men are attempting to overcome” (Nolasco as cited in Vigoya 2001: 340).

In the Peruvian context there has been no comparative study of the evolution of masculinity; nevertheless, anthropologist Norma Fuller’s work in understanding men in the Peruvian society is relevant. Fuller (2003:137) considers that masculinity is configured in three ways that are “not necessarily consistent with one another: “the natural, the domestic, and the outside (public, street)”. From the domestic point of view, “Peruvian men define themselves as the providers and persons responsible for their families” (Fuller 2001:326). In this sense, men are perceived as the “breadwinner”. Thus, “domestic values collide with masculine values. This implies that there is a constant and unresolved tension between the virile, public aspects of masculinity and its domestic version”(Fuller 2001: 329).

As for fatherhood, Fuller mentions that it represents the arraignment of adult status and constitutes the most important experience in men’s lives. Furthermore, the “father figure is defined as the one who determines the destiny of his children. Fathers who are present and provide for their families guarantee success to their children, whereas those who abandon their families condemn their children to poverty” (Fuller 2003:149).

In this sense, even though no proper study has been made, it can be argue that in the Peruvian society the understanding of masculinity have also had an evolution and some men have indeed changed their beliefs. This is important to analyse in specific contexts and with an intersectional approach as well. In any case, and regardless of any change in the traditional gender roles in the Peruvian society, as the data presented above showed, the gender division between men and women in the labour market as well as the social sphere is still very much present.

One of the explanations for the traditional social division of labour prevalence in the societies and consequently the double burden of women is that the institutions of the family and the labour market continue to pursue these traditional notions of gender roles which are incompatible with the idea of men performing or sharing the housework or caregiving responsibilities (Thébaud and Pedulla, Cha, Gerson, Stone, Acker, Williams as cited in Thébaud and Pedulla 2016:2-3).

As for the family institution, in Latin America countries, for a long time the nuclear traditional family: presence of heterosexual parents and children where the wife performs the domestic chores within the home and the husband is the provider, has been considered as the ideal type of family (Arriagada 2004:47). However, as the societies are changing now only few families adjust to the traditional model of nuclear family. Indeed, information shows that there are a significant proportion of single parent, nuclear families without children, or families where both parents work in the public sphere (Arriagada 2004:47).

Furthermore, as Ariza and de Oliveira (as cited in Schkolnik 2014:104) state the role of women in the society has been redefined but at home it remains the same. Consequently, the division of labour between men and women in Latin America remains behind in the demographic and social changes. Certainly, while demographic and cultural conditions have changed, for example men are no longer consider as the sole provider for the family, the roles associated with reproductive work (housework and parenting) have been less susceptible to changes, maintaining a traditional cultural pattern. In this sense, the wife remains in most cases responsible for the supervision and/or performance of the domestic chores as well as child caring and child rearing (Ariza and de Oliveira as cited in Schkolnik 2014:104).

Regarding child caring and State policies, it is important to mention that in Peru, there are only two social programs dedicated to childcare and both of them are aimed to people living in poverty or extreme poverty: “Wawa Wasi” and “Cuna Más”. The first one was implemented in 1993 and the latter one in 2012. They both provides comprehensive care

for early childhood responding to the need for day care for children under 47 months, children of parents who work or study; and particularly children who are in a situation of risk and vulnerability. Wawa Wasi is directed to urban areas whereas Cuna Mas to rural ones (Information system on early childhood in Latin America n.d. and Cuna Mas n.d. and Development and Social Inclusion Ministry 2012).

As it is clear from the aforementioned, these social programs are aimed for families living in poverty or extreme poverty. For the rest of the families, the child caring if it is not performed by the mother or other person for free –usually grandparents or other family members- then it needs to be paid. In the case of middle class and upper class Peruvian families, because they have the financial possibility it is mostly common for them to hire domestic workers to help them with the housework as well as taking care of the children, regardless of family members helping and/or supervising them. Important to notice is the fact that traditional gender roles are also reproduced in the paid domestic help because according to ILO (2013: 11), of the 450 thousand domestic workers that are in Peru, 95.6% are women.

On the other hand, when describing the Peruvian Labour market, Fuller (2001:329) mentions that this sphere has undergone the most dramatic changes in the last decades and among those changes is the new discourse that questions male predominance in this sphere which has influence not only women but also men. Notwithstanding, men still tend towards assumptions that imply their authority over women. Furthermore, Fuller (2001: 323) argues that in Peru, work is the main characteristic of masculinity because it transforms the male into a man, guarantees him a place in masculine space, and allows him to become responsible and the head of a family.

In the case of the women, Fuller (1993:79) mentions that the hegemonic discourse in this matter argues that women should enter the labour market on equal terms as men in order to achieve personal autonomy and break the subordination to which they have been subjected, being this the “magical formula” to ensure the full realization of women. In that sense, the integration into the labour sphere is presented as the condition "sine qua non" for women to

be released from the subordination they have been subjected⁶. Nevertheless, as Holmes (2005: 52-53) argues when women achieve “power positions” in the labour market there is “an underlying pressure to counter or neutralize the effects of the authoritative and “masculine strategies” and instead act more “feminine” which “means” behave more “supportive and collegial or self-deprecating”.

Finally, it should be mention that Peruvian labour market is gendered in the sense that the definition of what is the ideal worker is based entirely on a man without family or household responsibilities. As Williams (2007: 381- 382) note the “ideal worker” within the labour market implies “someone who begins employment in early adulthood and works, full time and full force, for forty years straight, taking no time off for childbearing, or anything else; but these ideals directly conflict with the ideal of family life”. In this sense, the labour market operate in “ways that disadvantage those who carry out most of the work in the reproductive economy: women” (Elson 1999, 612).

1.4.3. Law Firm Labour Market: How do they operate?

Peruvian Law Firms are a particular and highly competitive labour market. Lawyers and law firms are constantly competing against each other to gain more clients as well as recognition in the national and international market arena.

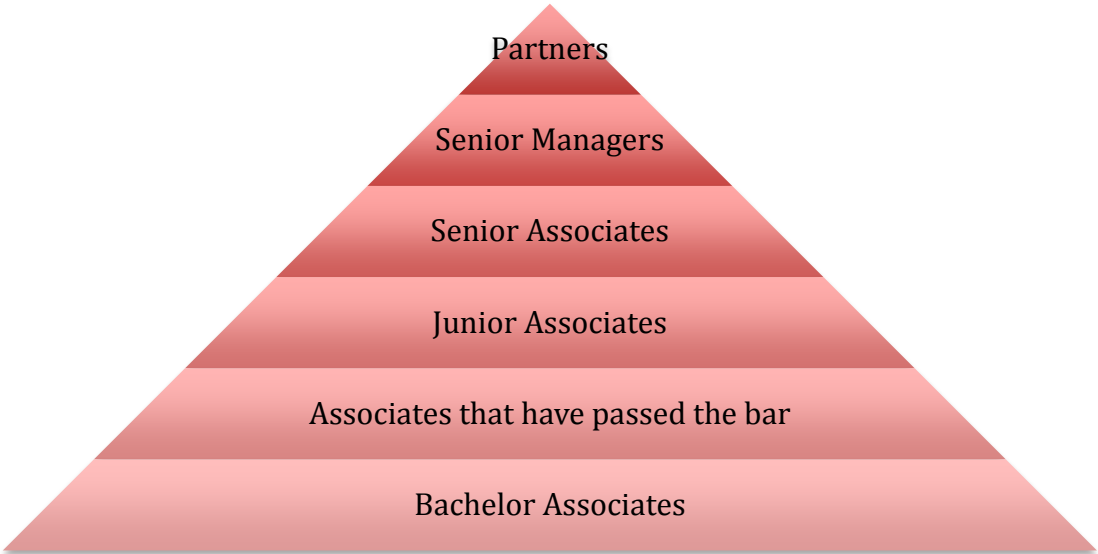
Regarding the clients, it should be mention that as the main consumers of the legal services of law firms and therefore their main source of income they are their first priority. Indeed, keeping the client satisfied is important because of two main reasons: (i) first, they can give you more workload that translates into more billable hours, and (ii) second, law firms are constantly trying to gain more clients so if your client is not content with your work or the

⁶ “Betty Friedan in her book *The Feminine Mystique* developed what economist Barbara Bergmann has named the “full-commodification strategy”, this supposes that in order for women to achieve equality they should work full time, with child care delegated to the market. Moreover, this model devalues housewifery as practically a human rights violation. For her part, Joan Williams considers that although the full-commodification model might have work in the beginning, now it is necessary to move to a more reconstructive feminism that aims for a restructuring of the market and family entitlements in order to achieve women’s equality” (Williams 2000: 40-41).

speed in the answers you provide it is easy for them to move to another law firm who “just happens to be there” offering their services.

Furthermore, a usual practice with clients is that they work with different law firms at the same time and divide their workload between them, in this way they assure themselves that the law firms are always and actively competing among themselves to provide the best legal service possible in the less amount of time, as evident this can get very stressful. Moreover, if we take into consideration that law firms and lawyers do not work exclusively with one client but with many of them, it gets very time consuming to answer each legal consult “as soon as possible” which leads to lawyers working till late at night.

Thus, before going further in describing how the legal profession works, it is important to know the hierarchical structure of law firms:



Even though the name of the positions may vary depending on the law firm; the position structure detail in the pyramid above is applicable to the vast majority of Peruvian law firms. As for the positions, it is important to note that in each one there are subcategories based on years of experience and recognition within the labour market as well. Furthermore, as it is commonly said and interiorized by law firm lawyers, the lower categories need to pay “derecho de piso”, this means that the lower you are in the

hierarchical pyramid the more workload you need to put in, the longer hours you need to stay working in the law firm, the more “availability” you need to have and more important you need to prove that you are profitable for the firm which translates into how many billable hours you can log in a year. As you escalate positions, your billable hours may decrease but the number of administrative hours increased (getting new clients, focusing on administrative law firm issues, etc.).

In the case of senior managers and senior associates, it should be mentioned that they are considered the experienced lawyers; they are the lead lawyers of the cases or legal consults of the law firm and have a team of junior lawyers at their charge. Additionally, they are the ones who have the direct contact with the clients and the ones responsible for the outcome of the cases. In the case of the partners, they are the ones in charge of the decision-making of the business and as it can be appreciated from the table below⁷, men rule the partnership level:

⁷ The Law Firms presented in the table are the ones recognized as leading ones in the Peruvian labour market by Chambers and Partners, which is an international legal magazine that ranks the best law firms worldwide.

Table No. 2: Peruvian law firms' partnership level

Law Firm	Total partners	Total female partners	Women percentage at partnership level
<u>Arbe Abogados</u>	5	1	20%
<u>Barrios & Fuentes Abogados</u>	10	2	20%
<u>Benites forno & Ugaz</u>	12	1	8%
<u>Caro & Asociados</u>	1	0	0%
<u>Carrera Pinatte & Baca-Álvarez Abogados</u>	4	0	0%
<u>De Bracamonte-Haaker-Castellares Abogados</u>	3	0	0%
<u>Estudio de la Flor, García Muntufar Arata & Asociados</u>	6	0	0%
<u>Ferrero Abogados</u>	29	5	17%
<u>Forsyth Abogados</u>	4	2	50%
<u>Gallo Barrios Pickmann</u>	6	2	33%
<u>García Sayán Abogados</u>	12	2	17%
<u>Grau Abogados</u>	18	7	39%
<u>Hernandez & cia. Abogados</u>	12	1	8%
<u>Lazo, de Romaña & Gagliuffi</u>	8	2	25%
<u>Estudio Linares Abogados</u>	-	-	
<u>Miranda & Amado</u>	22	5	23%
<u>Navarro Sologuren, Paredes & Gray</u>	3	0	0%
<u>Estudio Olaechea</u>	14	5	36%
<u>Osterling Abogados</u>	10	3	30%
<u>Payet, Rey, Cauvi, Perez, Mur</u>	14	1	7%
<u>Pizarro, Botto & Escobar Abogados</u>	10	0	0%
<u>Priori & Carrillo Abogados</u>	-	-	
<u>Rebaza, Alcázar & de las Casas Abogados Financieros</u>	14	3	21%
<u>Rodrigo Elías & Medrano Abogados</u>	44	4	9%
<u>Rosselló Abogados</u>	4	0	0%
<u>Rubio Leguía Normand</u>	13	3	23%
<u>Santibáñez Abogados</u>	9	1	11%
TOTAL	287	50	17%

As table above evidence, women at the partnership level make roughly 17%, this low percentage only reflects the Peruvian labour market reality. Indeed, in Peru only 15% of women occupied senior managing positions in comparison to the 85% of men (*Peru 21* 2015). In the law firm's labour market this lack of gender equity in the partnership level is particularly important because lawyers working in law firms are not subject to the Peruvian Private Labour Law Regime, this means that they are not protected by labour laws and moreover they are not entitle to any legal labour right, so the benefits they may receive are up to the partners and the policies they decide to implement within the law firms.

In this regard, the following table present the labour benefits applicable to the workers subject to the Peruvian Private Labour Regime in comparison to the lawyers working in Law Firms:

Table No. 3: Peruvian legal labour benefits

Labour benefits	Workers subjected to the private labour regime	Lawyers
Vacation	30 calendar days of paid leave after a full year of services	Not applicable
Non-working paid holidays	Right to paid holiday leave	Not applicable
Maternity Leave and benefits	49 days of prenatal leave and 49 days of postnatal	Not applicable
Paternal Leave	4 working consecutive days	Not applicable
Family allowance	10% of the minimum wage	Not applicable
Profit Sharing	Employees working in activities that generate corporate income are entitled to profit sharing.	Not applicable
Compensation for Length of Services (CTS)	Compensation provided by the employer, it works as insurance for when your labour relationship is over.	Not applicable
Life insurance	Workers have the right to life insurance paid by the employer after completing four years of work with said employer.	Not applicable
Workers' Termination	As a general rule, workers can only be dismissed from a fair/justifiable cause under law.	Not applicable
Pension	Obligatory for workers to contribute to either the National or Private Pension System	Not applicable
Social Security Health Insurance	The employer is obligated to pay 9 per cent of the employee's monthly salary to the social security health insurance.	Not applicable

Source: The author based on Rodrigo, Elias & Medrano Law Firm Doing Business in Peru Report (2016)

Furthermore, as law firms provide legal services, it is clear that their main assets are their lawyers: their human capital. In this regard, when it comes to expectations from the law firms towards their lawyers, the description of the legal profession in the United States provided by Cynthia Fuchs Epstein (as cited in Williams 2007: 380) and Joan Williams et al. (2007: 400-401) is also applicable to the Peruvian case. Indeed, Peruvian Law Firms measures excellence and commitment to the Law Firm by productivity, competence as well as by number of billable hours logged. Also, they value the physical presence of the lawyer in the law firm as well as their availability what leads to lawyers to work until late at night.

Regarding the billable hours by which productivity and competence of lawyers is evaluated, it is important to mention that they referred to the time lawyers spend working exclusively in their clients legal issues, it does not include the time they spend in administrative issues (internal meetings, potential clients meetings, administrative issues in general, etc.) which are also required of them.

Focusing on women lawyers, Mackinnon (1982: 114) mentions that in practice women lawyers must comply with the roles set by the "the standard of a man" and "the standard of a lady" which requires to be professionally male and personally female at the same time and at all times. She argues that for most of us it is clear that a successful lawyer is a man, in the sense that the role of successful lawyer is a male role regardless of biology. No man is forced to feel less man if he is a good lawyer (Mackinnon 1982: 114).

Additionally, she mentions that being a lawyer is also substantially consistent with the expectations of the male role: ambitious, eager to reach the top, capable of hostility, aggressive and not only assertive, not particularly receptive nor liable to get out of a line of argument to hear what the other part is saying or feeling (Mackinnon 1982: 114-115). It also requires one to be serious. In this sense, the role of the lawyer has, as implicit standards; the same qualities associated to masculinity as they have been socially define. It is a role of power (Mackinnon 1982: 114-115). On the other hand, a successful lady is deferential, considered as much as assertive, receptive, and overly sincere and emotional;

hence, considering that part of the role of an attorney includes the ability to not worry about being on either side of the argument; women are almost criticize for failing in this (Mackinnon 1982: 114-115).

The description provided by Mackinnon is also applicable to the Peruvian law firm labour market. Indeed, law firms' labour market assumes women lawyers and men lawyers are the same: they are both "men" and accordingly they are expected to behave in "masculine" terms. In this sense, when women lawyers have children or decides to have children the big problem arises because there is the evident proof that they are not men and so it is assume that they can not longer be treated in the same way since their "natural gender role" will lead them to have to assume the entirely responsibility of child caring and childrearing and because of that they would no longer be considered as ideal workers.

In this scenario and considering the dilemma that female lawyers face when they become mothers between balancing family care responsibilities while performing as ideal workers, many have seek flexibility in their workplaces that allows them to balance both aspects of their lives. In the particular case of Peruvian female lawyers is only in recent years that they have started to negotiate and enter WLB arrangements to help them cope with taking care of their children and continue to work as lawyers in the law firms. Before analysing these WLB arrangements female lawyers have entered into as well as lawyers coping strategies and how it affects their careers, I will present the theoretical framework applicable to this discussion.

Chapter 2: Theoretical Framework

2.1. Work – life balance discourses

WLB has been a long time concern to many because it focuses on the quality of work life and personal life we have (Guest 2002:256). In this sense, it touches us in the most personal level because it make us reflect on how we are living our lives and how satisfied we are of how we are distributing our time between work and personal life. In recent times, the WLB debate has intensified because pressures at work have also intensified; different factors such as the advances in technology, the need for speed in the responses, the importance of quality customer service, the need of constant availability from the employee, etc. have contributed to the pressure employees may feel in their workplace. These new factors that are essential in today labour market are time demanding, so work begins to request more time and a sense of work-life imbalance arises (Guest 2002:257).

But, the question of what is WLB and how we can achieve it is a difficult one. For their part, Lewis, Gambles and Rapoport (2007:360) consider that work life balance is a metaphor socially constructed and located within a particular period of time. On the other hand, Guest (2002: 261) argues that WLB is indeed a form of metaphor but he questions what is the meaning of “balance” as well as what do we understand by “work” and even by “life”.

In this regard, over the years there have been different discourses that have theorized on the meaning of WLB. For, Zedeck, Moiser and O’ Driscoll (as cited in Guest 2002:258-259), there are mainly five discourses: (i) the segmentation which considers that “work and non-work are two distinct domains of life that are lived quite separately and have no influence on each other”; (ii) the spillover that “hypothesizes that one world can influence the other in either a positive or a negative way”; (iii) the compensation which proposes that “what may be lacking in one sphere, in terms of demands or satisfactions, can be made up in the other”; (iv) the instrumental which argues that “activities in one sphere facilitate success in the other”, and (v) the conflict which proposes that “with high levels of demand in all spheres of life, some difficult choices have to be made and some conflicts and possibly

some significant overload on an individual occur”. The critic to all of these models is that they cannot explain what is the understanding of balance between work and life (Guest 2002: 259).

On the other hand, Lewis et al. (2007:361-362) proposes that there are at least two WLB discourses: the personal control of time and the workplace flexibility. The first discourse main focus is on affluent professional and white-collar workers – men and women – who have trouble managing work commitments and personal life. This discourse has been criticized because it pays attention exclusively to the individual or family and their agency and choice in the matter but dismisses the organization involvement and the “structural, cultural and practical constrains”. Indeed, it considers “choice and personal, or sometimes household, responsibility for ‘getting the balance right’” (Caproni and Lewis as cited in Lewis et al. 2007:361-363). Instead, the workplace flexibility discourse focuses on the working flexibility arrangements entered into by the employee and the employer. For its part, this discourse has been criticized because even though it looks into the workplaces dynamics it overlooks the “constraints of gender, workplace culture, norms and assumptions“ (Lewis et al. 2007:361-362).

To overcome the limits of both of the discourses mention above, the social constructionist approach emerged which raise questions about the repercussion of the WLB discourse: “who gains, who is damaged, who is silenced, what traditions are sustained and which are undermined and what futures created” (Gergen as cited in Lewis et al. 2007:362). Specifically, it examines: (i) “taken-for-granted assumptions that underpin the WLB discourse”; (ii) the “version of reality that it promotes”; (iii) the “interests that are being served by this version of reality”; and, (iv) “begin to reflect on alternative discourse” (Lewis et al. 2007:362).

In this regard, it is important to take into account that WLB discourses have different underlying assumptions. For their part, Lewis et al. (2007:363-364) identified three: gender neutrality, individual choice and cultural neutrality. Assuming gender neutrality in the WLB discourses hides the fact that there are broader gendered discourses and practices that

reinforce gender inequalities. In this sense, the WLB discourse should not separate itself from broader gender discourses. For example, the flexibility work arrangements in the WLB discourse are considered gender neutral but the reality evidence that they are directed primarily towards women because they are the ones holding the child caring responsibilities (Lewis et al. 2007:363-364). Moreover, this assumption is also incompatible with the concept of the “ideal worker” since it has been constructed from a man’s perspective (Lewis et al. 2007:365).

Moreover, assuming that WLB discourses are gender neutral also contributes to the myth that public and private spheres are separated arenas and thus the social reproduction and care, since they are not part of the public sphere, has nothing to do with the employers and therefore childcare, as a private matter, should not interfere “with core workplace processes, structures, culture and goals” and so the traditional ideal worker constructed from a male model is perpetuated (Lewis, Schein and Lewis as cited in Lewis and Humbert 2010: 242).

For its part, the individual choice assumption supposes that choices are free while as Lewis and Giullari (as cited in Lewis et al. 2007:366) argue, choices are not free but they are embedded in the society, which is gendered. In this sense, choices made by the individual in terms of household, work arrangements, etc. are constrained by gender discourses. Finally, the last assumption pointed out by Lewis et al. (2007:367) refers to cultural neutrality. Important to note here is the fact that WLB discourses have Anglo American origins and in that sense they are based on that culture, values and ideologies which may differ from other cultures where WLB discourses are intended to be applied.

Furthermore, for their part, Ruth Eikhof et al. (2007:326) consider that WLB debates assume that (i) work is negative and working long hours is part of the problem; (ii) life is associated with women child caring responsibilities; and, (iii) work and life are separable spheres that need to be kept separate. Regarding the first assumption, Ruth Eikhof et al. (2007:329-332) argues that it is too simplistic to undertake ipso facto that work is a negative thing; even more if evidence demonstrates that work can also be satisfying and

rewarding for the individuals. For its part, assuming that life is only related to women child caring responsibilities is prejudicial not only to women but to men as well because it constrains the WLB debate to this issue. Finally, the third assumption is also highly questionable because there is mutuality between the work and life spheres.

In sum, there are different WLB discourses that tried to theorize on what WLB is, these discourses have different underlying assumptions within that can be problematic and bias if not taken into consideration when analysing the implementation of WLB policies or the WLB agreements that individuals entered. Moreover, as Guest (2002:261-262) point out, the concepts of work, life and balance are also challenging to give meaning to since they can be understand in different ways. For example, work may not only refer to paid work and life may not only refer to non-work activities or family time. In this sense, having an exact definition of WLB it's a challenge since it underlies various assumptions related to gender, work and the division of labour and additionally it seems to be a very subjective and a personal matter but that at the same time is a collective one because is embedded in the society expectations of the gender roles assign to women and men.

In this regard, from my perspective I consider that WLB is indeed a very contested concept and the different meanings it has been given by the society, its individuals as well as the labour market are deeply embedded in gender assumptions of the division of labour and traditional gender roles. Additionally and drawing on the social constructionist approach (Lewis et al. 2007:362) it is my opinion that WLB policies need to be review taking into consideration which gender assumptions regarding child care responsibility underpin them, which version of reality are the WLB policies promoting and whose interests are the ones being serve by these discourses: the labour market, men, women, society? In this sense, in order to understand the fundamental underlying assumptions of WLB policies regarding the social division of labour it is important to look into the concepts of “fatherhood” and “motherhood” its relation with the labour market.

2.2. The concepts of fatherhood and motherhood

As researchers have argue, although some changes in fathers involvement in child care have indeed occurred over the years, mothers are not only still consider to hold the responsibility for the bulk of child care but they are also consider the experts regarding the children (Glenn, Aldous, Mulligan, Bjarnason, Coltrane, Zimmerman, Haddock, Ziemba, Rust as cited in Cowdery and Knudson-Martin 2005:336). Even in the cases when couples report a preference for shared parenting and mothers work in the public sphere they are still considered to hold the responsibility of care giving (Knudson-Martin and Mahoney as cited in Cowdery and Knudson-Martin 2005:336). This is a consequence of how embedded in the society are the gender roles assign to mothers and fathers. Indeed, independently of which parent is actually providing the childcare or acting as the provider of the family or if they are both committed to be providers and caregivers in equal terms, the mother is still expected to be the caregiver and the father the breadwinner.

In this regard, Lorber (as cited in Budgeon 2014:318-319) points out “it does not matter what men and women actually do, they can actually perform the exact same thing in the exact same way but what matters is that society perceives it as different”, this means that even if fathers take an active role in providing care to their children it is still consider the mother’s responsibility to do so and furthermore it can be considered as well that the fathers is not fulfilling his assign role as the provider.

Moreover and even with traditional gender roles rooted in the society, the debates about fatherhood and its nature have brought up the concept of the “new father”, understood as someone who is highly involved in care as well as housework (Pleck, Lam, Levine, Lewis and O’ Brien as cited in Brandth and Kvande 1998:294). In the Peruvian case it has been argue that fatherhood constitutes the most important experience in men’s lives and it is believed that fathers are the ones who determine the future of their children: if they are present then they will provide and guarantee their success whereas if they are absent they condemn their children to poverty (Fuller 2001:328). Based on this description of the father’s role, Fuller (as cited in Vigoya 2001:245) highlights that there exists a

contradiction between “the model of the devoted father, described as ideal, and the gendered division of labour that alienates men from domestic chores and child rearing”.

On the other hand, motherhood as described by Ruddick (as cited in Hondagneu-Sotelo and Avila 1997:548) is a “practice that involves the preservation, nurturance and training of children for adult life”. Additionally, studies have shown that motherhood is a “set of social interactions that arise within a gendered set of relationships and social institutions at a particular time and place” (Arandell, Baber, Allen, Glenn, Thompson and Walker as cited in Cowdery and Knudson-Martin 2005:335). Hence, the idea of mothering should be deconstructed in order to reveal the cultural ideologies that support it (Babor and Allen as cited in Cowdery and Knudson-Martin 2005:335).

In the case of working Latina mothers, Hondagneu-Sotelo and Avila (1997:550) mention that they hold the prescription of solo mothering in the home as the ideal mother, this understanding of motherhood is embedded in traditional and cultural ideologies of Catholicism and the Virgin Mary and thus employment is seen incompatible with mothering. Although the description provided by Hondagneu-Sotelo and Avila can be argue to be stereotypical, what holds true is the fact that women are conceived as ”naturally predisposed to serve their families” and that the “gendered division of labour is strongly reinforced by cultural norms, under the influence of Catholicism, signify motherhood as a powerful referent in the construction of identity” for Latin women (Molyneux 2002:178).

For its part, it is important to note that fathering and mothering differs in relation to the personal and social circumstances of each individual such “family structure, ethnic group, work orientation of wives” and husbands “and stages in the life span”; it will also depend on race, class and culture (Brandth and Kvande 1998:295; Cowdery and Knudson-Martin 2005:336; and Collins, Dill and Glen as cited in Hondagneu-Sotelo and Avila 1997:548). In this sense, fatherhood and motherhood are not fixed roles but they are constantly being shape by the cultural context of work and family social relations and it experience depends in the context it occurs (Brandth and Kvande 1998:295 and Cowdery and Knudson-Martin 2005:336).

In the labour markets, taking into account the gender component in organizations and specially the ideology behind the ideal worker helps to construct the gendered components of individual identity and this relates to our own beliefs and expectation about what we may think is fair and equitable in the labour market as women, men, mothers, fathers and workers. Therefore, for example, in the case of flexible working schedules, women may feel the pressure of “being a mother” and what that entails, and thus consider that they should take WLB agreements regardless of the labour costs associated with those policies, which only helps perpetuate the inequality in the workplaces (Lewis et al., Acker and Lewis and Smithson as cited in Lewis and Humbert 2010:242-243).

In this regard, the ideas of mothers and fathers are constructed from stereotypes where women with young children are seen “exclusively as mothers and not as competent and loyal professionals, whereas men with young children, on the contrary, are seen as professionals without caring responsibilities” (Kugelber 2006:158). In this sense, parenthood is interpreted by organization as motherhood while fatherhood is assumed to not affect or disturbed in any way the work life (Kugelber 2006: 159). Furthermore, “while fatherhood elevates men’s status at work, financially rewarding their now-proven heterosexual potency, motherhood depresses women’s status and brings expectations of inferior work, as well as penalties. For the society and the labour market, fatherhood translates into being a better worker, while motherhood is associated with being an ideal carer and a worse worker” (O’ Connor, Kanter, Williams, Connel and Messerschmidt, Hodges and Budig and Swiss, Cahusac and Kanji as cited in Cahusac and Kani 2014:58).

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In lights of the aforementioned, when contrasting the concepts of the “ideal worker”, which is shaped and base in gender assumptions, and motherhood, it is clear that these are irreconcilable (Lewis as cited in Lewis and Humbert 2010:242) and thus “the inability of working mothers to live up to the “ideal worker norm” is the primary cause of the maternal wall” (Porter 2006:58).

2.3. The maternal wall

Nancy Fraser (2009: 110-111) mentions that “the new spirit of the neoliberalism project influence by the second wave-feminism attracts women at both ends of the social spectrum: at one end, the female cadres of the professional middle classes, determined to crack the glass ceiling, at the other end, the female temps, part-timers, low-wage services employees, domestics, sex workers, migrant, among others seeking not only income and material security, but also dignity, self-betterment and liberation from traditional authority. At both ends, the dream of women’s emancipation is harnessed to the engine of capitalist accumulation”.

The cited quote by Nancy Fraser is also applicable in the Peruvian context where professional women seek to breach that invisible barrier (glass ceiling) that limits them professionally and achieve equality in the labour market arena. In this regard, the term glass ceiling refers to the limitation of job opportunities -primarily promotions- that women encountered in their careers just because of their gender, but as Williams and Segal (2003:77-78) argue many women never even get to the glass ceiling because they are stop before by the “maternal wall”, which can arise while the women are pregnant, when they becomes mothers or when/if they start working in a flexible time arrangement with their employers (Williams and Segal 2003:77-78).

In the law firms’ labour market context, the highest position one can achieve is to become partner and even tough the ladder to reach this position is a complicated one for both men and women lawyers, because of the glass ceiling and especially the maternal wall, women may have more difficulties reaching it. Indeed as Porter (2206: 62) mentions, “motherhood is one reason why women are not seeking or making partnership as fast as men”.

Furthermore, Epstein et al. (1995:331-335) identifies some of the barriers (glass ceiling) that female lawyers face and that are even worse in the case of mothers. First, she states that women are not good at rainmaking which is an asset highly consider for becoming partner. Indeed, many female lawyers experience difficulty at rainmaking because generally

they do not have the access to certain social networks that men use to develop business relationships (Epstein et al. 1995: 331-335). In the case of mothers, one factor that is disadvantaging is that rainmaking takes time (taking clients for breakfast, lunches, conferences, etc.) and with their family responsibilities female lawyers have time constraints (Epstein et al. 1995: 331-335).

Second, she indicates that women don't get as much access as men to high profile cases that would launch their careers and grant them visibility in the law firms (Epstein et al. 1995:333) as well as in the labour market. In the case of mothers who have entered part time arrangements to cope with child caring responsibilities this is even worse because not only are they "viewed by their colleagues as less visible, less important, and less worthy" but also "their assignments become less important enjoyable and their advancement is negatively affected" (Porter 2006: 64).

Third, in terms of actually becoming a partner Epstein et al. (1995-359-363) argues that for both male and female lawyers partnership is not everybody's goal. In the specific case of women they "express negative feelings regarding partnership citing the conflict between the firm and family responsibilities" (Epstein et al. 1995-359-363). In this sense, it is evident that the position of partner has not been designed for someone who has other responsibilities besides work, which directly excludes mothers.

Fourth, Epstein et al. (1995:383-385) indicates that since law firms are client driven, the lawyers' availability for serving the client is highly valued. In this regard, clients often have scheduling difficulties and it is no shock if they call you after work, weekends, vacations, etc. all of these is a consequence of the "principle of availability to the clients" that lawyers have that allows the clients the liberty to reach them at any time. This situation is particularly harder on women who seem to want more private time than men and even more if they have children to take care of (Epstein et al 1995:383-385).

For her part, Porter (2006:63) considers that "the biggest contributor to the maternal wall may be the excessive demand of billable hours", this is because billable hours are seen as a

symbol of “dedications and willingness to sacrifice for the good of the firm” (Epstein et al 378-379) and so women who have entered part time regimes to cope with child caring are seen as less committed to work (Porter 2006:64).

For their part, Williams and Segal (2003:99-100) have identified five glass-ceiling patterns that have particular harsh impact on mothers: (i) in-group favouritism, this refers to the fact that members of the in group (white men) will favour men over members of the out group (women, mothers, minorities); (ii) status – linked stereotypes, this refers to the fact that men are accorded more status than women, so women have difficulty proving their competence because of their gender; (iii) attributional bias, this refers to the fact that in “masculine tasks, men’s success is more likely to be attributed to the ability than is women’s success”; (iv) polarized evaluations, in this pattern women superstars may receive high evaluations but those who are not performing as well may receive far more negative evaluation than men with similar job performance; and (v) women are penalized for being too competent, this type of bias occur when women excel in traditional masculine jobs because their behaviour is not “consistent” with femininity. For example, lawyers are seen as “assertive rather than sensitive, analytical rather than emotional, commanding rather than indecisive”, all characteristics linked to masculinity (Williams and Segal 2003:99-100) so if a woman excels as a lawyer it is considered that she is behaving like a man and not being true to her femininity.

On the other hand, it is also important to look into the fact that gender stereotyping also affects fathers that have or wished to have an active role in child caring. Indeed, a successful father is traditionally understood as someone who has work success and thus is a good provider for his family, in this sense, a father focus on caregiving is assumed to be a less competent employee and that somehow he is lacking as a person (Williams and Segal 2003: 100). In this regard, fathers providing caregiving to their children, if measured by traditional standards, may be seen as a failure (Williams and Segal 2003: 100).

In sum and based on the aforementioned, I consider that even though the ladder to become partner is complicated and bumpy for both women and men; gendered assumptions as well

as gender discrimination by the society and the organizations which translates into the creation of the glass ceiling makes it more difficult for women to achieve this top position and even more if they are mothers because they would not longer be able to perform as the “ideal lawyer”. Moreover, I think it is important to take into account that as Epstein et al. (1995: 309) states, the glass ceiling that women experience in the law firms may vary between individuals based on their personal history and it may be imposed by the law firms as well as by the women themselves in the context of internal pressures from the firm “as well as those impose from their families and culture”.

2.4. Gap in the literature and contribution

As it can be appreciated from the literature review presented above, many have been written about the underlying gender assumptions of the WLB policies, notions and meanings about fatherhood and motherhood and its relations with the concept of the ideal worker as well as the specific aspects where the maternal wall affects women lawyers’ career. Nevertheless, not much literature can be found on the effects that these concepts produce on professional mothers and fathers in the Peruvian context. In this sense, this paper modest contribution to the existing literature is to evidence how the sexual division of labour associated with the traditional ideas of femininity, masculinity, fatherhood and motherhood as well as the ideal worker produces different effects on female and male Peruvian lawyers who are parents.

Chapter 3: Methods and Data

3.1. Methods and Data

The findings and analysis provided in this paper are based on semi structure interviews perform to 10 lawyers currently working or who have worked in leading Peruvian law firms as ranked by Chambers and Partners. The interviews were coordinated in advance by e-mail but many of them were reschedule because of work commitments, only in one case a lawyer cancel without attempting to reschedule the interview. The interviews lasted around

one hour and in all the cases the participants were willing to collaborate. What contributed to their good disposition to grant me the interview as well as answer all my questions had to do in part with the fact that I knew them either because I had work with them, or they had been my professors in college, or because I was a referral from another lawyer they knew.

The criteria for selecting the participants were that they must have dependent children (under the age of 12) and must occupied senior/managing positions within their respective law firms. Additionally, Chambers and Partners must have ranked the law firms they work for or used to work for among the leading ones in Peru. In the case of female lawyers another aspect that was taken into consideration was the fact that because of their trajectory, recognition and position within the labour market they were in a position to negotiate with the law firms WLB agreements. On the other hand, the criteria for choosing the law firms was that they were among the most important ones in Peru as well as the fact that some of them are pioneers in implementing WLB policies for their female lawyers with young children. Furthermore, it is important to mention that the lawyers in this research are not intended to be representative of all Peruvian lawyers but rather they offer a perspective based on their particular experience, personal life and position in the labour market.

The data collected from the participants, previous to the interviews, demonstrated that in all cases they were highly educated professionals –all of them had at least a master degree-, they have spend the majority –in some cases all- of their professional life working in law firms, they all were highly value within their respective law firms as well as in the labour market, the majority of the lawyers were or had been college professors, at the time of the interviews only 5 continue to be law professors of which 4 were men. Moreover, the participants of this study were age between 37 and 51 and in all cases had a consolidated career.

For ethical and personal reasons the name of the lawyers as well as the name of the law firms part of this study will not be disclosed. Nevertheless, their personal and professional information relevant to this research is describe in the table below:

Sex	Job position⁹	Age	Civil Status	Working spouse? Y/N	No. of children
M	Partner	37	M	Y	1
M	Partner	48	D	-	1
M	Partner	47	M	N	2
F	Partner	42	M	Y	2
F	Former partner – now Senior Manager	51	M	Y	2
M	Senior Manager	46	M	Y	2
M	Senior Manager	41	M	N	2
F	Senior Manager	45	M	Y	2
F	Senior Lawyer	37	S	-	1
F	Senior Lawyer	37	M	Y	2

The interviews took place either in the lawyers' office or in the law firms' conference rooms. Moreover, because of my background as well as the fact that in the majority of the

cases I knew my interviewed, many assumptions were made regarding information that I already knew from my own work experience, specially regarding how law firms operate. In this sense, using semi structure interviews allowed me to conduct interviews that were more of a conversation between two persons who are part or have been part of a particular labour sector and know the inside as well as the deficiencies and demands of it, notwithstanding, of course, the obvious differences I had from the participants: age, job position, work and life experiences and children. As Bell and Nutt (as cited in Watts 2006:390) argue this “closeness” between the researcher and the participants can create a bridge between the research and the professional self and that can made the interviews flow better because of it tends to be grater levels of openness and disclosure. All of the interviews were recorded, then transcribed and later translated from Spanish to English for further analysis.

On the other hand, important for the interviews conducted, the analysis of the data collected and the research questions that this paper addresses is the fact I considered myself part of the law firms labour market⁸ and this is why this research is based on law firms because it connects with my personal aspirations and worries for the future of my career as well as my family life if/when I decide to have children; therefore the analysis and the conclusion arrived in this paper are also a reflection on my personal experience, concerns and expectations of what will or could happen with WLB policies. In this regard, as Frosh and Emerson (as cited in Day 2012:62) interpret “reflexivity is a process of testing one’s interpretations, and being accountable for the means by which we arrived at a particular “reading” of the data; in other words, making explicit the process by which we came to know”.

Furthermore, reflecting about my own positionality within this research is also crucial and part of the reflexivity process. Indeed, the “insider knowledge” as Watts (2006:399) argues is a privilege because it can provide a “detail description of the way of life in which the researcher has participated”, which generates a richer knowledge base. Moreover, as Harding (as cited in Day 2012: 73) insists “knowing the researcher’s place makes the

⁸ I worked in a law firm for 5 years: 2 years as an intern and 3 as an associate. Later I changed to the legal department of an international organization where I worked for a year, before coming to the International Institute of Social Studies here in the Netherlands.

research understandable. Making one's positionality explicit is to give context to the researcher's voice, rather than reproducing the anonymous, decontextualized voice of authority".

In this sense and considering the aforementioned, the data collection and analysis relies on semi structured interviews since this method allows the interviewee to transmit their point of view and give meaning to their own experiences as they have live and feel them without any scientific explanation (Kvale and Brinkmann 2009:1-3) as well as an in an auto ethnography method since as Spry (2013:214-215) argues it "*is self and other and one and many... is place and space and time... It is personal, political, and palpable... It is agency, rendition, and dialogue... It is critical, reflexive, performative, and often forgiving... It is a subaltern narrative revealing the understory of hegemonic systems... It is personally accountable....*". Both methods were crucial for my research because it allowed me to know in depth the lawyer's positions and opinion regarding WLB as well as their ideas regarding parenting and the law firms labour market as well as it allowed me to reflect on my personal positionality in this discourses.

Chapter 4: Findings and Analysis

4.1. How are Peruvian law firms' WLB policies for parents gendered?

Peruvian law firms' are gendered workplaces, this means that "advantage and disadvantage, exploitation and control, action and emotion, meaning and identity, are patterned through and in terms of a distinction between male and female, masculine and feminine" (Acker 1990:146). In this regard, Kelly et al. (2010: 282-283) notes that white-collar workers and especially managers and professionals are expected to perform as the "ideal worker" which has been draw based on a male model and is understood as someone who has no other responsibilities besides work, which only reinforce gender inequality and the ideal of masculine behaviour in the workplace. In this sense, even tough it may seem logical that if women want to perform as the "ideal worker" they should act like men, this is not completely true because just as women can be judged and diminished by the labour market

for acting too “feminine”, by acting too “masculine” they may also face rejection (Rich as cited in Budgeon 2014:327).

In this scenario, it should be mention that the WLB policies implemented in law firms - which consists in part time work schedules are rare, not institutionalized and the lawyers who actually have them are in the “top” of their career. Moreover, the negotiation to entered these arrangements because of child caring responsibilities –which is the only reason “allowed” for this work schedule- is done in a one to one basis with the head of the department and is exclusively directed towards mothers and not fathers, in this latter case they have not reported to have ask for them or if they even want them.

In this sense, as it can be appreciated from the answers provided by the female lawyers⁹, the flexitime agreements entered with their law firms are based on traditional assumptions of the social division of labour and are incompatible with the concept of the ideal lawyer as described by both men and women. Indeed, the answers provided¹⁰ demonstrate that the ideal lawyer is constructed based on a man who has no family responsibilities and thus: (i) is always available; (ii) has physical presence in the law firm; and (iii) has a “good” number of billable hours logged:

*“Is **available** and proactive, this means to be one step ahead of the client. Moreover, he/she needs a minimum of **billable hours**”* (Female Senior Lawyer, 37 years old).

*“Is **available**, is **physically present** in the law firm and attract new clients. Moreover, he/she needs to have a minimum of **billable hours**, be a leader in his/her area of expertise and be a team player”* (Female Senior Manager, 51 years old).

“To move up in the career you need to make a lot of sacrifices. You need to

⁹ For the full transcript of the answers please see Appendix A.

¹⁰ For the full transcript of the answers please see Appendix B.

have empathy with your clients besides a good amount of billable hours. Moreover, you need to attract new clients. It is also important the physical presence in the law firm” (Male Partner, 37 years old).

For their part, as evidence by the conditions of the part time agreements entered by the female lawyers interviewed, the “fulfilment” of the caring responsibilities of mothers comes with a career price since they cannot longer comply with the ideal worker model. Certainly, as it has been expressly stated in the agreements, women can not be partners and work part time, they can not be leading attorneys in the big cases and deals, they are not up for salaries increases, and, they also suffer the stigma associated to part time employees reflected in their commitment to work because of their reduce schedule:

“(....) even with a prominent career in the law firm, for me it was still very difficult to balance work with my new family responsibilities, that was why the other partners propose me the possibility of a part time... this implied that I would have to step down from being a partner... so the flexitime came with a very high professional cost... the approach is that since the flexitime is only temporary once you return fulltime you can get back your position... so I had to give up being partner and therefore the profits as well as a pay cut in my salary for a part time regime... which by the way is only applicable to women not men (...)” (Female Senior Manager, 51 years old)

“Actually I have many benefits here... but in return I had to make economic sacrifices, for example even tough my salary should increased annually it hasn't increased in several years because of my arrangement... moreover, in my case I work a part time without reduced hours, this means that I have to fulfil the same amount of hours as the rest of lawyers in the firm but the benefit is that I get to leave the office earlier and work from home, also it means that I am not entitle to the annual bonuses... so really the only benefit that I get is that I leave the office early... also I will not get promoted so I am not in “competition” to become partner... I do not get to lead in any big case

because those cases requires that your are in meetings for long hours with your team and with the client and is difficult to manage the time of others and fit it with mine... then I do not participate in those cases, but I still have my same workload (...)” (Female Senior Lawyer, 37 years old)

“I have a part time regime, so I only come in the morning to the law firm but I am connected all the time but physically I am only here between 8:30 am and 2:30 pm in principle... for a while the law firm has been telling me that my kids are big enough for me to return to work fulltime and get back in track with my career and become partner... because of this I think that formally motherhood is an obstacle but in reality it does not make me unhappy, probably it has to do with the fact that what I get in return for me is so important that perhaps I have convinced myself that the other (professional career) is not so important but the truth is I'm happy as I am now.. I do not care if they make me partner or not of course if I am partner I could make more money but I'm fine (...)” (Female Senior Manager, 45 years old)

Based on the aforementioned, it is clear that what underlies these negotiations and the stall in the mother’s professional career is the idea that mothers and specially those who entered part time regimes cannot longer perform as the “ideal worker”, which in the case of lawyers, translates into the fact that mothers working in law firms will no longer be able have full availability, physical presence and a good number of billable hours logged in the system. Therefore, since they will no longer perform as good as the other lawyers who do not have childcare responsibilities –which is the ideal type of lawyer- they do not deserve the same benefits which includes becoming partners.

In this regard, when referring to the characteristics of availability and visibility within the organizations, Lewis and Humbert (2010:249) notes that visibility itself is gendered since in many flexitime schedules women with family responsibilities tend to come to work earlier in the mornings to work because they need go earlier to attend their family

responsibilities while men tend to arrive later and work later in the evenings and thus they are seen as more available (Lewis as cited in Lewis and Humbert 2010:249). Moreover, visibility “also has implications for career development and advancement” (Lewis and Humbert 2010:249) since it underlies the assumption that those who are more visible in the workplace are more competent which as Bailyn (as cited in Lewis and Humbert 2010: 250) states “is an example of the conflation of competence with hegemonic masculinity”.

In this sense, the expectations of the ideal lawyer, which are internalized by women and men lawyers, are prejudicial to both and it is more evident when they become parents and the traditional social division of labour becomes stronger as the women are expected to perform most of the child caring and child rearing of their children while the men are expected in great part to provide for their families. On this matter, it is worth mentioning that even in countries such as the Scandinavians “where parenthood is politicized to facilitate fathers engagement in childcare, organizational expectations about the division of household and paid labour between couples may still assume gendered patterns of behaviour, with fathers as the main providers and mothers as principal child-carers” (Ellingsaeter and Leira and Lammi-Taskula as cited in Burnett et al. 2013: 632). Moreover and notwithstanding that, in many cases fatherhood is life changing for men (Beck and Beck- Gernshein as cited in Burnett et al 2013:632-633), organization structures unacknowledged this and therefore, following the traditional assign norms of parenting, direct their policies exclusively towards women (Burnett et al. 2013:632-635).

In Peru, unlike the Scandinavian countries, the State has not intervene to regulate matters regarding parenthood or the traditional gender ideas of the social division of labour regarding children’s care. Even more, Peruvian laws tend to reinforce these traditional ideas by granting the mothers 98 days of maternal leave (Labour Ministry, Peru 1996 and 2011: Law No. 26644 and Supreme Decree No. 005-2011-TR) and the fathers only 4 days (Labour Ministry, Peru 2009 and 2010: Law No. 29409 and Supreme Decree No. 014-2010-TR). In this sense, under a neoliberal market, mothers and fathers employees are left to decide for themselves how they manage their roles and responsibilities as parents and therefore since women under the traditional idea of the social division of labour are the

ones expected to provide childcare, there are the ones who are driven to enter flexible agreements with their employers that allows them to fulfil their socially assign “mother responsibilities of child caring and childrearing”.

In this context, as Lyness and Kropf (as cited in Seierstad and Kirton 2015: 391) mentions, at a workplace level, the implementation of flexitime arrangements from the employers is as important as having a work – family culture because of the different “gender appropriate roles” that the society imposes upon women and men. In the case of lawyers working in law firms, as Epstein (et al 1995:391-401) argues women enter part time regimes primarily because of children responsibilities and/or for less demanding work schedules. These part time agreements are commonly negotiated on a one to one basis with the head of the department being that some specializations such as litigation for example could be more difficult to work on part time schedules, so the negotiation of a part time work schedules may be harder.

Furthermore, when analysing the WLB agreements entered by the female lawyers it can be identified that underneath those arrangements there are also hidden the following assumptions: first, that the law firms labour market and the WLB agreements entered by female lawyers are gender neutral which is false. Indeed, WLB arrangements in the law firms are exclusively directed to women since they are the ones who are supposed to perform the bulk of childcare responsibilities. In this sense, the assumption that the workplace is not gendered (neoclassical theory) can be highly contested since traditional notions of gender roles and social division of labour drive employers to consider that the women are the targets of their WLB policies and because of that they are been offered only to women. Moreover, another important fact that evidence the gendered ideology behind the law firms WLB agreements is that some of the law firms have expressly state that men are not eligible to entered this type of agreement and that has to do in part with the fact that no male lawyer has even asked for it in any firm.

The second assumption has to do with the fact that it is believe that female lawyers have “free choice” to entered this type of agreements, but the truth is that their decision is also

embedded in socially expected roles they have to perform. Regarding men, it should be mentioned that the increase of women in the labour force has reshaped men's traditional role as the breadwinners, primarily because now women also contribute to the family's wage. Nevertheless, even though over time, men have adapted their gender ideology to be more compatible with the new labour market structure and family dynamics, some men still resist the change and are stuck with the traditional ideologies of masculine behaviour which consider for example that even in dual earners families, men should be the primary breadwinners; moreover, it is important for their masculinity that the other society members perceive them as such (Tichener as cited in Cha and Thébaud 2009:218; Cha and Thébaud 2009:218-219 and Kimmel 1993:50). For their part, women are still considered as the primary caregivers.

On this matter, it is also interesting to note that the "mother's free choice assumption" is also part of the organization discourse for WLB policies. Certainly, in the negotiation for these agreements, organizations proposed the terms of the agreement based on the fact that lawyers have the chance to either agree or reject without much further account than their own will. Nevertheless, as Lewis and Giullari (as cited in Lewis and Humbert 2010:248-249) points out "to have the capacity to make real choices women (and men) must have the capability to make alternative choices" and since it is socially embedded that women are the responsible ones for the child caring and childrearing how free can their choice be to fulfil their gender assigned role which has also been internalized.

In contrast, in the case of the fathers who wish to spend more time in child caring and child rearing of their children it can be argued that the free choice assumption also plays an important part because their desire can be constrained by traditional ideologies of masculinity and gender roles that are reproduced as well in the labour market and which can limit their bargaining power for WLB policies to be applied to them; but, at the same time it can be argued that since men have the assumption that women indeed have free choice in entering WLB agreements then the career setbacks that they may experience is also part of this conscious and free decision they take which at the end entitles the labour market and men to continue to perpetuate the ideal worker based on a male model.

Additionally, as Epstein et al. (1995:309) argue “what an individual describes as an individual choice when viewed collectively shows a pattern of constraints that lead to these individual decisions”, this can be appreciated in the fact that all of the female lawyers interviewed considered that it was imply that they have a choice in agreeing to entered these arrangements not considering that perhaps that “free choice” was not as free as they thought but it was also align with the social and personal expectations of them as the primary caregivers of their children.

The third assumption is that the ideal worker cannot be someone (mothers) who decides to enter these agreements. Indeed, as it has been pointed out before, the characteristics of the ideal lawyer are not compatible with the lawyers that enter WLB agreements in order to assume the caregiving responsibilities of their children. On this subject, Epstein et al. (1995:303-304) have noted that after women had children the law firms’ expectation of them lowered and they would get off the partnership track but also women themselves would lower their own professional aspirations because of the difficulty of combining the work pressured and their family responsibilities.

The fourth assumptions, considers that work is no longer as important as before to female lawyers because now they have caregiving responsibilities. This assumption is evidence in the fact that they are no longer up for promotion or salaries increases and moreover, they are not longer part of the big cases and deals, etc. Also, they suffer the stigma of part time workers “not commitment” to work because either they work reduce hours or have the “benefit” of going home earlier and work from there depending on their negotiation. On the contrary, law firms “enjoy when men become fathers because they are believed to begin working harder to make a better living for their families” (Porter 2006: 62), this is based on the gender role of the father as the breadwinner.

Moreover, this assumption does not take into consideration the fact that work can also be a place for satisfaction on a professional level even more in the current public discourse that promotes work as “place of intellectual expression and personal achievement as opposed to

the loving but intellectually stultifying and socially under-appreciated realm of school runs, grocery shopping and coffee mornings” (Ruth Eikhof 2007:327). Indeed, as a female partner (42 years old) mention: *“it is important for parents –mothers as well as fathers- to feel professionally success (...) to do what you like, I enjoy doing my job, I enjoy going to meetings, going to the hearings, resolving legal queries (...) I do not see myself not working in law, that what I have studied for and I make money out of it and I'm happy (...)”*. In this sense, as Ruth Eikhof (et al 2007:327-328) state this assumption about work as a negative aspect of life “fails to capture more varied employee attitudes to and engagement with work”.

In sum, it can be conclude that WLB agreements are gendered because (i) they are intended to for women and not to for men since it is assumed that they are the ones who are responsible for child caring and child rearing; (ii) they reinforce traditional gender roles of motherhood and fatherhood that at the end puts a stall in women’s professional career; and (iii) entering a WLB part time labour regimes underlies the idea that lawyers who are mothers are not longer as competent as their peers who have no family responsibilities.

4.2. How are lawyers’ family strategies to cope with child caring and childrearing responsibilities gendered?

The strategies families use for coping with child caring and childrearing responsibilities are embedded in traditional ideas of motherhood and fatherhood that are shape by the Peruvian society and which are build up on relationships of power reproduced over time. This does not suggest in any case that these notions of motherhood and fatherhood have not change in the past decades and indeed they have but there is still very much present the idea that at the end the responsible for the children are the women while the men’s involvement is complementary. These ideas of motherhood and fatherhood and the construction of family responsibilities are reflected also in the understanding of the meaning of WLB.

When the participants of this research were asked which was their ideal of “father” and “mother”, their responses, although variables, had some features in common¹¹: the mother’s role was describe as someone who is there (physically) for their children, looks after them and is on top on what is going on and what their children needs on a daily basis are. On the other hand, the fathers role was describe as someone who spends time with their children doing activities (taking them to school, riding bike, etc.), attending the important events (school pays, school meetings, etc), and who is there to be part of the important decision of their children’s lives. This understanding of fatherhood can also be appreciated in how male lawyers defined WLB¹². Indeed, even tough for both men and women WLB is define as having enough time to dedicate to their family and their work; for male lawyers, the time they dedicate to their families was describe more in terms of “quality time” than actual amount of time:

“The balance between work and family life for me is to allocate adequate time to both my family and my job (...) so I think what you have to do is to have quality time with your family” (Male Partner, 47 years old).

“I believe that a balance between my family and professional life is essential, I have some policies that have been acquired over the time... for example I try not to miss anything that I think is essential for my family” (Male Senior Manager, 41 years old).

In this regard, Brandth and Kvande (1998:300-301) argue that “fathers providing care for their children is understand more as “friendship” and in doing things together”, thus fathers who spend quality time with their children doing activities consider themselves as good parents and what they do is enough. On the other hand, mothers who do not spend time in terms of physical and chronological time with their children develop a guilty conscious (Brandth and Kvande 1998:300-301) and consider themselves not good mothers. These constructions of expectations from mothers and fathers on how to care for their children is

¹¹ For the full transcript of the answers please see Appendix C.

¹² For the full transcript of the answers please see Appendix D.

embedded in traditional social expectations assign to each gender which have also been internalized by both women and men.

Furthermore, Monica Biernat and her colleagues' studies (as cited in Williams and Segal 2003:92) shows that the key difference when people judge themselves as good fathers and good mothers is time. Indeed, men that considered themselves as good fathers spend an equal amount of time with their children as mother who considered themselves only as "all right mothers". In this sense, although for men it is acceptable that they sit and talk to their kids once a week; mothers are expected to have all the time and the love in the world to give to their children, this is known as the "gold standard of motherhood", and this is the reason why employers worry that mothers would become undependable workers (Williams and Segal 2003:92).

In the case of mothers, Epstein et al. (1995: 417) notes "mother is a status charge with meaning; everyone holds a view of the "good mother" and women are evaluated –and evaluate themselves- with regard to how close they come to the ideal". Nevertheless, there is no agreement on what is the actual definition of a "good mother" since norms governing motherhood also change. Additionally, there are different styles of mothering depending of family dynamics and also women among themselves are different when it comes to how they manage to balance their different roles. Regardless, the conflict of the "good mother" and the "true professional" who is supposed to make work his/her first priority is still very much present in societies (Epstein et al. 1995: 417).

The aforementioned gendered construction of motherhood and fatherhood and hence the social expectations of each gender is evidence in the answers provided by the lawyers, both women and men, about their own understanding and self expectations of motherhood and fatherhood which proves that their concepts are constructed from traditional gender ideologies of the social division of labour that are embedded in the Peruvian society. Moreover, it is interesting to note that the female lawyers' own description of the ideal lawyer is incompatible with their understanding of their mother's role, which only contributes to show how internalized are traditional ideas regarding childcare

responsibilities as well as the idea that the ideal worker should be based on a man without any responsibility besides work.

For its part, even though the description and expectations of the father's role as describe by the lawyers is in a much farther extent more compatible with the ideal worker, it can also be appreciated that there are fathers who do seek to have an active role in their children lives and not be "completely" devoted to work. In this regard, as Brandth and Kvande (as cited in Lewis and Humbert 2010:242) mention "the ideology of fatherhood is changing in many contexts, but active fatherhood can also be constrained by the male model of work and ideal worker ideology". Nevertheless, "mothers continue to be widely perceived as having the primary responsibility for family care and fathers for family economic support and although the male breadwinner model is giving way to more diverse family models, progress is slow and uneven" (Crompton et al. as cited in Lewis and Humbert 2010:242).

Additionally, regarding parenthood and gender stereotyping, men are expected to "combine fatherhood and professional roles in a normal life" while women are expected to "find combination more stressful because of normative prescriptions for mothering are so much more clearly defined and demanding than those for fatherhood". In this sense a "mother identity" is clearer to define a woman than her professional role (Epstein et al 1995:417).

Focusing on the coping strategies, my interviews revealed¹³ that, in general terms, fathers rely primarily on their spouses for figuring it out how to handle the child caring and childrearing of their children, this does not mean that the spouse is expected to perform the child caring and childrearing without help but she is in charge of managing and taking care of this help. For their part, female lawyers strategies to cope with child caring and work rely primarily on paid domestic help and grandparents. Regarding the paid domestic help, both men and women lawyers pointed out that it was necessary to hire it if they wanted to maintain the style of life they had. Also, in some of the cases the role of the grandparents and specially the grandmothers was also vital to sustain the family dynamics for child caring:

¹³ For the full transcript of the answers please see Appendix E.

*"The role of the **grandparents** is vital, I think nature is designed that way, the grandparents have to help and in my case my parents have helped us a lot because my in-laws live in Arequipa. In addition I have a **nanny, a cook and a driver**. A whole team led by me in the house but a team here (in the Law Firm) as well in which I trust completely..."* (Female Partner, 42 years old)

*"... but what is an advantage here in the Peru is that I have the possibility to have a small house-army that supports me, I have a **nanny** of my entire confidence, a **driver and a maid** who is at home taking care of the cooking, cleaning... and my husband is a great father, so the days that I'm working late he gets home early to be with his children..."* (Female Senior Manager, 51 years old)

*"It is essential to have a support system at home, there is no way you can keep up with this work rhythm if you do not have someone to help you in your house, I have a **nanny and the grandmothers** take turns one day each one to go to my house to check the nanny... because in my house I do not have any cameras ... so I prefer if someone from my family is in my house (...)"* (Female Senior, 37 years old)

Furthermore, another important factor to take into consideration when analysing WLB and the coping strategies that the lawyers interviewed used is that, as they pointed out, they are in a double privileged position that allows them to have a better WLB¹⁴. Indeed, as they mention, because of the position they hold in the law firms they have the economic possibility to afford paid domestic help to help them not only with child caring but with the household chores. Moreover, since they are at the top of the hierarchal positions in their respective law firms, this allows them certain freedom to decide how they manage their time:

¹⁴ For the full transcript of the answers please see Appendix F.

“I can have a better balance between my work and personal life because of the position I hold in the Law Firm (...)” (Female Senior, 37 years old).

“(...) it is obviously much easier to have the balance what I have now because of my position in the company... if I want to go earlier who is going to tell me I can’t (...)” (Male Partner, 37 years old).

“(...) obviously all of this is possible because of the position I have in the law firm... thankfully my daughter came at a time in my life when I was already fully realized professionally, I had done my masters degree, I had no need to go out and prove to anyone that I was good because I had already done that... more I am a father and mother, then I have had the opportunity and the advantage of taking care of everything by myself (...)” (Female Senior Lawyer, 37 years old).

Additionally, it should be noted that the position that the lawyers interviewed have in their careers, that has to do in part with the years of experience they have as well as the fact that they have proved to the law firms they work for as well as the labour market their value as workers, gives them the advantage of managing their time in a more freely way than those who are in other stages of their careers. But moreover, it gives the female lawyers an important tool and that is bargaining power. Indeed, as it has been mention before, Peru has a neoliberal economy which supposes a “gender neutral” free competition labour market arena where the fittest will survive (Davies and Saltmarsh 2007:3). In this sense, women who have proven to be worthy and valuable in the labour market, as the female lawyers interviewed have, have the power to negotiate and entered these WLB agreements.

In conclusion, the family strategies that lawyers use to cope with family responsibilities are gendered based because: (i) male lawyers rely on their spouses for providing the bulk of the child caring responsibilities and this is based on traditional gender role assignments; (ii) the paid domestic help that is the prime strategy for lawyers to deal with child caring is

conform by women because of the gender based assumption that women are the ones more suitable to provide child caring; and (iii) the grandmothers and not the grandfathers are the ones who are also involve in the child caring of their grand children and this is also based on the assumption that women are more suitable to perform this activity. In this sense, at the end, as it can has been evidence the lawyers family coping strategies rely on women: the mother, the nannie and the grandmother.

4.3. How does parenthood affects lawyers' professional career development in law firms?

All of the lawyers interviewed considered that motherhood affects women's law firm careers while being a father do not has a negative impact on men's career. Moreover, as it can be appreciated from the answers provided¹⁵, the reason why women are affected professionally by motherhood is because women take the primarily family responsibilities of taking care and raising the children, so they are the ones making the "sacrifices". Indeed:

"It affects women's professional career because in a society like ours the mother assumes the majority of the family responsibilities" (Male Partner, 48 years old)

"Unfortunately, motherhood is an obstacle for women's professional career. The labour market in general sees motherhood as an obstacle because mothers according to society have to take care of the children specially when they are young so they will need to divide their time between work and home and that becomes a problem for the employer" (Male Partner, 37 years old)

"Even with a consolidated career in the law firm it was very difficult... I have to give up being partner in order for the other partners to grant me a flexitime arrangement" (Female Senior Manager, 51 years old)

¹⁵ For the full transcript of the answers please see Appendix G.

In this regard, as it can be appreciated it is assumed by male lawyers that women's career suffer once they become mothers because of the child caring responsibilities, this idea only reveals the underlines assumptions and reproduction within the labour arena as well as in the family dynamics of the traditional roles associated with mothers and fathers regarding child care. Moreover it demonstrates one more time that the they way the ideal worker is understand by men as well as the labour market is not compatible with mothers and thus punishes working women for becoming mothers.

Moreover, the general and internalized assumption among women and men that motherhood necessarily puts on hold women's professional career also influences female lawyers' bargaining and acceptance of their WLB agreements. Indeed, even tough as it has been explicitly stated by the female lawyers interviewed that the WLB agreements entered with their respective law firms are prejudicial for their careers since they are not longer seen as competitive workers, they never question the fact that these agreements are an indirect form of gender discrimination but instead accepted that some concessions such as not being able to become partners, not participate in the leading cases, not get promoted, etc. needed to be made in order to obtain part time schedules that would allowed them to care for their children. In this regard, Lewis and Humbert (2010:251) noted in their research "that men and women adopt different discourses and practices, which is reflected, for example, in the acceptance among women of a loss of earnings while men rarely even consider it".

Furthermore, an investigation conducted by Brooke Bass that aimed to "*explore how anticipations of parenthood differentially affect the career aspiration and choices of men and women who have not yet had children*" concluded, women tend to think and worry more than men about work and how would they balance their careers once they become mothers which is related to the fact that women's career tends to slow down and men's tend to rise their involvement in the labour sphere once they have children (Cohen and Bianchi; Grunow, Schultz, Blossfeld; LaRossa and LaRossa; Sanchez and Thomson as cited in Bass 2015:362-363 and Bass 2015:362-363).

In conclusion, parenthood only affects women's careers and this is reflected in the conditions put by law firms for entering flexitime agreements with their female lawyers that would allow them to work part time in order to also have time to take care of their children.

Chapter 5: Conclusion

In this paper I have examined how traditional ideas of the social division of labour together with gendered assumptions about motherhood and fatherhood as well as the ideal worker are embedded in the Peruvian society and reproduced in the Peruvian law firms WLB agreements. In this regard, my findings have showed that the WLB arrangements are only available to women and that men are not looking for these agreements to be accessible for them, being content with their current situation of WLB and their performance as fathers, which is very much related to the social and internalized gendered expectation of what is a good father.

Furthermore, as it has been pointed out the WLB agreements entered by the female lawyers are very unfavourable towards their careers and takes away benefits acquire over years of hard work. Indeed, as it can be appreciated from the answer provided by the female lawyers, entering a part time regime entails sacrifices such as no longer being considered to participate in the leading cases, they would not be eligible for promotion or partnership, etc. Regarding the reduce income it is my opinion that if it is proportional to the reduction of the billable hours required then from my perspective it seems fair. Nevertheless, in the cases where the female lawyer does not have a reduction of her billable hours but is only granted a flexible work schedule then the reduction in the income should be unacceptable because it has no base.

Additionally, regarding the family dynamics that lawyers rely on to find WLB my findings evidence that these dynamics are also gendered and base on preconceptions of traditional ideals of motherhood and fatherhood as well as personal gendered expectations that shapes the family negotiations for childcare and work. In this sense, men still rely on women to

carry out the bulk of the childcare and even when it is not performed directly by the mother it is still expected to be done by a woman: paid domestic help and grandmothers. These gendered ideas of who is the responsible for the childcare that shape the family dynamics are also present in the labour law firms WLB agreements as well as in the different understanding of WLB for men and women which is shown in the different expectations each one of them have regarding their role in their children's lives.

Also, my findings demonstrated that even though the glass ceiling is still very much present in the law firms; female lawyers may not even get the chance to reach them since they are stopped before by the maternal wall. Indeed, as the lawyers interviewed agreed, motherhood affects in a negative way women's career opportunities and this is more clear as they enter part time arrangements to cope with their family responsibilities signing away their possibilities of being considered as ideal workers, besides the fact that their income, their status as well as other benefits are also explicitly diminished.

In this sense and based on the findings and conclusions arrived in this research, it is clear that law firms are gendered organizations and their practices and ideas, intended or not, tend to favour men lawyers over women and, in the case of parenthood, women face even greater challenges for overcoming practices that reproduce the traditional gender division of labour such as the part time agreements entered by female lawyers.

In this scenario, what could be a viable solution for this problem? "Should women agree to conform to the existing work patterns of the legal profession or is there a need for the profession itself to change?" (Mossman as cited in Porter 2006:70). From my perspective the answer is that the profession itself needs to change and even though this paper does not intend to propose or elaborate into the possible solutions for solving the problem I do consider that for things to start changing female lawyers should start by challenging the underlying assumptions and traditional ideas behind the WLB agreements as well as the concepts of "ideal lawyer", "commitment to work" and "billable hours" and reshape the meaning of these concepts to prove that they can be compatible with WLB agreements.

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Appendix A: Work life balance agreements

Lawyer	WLB agreement
Female Senior Lawyer, 37 years old	“Actually I have many benefits here... but in return I had to make economic sacrifices, for example even though my salary should increased annually it hasn’t increased in several years because of my arrangement... moreover, in my case I work a part time without reduced hours, this means that I have to fulfil the same amount of hours as the rest of lawyers in the firm but the benefit is that I get to leave the office earlier and work from home, also it means that I am not entitle to the annual bonuses... so really the only benefit that I get is that I leave the office early... also I will not get promoted so I am not in “competition” to become partner... I do not get to lead in any big case because those cases requires that your are in meetings for long hours with your team and with the client and is difficult to manage the time of others and fit it with mine... then I do not participate in those cases, but I still have my same workload (...)”
Female Senior Manager, 51 years old	“(....) even with a prominent career in the law firm, for me it was still very difficult to balance work with my new family responsibilities, that was why the other partners propose me the possibility of a part time... this implied that I would have to step down from being a partner... so the flexitime came with a very high professional cost... the approach is that since the flexitime is only temporary once you return fulltime you can get back your position... so I had to give up being partner and therefore the profits as well as a pay cut in my salary for a part time regime... which by the way is only applicable to women not men (...)”
Female Senior Manager, 45 years old	“I have a part time regime, so I only come in the morning to the law firm but I am connected all the time but physically I am only here between 8:30 am and 2:30 pm in principle... for a while the law firm has been telling me that my kids are big enough for me to return to work fulltime and get back in track with my career and become partner... because of this I think that formally motherhood is an obstacle but in reality it does not make me unhappy, probably it has to do with the fact that what I get in return for me is so important that perhaps I have convinced myself that the other (professional career) is not so important but the truth is I'm happy as I am now.. I do not care if they make me partner or not of course if I am partner I could make more money but I'm fine (...)”

Female Senior Lawyer, 37 years old

“I have asked the Law Firm to make me a proposal for part time and home office... in either case being in a special regime definitely affects my career but you see... my life goal is not to win the million dollars or become partner next year... it is more than clear to me that the philosophy behind the part time or home office regime is that there is always a delay in your career path, you would no longer be able to be in the big deals because in principle you would not be “available” but that's not true because if you are needed you're going to be there... I think it's a big challenge to overcome the stigma associated with working less hours and not being able to do the same work as the others, I mean in terms of time (hours) obviously you will not be able to do the same work as others but I think what should matter at the end is the quality of your and not the hours your are in the office but that is something that is not taken into consideration”

Appendix B: Ideal lawyer

Lawyer	Ideal lawyer
Female Senior Lawyer, 37 years old	“Is available and proactive, this means to be one step ahead of the client. Moreover, he/she needs a minimum of billable hours ”.
Female Senior Manager, 51 years old	“Is available , is physically present in the law firm and attract new clients. Moreover, he/she needs to have a minimum of billable hours , be a leader in his/her area of expertise and be a team player”.
Male Partner, 47 years old	“Is committed to the law firm and responsible with his/her work as well as available to their clients and understand their needs”.
Female Partner, 42 years old	“Is available and needs to have time”.
Male Partner, 37 years old	“To move up in the career you need to make a lot of sacrifices. You need to have empathy with your clients besides a good amount of billable hours . Moreover, you need to attract new clients. It is also important the physical presence in the law firm”.
Male Senior Manager, 46 years old	“Is available and have a minimum of billable hours .”
Male Senior Manager, 41 years old	“Is available for his/her clients.
Female Senior Lawyer, 37 years old	“Is available 24/7 and have a lot of billable hours .”
Male Partner, 48 years old	“Is available , have a minimum of billable hours and to be able to be a team player”.
Female Senior Manager, 47 years old	“Is available not only to the client but also to the other lawyers working in the law firm. Physical presence in the law firm is also important”.

Appendix C: Mothers and fathers social role

Lawyer	Mother's role	Father's role
Female Senior Lawyer, 37 years old	<p>“Is to be there at the important moments and that my daughters know that I am their mother.</p> <p>Moreover, perhaps because of my efficiency (in comparison of my husband's) I run the household and take care of the every day life of my daughters”.</p>	<p>“Is to be there for their daughters (doctors appointments, school plays, when is time to chose schools, etc.)”.</p>
Female Senior Manager, 51 years old		<p>“Is to be there for his children (bath them, feeds them, puts them to bed, etc.). Someone who with I can share the household responsibilities”.</p>
Male Partner, 47 years old	<p>“It depends on what kind of mother you want to be. If you want to continue working, then a good mother will be someone who has a good relationship with her children and spend some quality time with them but who would not be there all day”.</p>	<p>“Historically we are the providers of the family (...) my role as a father consists on having some dynamics with my children like going out to eat, riding the bike, taking them to school, travel, etc. I think I have a close relationship with my daughters”.</p>
Female Partner, 42 years old	<p>“Is to look after my family and take care of the children.</p> <p>Because my husband's up bringing is very “macho” then that is the way it is expected to be and it works for us”.</p>	<p>“In a society like ours, his role is more of companionship and support. As head of the family, he needs to be there for the key decision”.</p>
Male Partner, 37 years old	<p>“My wife is the one who organizes and plans everything regarding our daughter”.</p>	<p>“My wife and I, we both contribute to the family's economy. As a father I like to have different rituals with my daughter, for example that I am the one in charge of changing her in the mornings (...) and some activities as well that I can plan in advance”.</p>
Male Senior Manager, 46 years old	<p>“There is no difference between a mother and a father's roles regarding their children. It is commonly said that the father is the head of the family and the one who holds the authority but that is not my case”.</p>	
Male Senior	<p>“Someone who is there for the</p>	<p>“Spending time with my family”.</p>

Manager, 41 years old	children”.	
Female Senior Lawyer, 37 years old	“Having time to spend with your children, to take care of them and raise them”.	
Male Partner, 48 years old		“To spend time with your children and participate on raising them. It is also about quality of time vs. quantity of time”.
Female Senior Manager, 47 years old	“Having time to spend with your children, to take care of them and raise them. Also, be there for all their activities and have an active role in their daily life”.	“Having time to spend with their children and be there for the important decision”.

Appendix D: Definition of work life balance

Lawyer	Definition of WLB
Female Senior Manager, 51 years old	“Balance is such a <u>personal matter</u> and it is different for each one of us, in fact <u>many lawyers do not even consider entering a law firm - men and women - because they think that the number of hours required here go against their balance and feel that that's too much...</u> then I think that balance is a challenge for all competitive workers who are looking to make a career and become leaders on their respective fields... so I think at the end <u>what matters is that you stay true to yourself and find your own equilibrium</u> which can change in time depending on your aspirations, your needs and your personal situation”.
Male Partner, 48 years old	“It is to have time to comply with my obligations with my family and work and I think <u>that it is dynamic and it can not be defined as a fixed amount of time or hours because sometimes I have more family obligations in a week or in a day and sometimes I have more work duties but balance is to be able to do both satisfactorily</u> ”
Female Senior Lawyer, 37 years old	“For me the balance between work and family life means that you can <u>share quality time with your family, not necessarily with your children, you can not have children but with your family group</u> , this environment is very competitive and then it is difficult to dedicate a lot of time to them... perhaps when you have children who depend on you and expect you to be there you may have to invest more of your time in comparison if your family group were only adults because every adult has their own life... <u>then the balance between work and family is that your job allows you to spend quality time with your family...</u> ”
Male Partner, 47 years old	“The balance between work and family life for me is to <u>allocate adequate time to both my family and my job</u> , the day has 24 hours and the theory says that of those 24 hours, 8 are for work, 8 are for sleeping and 8 are for you, that does not exist obviously because between going and returning from work you end up spending more time than 8 hours... I think that at the end you end up spending 10 or 12 hours at work, so I think what you have to do is to have quality time with your family”.
Male Senior Manager, 41 years old	“I believe that a balance between my family and professional life is essential, I have <u>some policies that have been acquired over the time...</u> for example <u>I try not to miss anything that I think is essential for my family</u> ... eventually you'll learn to value things and you begin to realize that there is no tomorrow that is equal as today... there are a lot of factors that if

	<p>you do not take advantage today, tomorrow will no longer be possible, and that I have learned in practice, there are things you may have lost thinking that you will have another opportunity but there is none.”</p>
<p>Male Partner, 37 years old</p>	<p>“For example a few weeks ago was Father's Day and I had an activity with my daughter and reserve the whole morning for it, <u>I know that the interaction with my daughter can not be permanent because I work, so there are seven to eight hours that I do not see my daughter during the day</u>, I see her at night and play with her an hour or an hour and a half and there in the morning as well, and the weekend all day but the truth is that <u>I am aware of that that is not enough time</u>. But since I haven't won the lottery yet, I have to work in order to provide to the family's income”.</p>
<p>Female Partner, 42 years old.</p>	<p>“The issue with work life balance improves over time (...) over the years you end up recovering some of the spaces you may have missed before because everything is less stressful, everything happens more naturally, you have more experience, more wisdom, and you have already been wrong enough years that you have learned what to do and not to do, the fact of having grown professionally gives you more comfort too, therefore I think that in the end time puts you in a better position to <u>balance your free time</u>, this of course assuming that you have done your thing and you have given your share of effort in the early years of the career.”</p>

Appendix E: Paid domestic help and the role of grandparents

Lawyer	
Female Partner, 42 years old	"The role of the grandparents is vital, I think nature is designed that way, the grandparents have to help and in my case my parents have helped us a lot because my in-laws live in Arequipa. In addition I have a nanny, a cook and a driver . A whole team led by me in the house but a team here (in the Law Firm) as well in which I trust completely(...)"
Female Senior Lawyer, 37 years old	"I have a good nanny , but my primarily support is my mom , I live close to my family so my mom is always in my house... I live alone with my daughter and the nanny and ever since my daughter was born I had the same nanny, that does not mean that she is raising her, she helps me with the cleaning, washing, preparing her food and my mother feeds her and bathed her... having a support is very important because if you don't then how can you work? You just can't work peacefully(...)"
Female Senior, 37 years old	"It is essential to have a support system at home, there is no way you can keep up with this work rhythm if you do not have someone to help you in your house, I have a nanny and the grandmothers take turns one day each one to go to my house to check the nanny... because in my house I do not have any cameras ... so I prefer if someone from my family is in my house (...)"
Female Senior Manager, 51 years old	"(...) but what is an advantage here in the Peru is that I have the possibility to have a small house-army that supports me, I have a nanny of my entire confidence, a driver and a maid who is at home taking care of the cooking, cleaning... and my husband is a great father, so the days that I'm working late he gets home early to be with his children(...)"
Female Senior Manager, 45 years old	" Grandparents are a great support, my dad works across the street of my house, so in case of an emergency, I call him and he usually helps me... I have two maids who support me in the house, but more than babysitters they are more of a support for example fixing my kids backpack or if I'm changing then they are with the children so they can change fast because I can not be in two places at the same time ... but I'm the one who takes them to all their activities... but still I do have help and that makes the difference"
Male Senior Manager, 46 years old	"You can survive without a husband or a wife but not without nanny ... if we did not have this help it would be too complicated, one of us would have to stop working definitely because there is no possibility for my kids to raise themselves... and the only way to accomplish this is with help(...)"

Appendix F: Benefits of the labour position

Lawyer	
Female Senior, 37 years old	“I can have a better balance between my work and personal life because of the position I hold in the Law Firm (...)”
Male Partner, 37 years old	“(…) it is obviously much easier to have the balance what I have now because of my position in the company... if I want to go earlier who is going to tell me I can’t (...)”
Female Partner, 42 years old	“Today at my 42 years I feel absolutely comfortable working and taking care of my daughters with the on-going challenge that you always want to get a better balance... I think it's very difficult to get it honestly because job responsibilities are not always align with your family responsibilities so the challenge is permanent. But I think in the end at my 40’s is more comfortable than at my 30’s ... if I have to go right now because one of my daughters is sick I can go without thinking because my team is going to solve any problem, I think that's very important what I have today at 42 years old which at 35 I did not had... it is very difficult but I think after you get to the top you can breathe easier, it just happens and that is it (...)”
Female Senior Lawyer, 37 years old	“(…) obviously all of this is possible because of the position I have in the law firm... thankfully my daughter came at a time in my life when I was already fully realized professionally, I had done my masters degree, I had no need to go out and prove to anyone that I was good because I had already done that... more I am a father and mother, then I have had the opportunity and the advantage of taking care of everything by myself (...)”

Appendix G: The effects of parenthood in the professional career

Lawyer	How does fatherhood affect men's career?	How does motherhood affects a women's career?
Male Partner, 48 years old	"Fatherhood hits you in terms of how well and how long you sleep... but still paternity did not actually had an impact in my career because I had the advantage of having a wife that didn't work so in the distribution of roles it was understood that the child caring and childrearing were her roles"	"It affects women's professional career because in a society like ours the mother assumes the majority of the family responsibilities".
Male Partner, 47 years old	"On a personal aspect after having kids I never slept the same way as before but in a professional aspect I did not really feel any change... perhaps I was more stress because I now have children to provide for as well as for my wife who stopped working".	"It affects women because if I for example want to hire a lawyer who is going to be a father I do not doubt it, but if I am planning to hire a female lawyer who is pregnant then I really need to think about it because she would have to go on maternity leave and then there are also other considerations to take into account, I don't think that is discrimination is just the reality... But I also think that if you are already a mother and you have your life organized then there should be no major problems for you career".
Male Senior Manager, 46 years old	"Fortunately, because of how the labour schedule at the Law firm operates, being a father has not affected my career but it does require a great effort ... in my case the hours that I don't spend in the office because I am with my family I compensate by working at night after my kids are sleep..."	
Male Partner, 37 years old	"It has not affected my career, but my priorities change when my daughter was born in the sense that now I am more conscious of the time that I spend in the	"Unfortunately, motherhood is an obstacle for women's professional career. The labour market in general sees motherhood as an obstacle because mothers according to

	work and I am not going to change jobs based just on the salary if they demand more time from me”.	society have to take care of the children specially when they are young so they will need to divide their time between work and home and that becomes a problem for the employer”.
Male Senior Manager, 41 years old	“It has not affected my career at all”.	
Female Partner, 42 years old		“Of course motherhood affects your professional career but perhaps in my case it affect me less because I already had a consolidated professional career... when I enter this Law Firm I was hired as the lead lawyer of the labour area... I did not care if they made me partner as long as they paid me well and give me all the things I required from them... but at the end after many years they make me partner...”
Female Senior Lawyer, 37 years old		“(...) of course that motherhood affects your career”
Female Senior Manager, 51 years old		“Even with a consolidated career in the law firm it was very difficult... I have to give up being partner in order for the other partners to grant me a flexitime arrangement”.
Female Senior Manager, 45 year old		“It depends on what you want in your career, if for you to succeed in your career is to have the title of partner and be on magazines and to be recognized as a top leading lawyer by them because they would only include there partners then motherhood is an obstacle but personally I feel that my career and my professional excellence is intact after motherhood, I will not have the title of partner but I personally do not care”.
Female Senior Lawyer, 37 years old		“Being in a flexitime regime definitely affects my career but my life goal is not to win the million dollars and be partner next year, part of the flexitime

		philosophy is that there is always a delay in your career”.
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