

Working group
report:
**Gender
Pay Gap**



INTRODUCTION

Women now make up the majority of new entrants to the legal profession in South Africa, yet they remain significantly under-represented in senior and partnership roles, and consistently earn less over the course of their careers. This drop-off is not inevitable, it is shaped by structural and cultural practices that, if left unexamined, exacerbate inequity. Tackling these disparities requires not only policy reform but also transparent, well-structured conversations at the moments that matter most. By examining and reshaping the structural and cultural practices that influence career progression, and by equipping managers and lawyers to have clear, constructive conversations, the profession can turn this demographic shift into meaningful and lasting progress.

In the South African legal sector, the gender pay gap is not only about differences in base salary. It includes disparities in bonuses, access to high-value work, promotion opportunities, progression to partnership or equity status, and levels of attrition. All of these elements ultimately affect the success and longevity of a lawyer's career.

The gender pay gap is both a fairness issue and a retention issue: inequitable pay demotivates women, reduces engagement, and drives attrition from private practice and in-house roles alike. Addressing factors which perpetuate inequality is essential for retaining talent, strengthening organisational culture, and ensuring that women are not systematically disadvantaged across their careers.

These inequities often remain hidden because conversations about pay are culturally uncomfortable, and many legal workplaces lack transparent salary structures or clear criteria for advancement. Please note that we are not aiming to undermine existing policies which many firms have in place prohibiting the sharing of salary information between employees. We are encouraging transparency within the regulatory and policy bounds established in firms.

In 2025, the South African General Counsel for Diversity and Inclusion initiative (SA GC for D&I) set up a working group to discuss these challenges and develop guidance for the sector. This document is the output from their conversations and captures the views of the working group participants, based on their real-life experiences. It is not the product of gender specialists, but rather of legal sector participants who have encountered these challenges in their workplaces.



PURPOSE OF THIS DOCUMENT

This document provides practical conversation guides for addressing gender-based inequities at three key pinch points in a woman lawyer's career:

1. Junior or Associate stage – navigating early pay reviews and career-building opportunities.
2. Maternity leave and return – mitigating financial and career progression penalties during and after leave.
3. Senior lawyers moving toward partnership/senior management for in-house – negotiating equity, origination credit, and leadership recognition.

It goes beyond salary negotiation to include conversations about career progression, fair work allocation, and transparent promotion pathways.

WHO SHOULD USE THIS DOCUMENT?

- **Women lawyers** at all stages of their careers, who need tools and phrases to raise sensitive issues constructively.
- **Managers, partners, and team leads**, who play a critical role in allocating work, supporting career progression, and responding fairly when inequities are raised.
- **Recruiters, HR, and remuneration committees**, who shape pay policies and set the philosophy for equity and progression.



UNPACKING THE GENDER PAY GAP AND THE MOTHERHOOD PENALTY

Through our working group discussions, we identified a number of interconnected drivers of pay inequity:

1. Opaque salary bands and pay philosophies

In many organisations, individuals do not know how their pay was determined or how it aligns with role-level benchmarks, making inequities difficult to surface or challenge.

2. Reliance on previous salary

Recruiters frequently anchor offers to previous earnings or informal benchmarks, perpetuating inequities created earlier in a lawyer's career. As a result, historic pay follows lawyers from role to role. Salary history questions, combined with percentage-based increases, may thus entrench early disparities and lock women into lower pay trajectories.

3. Work allocation and billable-hour culture

High-value matters drive visibility, fee-earning, and promotion. Where work allocation is informal or based on availability, affinity, or perceived "fit," women may receive fewer opportunities that contribute to progression.

4. Unclear partnership pathways

The transition from senior associate to partner or equity partner may be non-transparent, based on subjective benchmarks and informal sponsorship patterns. Early pay differences may compound significantly at this level through bonus structures, profit share, and equity weighting.

National pay gap data across the sector

South African studies across the economy estimate that women earn **23–35% less than men**, with StatsSA recording an average gender wage gap of around 30%. These figures mirror patterns observed across both the public and private sectors. While is not sufficient sectorally aggregated data on the gender pay gap, a 2018 study found that in South Africa, although women make up 57% of newly admitted entrants to the legal profession, only 47% remain in practice, and just 28% advance to partnership, compared to men, who hold 72% of partner positions.

The motherhood penalty

Our working group identified Motherhood as one of the strongest and most persistent contributors to gendered pay inequity and differences in career progression in the legal sector.

Personal experiences raised in the working group shows that becoming a mother may result in:

- Reduced bonuses or pro-rated incentive payments;
- Pressure to maintain billable hours during pregnancy or leave;
- Loss of client relationships, high-value matters, and business development opportunities;
- Slower pathways to promotion or partnership; and/or
- Assumptions that mothers are less "committed" or "available."

These patterns are reflected in an empirical study conducted by the University of Cape Town, which found that women attorneys experience a profound disjuncture between their professional commitments and societal expectations of caregiving. The study describes the legal profession as hyper-competitive and historically masculinised, with practices and norms that lack meaningful concessions for employees with

³Baker McKenzie. (2023, August 15). South Africa: Bridging the pay gap through transparency. InsightPlus. <https://insightplus.bakermckenzie.com/bm/employment-compensation/south-africa-bridging-the-pay-gap-through-transparency>

⁴Meyer, T. (2018). Female attorneys in South Africa: A quantitative analysis. *Gender Questions*, 5(1), 1-21. <https://doi.org/10.25159/2520-3223/4888>

caregiving responsibilities. As a result, women are significantly under-represented in the senior ranks of the profession and face delayed or derailed progression after childbirth. Many respondents in the study reported that motherhood delayed their advancement by several years, with some never reaching partnership at all because each period of maternity leave required “re-entering the field at a disadvantage.”⁵

THE FAIR PAY BILL: WHAT IT MEANS FOR THE LEGAL SECTOR

Introduced to Parliament in June 2025, the proposed Fair Pay Bill aims to enhance pay transparency and eliminate structural practices that perpetuate gender and other wage gaps. The Bill proposes amendments to the Employment Equity Act that are directly relevant for legal employers.

KEY ELEMENTS OF THE BILL⁶

- Prohibition of salary history questions: Employers may not ask for payslips or prior salary information, preventing historical inequities from being carried forward.
- Mandatory disclosure of salary ranges in job adverts: All postings must specify a salary or salary band, replacing ambiguous “market-related” phrasing.
- Protection for employees discussing pay: Employees cannot be prevented from sharing salary information with colleagues.
- Documented internal pay structures: Organisations must maintain transparent, defensible pay frameworks.

OPPORTUNITIES AND BLIND SPOTS

- The Bill could significantly reduce early-career inequities and strengthen fairness in recruitment practices due to the demands to be transparent and allow discussions around pay to happen more freely. Moreover, having a transparent pay framework could help address disparities that arise later in the career cycle. Other elements such as bonuses, work allocation, origination credit, reintegration after maternity leave, or partnership criteria, will be more difficult to address.

⁵ Meyer, T. (2024). Women perpetually marginalised in South African law firms – study shows. University of Cape Town. The study found that motherhood significantly delays or prevents progression to partnership within the hyper-competitive culture of South African corporate law firms.

⁶ Cliffe Dekker Hofmeyr. (2025, July 21). What you need to know about the Fair Pay Bill. Employment Law Alert. <https://www.cliffedekkerhofmeyr.com/en/news/publications/2025/Practice/Employment-Law/Employment-law-alert-21-july-What-you-need-to-know-about-the-Fair-Pay-Bill>

Introduction to the Output: Three Conversation Guides for Pay Equity

While regulatory reforms and corporate policies are essential foundations for pay equity, they cannot by themselves reshape the interactions and decisions that ultimately determine a women's career progression and financial remuneration. Across the profession, many of the most consequential decisions affecting earnings and career progression occur in informal or unstructured conversations including performance discussions, allocation of high-value work, return-to-work planning after maternity leave, and negotiations on seniority or partnership. When both employees and managers are equipped with the right language, clarity, and confidence, these conversations can become constructive opportunities to support fairness, alignment, and continued career growth.

This output provides practical, career-stage-specific guidance to help structure these conversations and promote equitable outcomes. The content reflects the collective insights of the working group, bringing together the lived experience and professional perspectives of female lawyers at all stages of their careers, from in-house counsel and law firm practitioners to advocates at the Bar, ensuring the guidance captures a diverse and representative range of realities within the South African legal profession.

These stages form the structure of the three practical guides that follow. Each section outlines challenges, preparation steps, constructive phrasing, supportive managerial responses, and structural enablers to ensure equity is embedded in organisational practices.

1. Early-Career Lawyers

Early discrepancies in starting salary, work allocation, performance evaluation, and negotiation confidence, can have long-term consequences. Establishing transparency and equity at this stage may help prevent small gaps from growing into entrenched disparities later.

2. Maternity Leave and Return to Work

Transitions into and out of maternity leave often trigger reductions in visibility, billable hours, and advancement. How organisations and individuals work together to manage this stage may shape not only immediate earnings but long-term progression toward seniority and partnership.

3. Senior Lawyers Approaching Partnership or Senior Management

Partnership and leadership decisions may have the largest financial implications, with previous disparities potentially being amplified through the structuring of discretionary bonuses, equity shares, profit distribution, and leadership roles. Transparent criteria and equitable processes are essential to avoid deepening historic inequities.

Conversation Guide 1: Early Career Lawyers

Context and Common Challenges

What makes this stage a pinch point? What inequities often show up?

- **Anchoring to prior pay** may reinforce earlier inequities, especially for women and marginalised groups. **Recruiter requests for salary history** may entrench pay gaps.
- **Unequal access to high-value work** could limit early earning and progression.
- **Power imbalances in negotiation** might disadvantage junior staff.
- **Lack of transparent pay structures** can create uncertainty and may obscure unfair pay differentials.
- **Uncertainty about negotiating norms** can deter self-advocacy.

Preparing for the Conversation

What should the employee prepare? What should the manager/organisation prepare? Who should managers involve?

For Employees/ junior colleagues

- **Prepare a “brag file”** of achievements, client feedback, value added, and evidence that supports their ask, including wins, contributions, and what is standard in the industry or among peers.
- **Put their hand up for complex work to underpin evidence of progression and achievement.**
- **Be clear about their career goals** and ask for their manager’s support in achieving them.

For managers / senior colleagues

- **Be open-minded**, recognising that no two people contribute in the same way and therefore evidence of contribution may differ.
- **Be transparent about what is possible**, setting realistic expectations.
- **Understand relevant salary bands** and policies, and involve HR where needed.
- **Understand the whole context:** past performance, tenure, and how similar roles are remunerated elsewhere.
- **Consider creative approaches to increases** if budgets are constrained; this may include bonuses or retention mechanisms beyond immediate cash adjustments.

Conversation starters & phrasing (to use & avoid)

Good ways-in for employees; timing? supportive opening lines for managers; phrases to avoid

- **Employees should avoid comparisons** such as “she/he gets more than I do,” and instead focus on the specific value they bring. In many firms, the sharing of salary information is prohibited between employees, so be sure you understand and do not contravene these and similar policies.
- **On timing:**
 - As employees - you may need to be patient (so don’t wait too long to ask for a raise and expect quick results, especially in-house) given that budget approvals are a reality.
 - For employees - a good time to start the conversation is during the scheduled performance review discussions when both parties are prepared to have the discussion. Another good time to bring it up is after your role has increased in scope or your responsibilities have increased.
 - As manager - don’t wait to offer the raise when the employee shows signs of resigning as it’s likely too late.
- Phrases to avoid - manager/employer: “It’s not about the money.”

Conversation Guide 1: Early Career Lawyers

Supportive responses and follow through

How should managers respond in the moment? What actions should follow? Who else should be involved?

For managers/seniors

- **Avoid on-the-fly promises;** instead give clear timelines for when feedback or decisions will be provided.
- **Consult HR or remuneration specialists** to explore feasible options and ensure decisions align with policy and benchmarks.
- **Document next steps and follow-ups,** ensuring the employee understands what will happen, when, and who is involved.

Structural/cultural enablers

What policies, norms, or practices could help facilitate these conversations and equity more broadly?

- **Flag inequities when they surface** and commit to reviewing them through the proper internal channels.
 - Some organisation-level systems exist to compare salaries across roles and flag discrepancies, aiming to keep employees within a fair percentile range
- **The Fair Pay Bill** may help this issue by banning salary history questions and requiring clear pay bands. Organisations should start the process of preparing for this legislation and ensure it is effectively embedded and understood by members of the firm.

Conversation Guide 2: Before and After Maternity Leave

Context and Common Challenges

What makes this stage a pinch point? What inequities often show up?

- **Bonuses may be pro-rated** downward due to time off (motherhood penalty).
- **Client relationships and networks may weaken** during absence, making re-establishing practice harder.
- **Returning mothers may receive “softer” or lower-value work,** delaying career progression.
- **Needs and preferences differ:** some mothers want to return at full pace while others need phased reintegration, so one rigid approach does not work.

Preparing for the Conversation

What should the employee prepare? What should the manager/organisation prepare? Who should managers involve?

- **For managers** - schedule a meeting before returning to discuss expectations, working arrangements, and transition back to work.
 - For employees - use this time to clarify what support is required on return and what role managers can play in unlocking it.
- **Do not leave discussions to the last minute;** managers should actively enquire about support needed.
- **On return, both parties should discuss KPIs, any changes to organisational priorities,** and any adjustments needed to the role, workload, or working environment.
- **Managers must be proactive;** silence is not a sign that someone is coping - ask, engage, and follow up.

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Conversation starters & phrasing (to use & avoid)

Good ways-in for employees; timing? supportive opening lines for managers; phrases to avoid

Employees should not feel apologetic for taking the full allocated maternity leave and should not be pressured to return earlier than required.

- **Managers can ask:** “What systems and support structures will be most helpful to you?”
 - **Use supportive phrases such as:** “We’re invested in your reintegration and your success. How can we help you?”
 - **Managers should avoid treating maternity leave as a “problem”** - framing it negatively makes reintegration harder.
 - **Do not compare maternity leave to “a holiday”** or imply it is easy for everyone; check in respectfully on how the employee is doing.
- **Consider involving a maternity return coach** to help structure conversations and support reintegration.
- **Before maternity leave starts, managers may ask the employee which colleagues could assist** in her absence to ensure continuity.

Conversation Guide 2: Before and After Maternity Leave

Supportive responses and follow through

How should managers respond in the moment? What actions should follow?

- If there are handovers to **other staff** (at the start or end of maternity leave), they **should be included** in relevant parts of the conversation.
- Managers should **not make it seem as though asking for support is an inconvenience** or a sign of weakness.
- Managers and the organisation should show **equal concern and care for each child** a woman has. Additionally, **equal care and concern should be shown for parents who adopt**.
- **Companies can respond with actions**, not just words - for example, having a nursing room where mothers can nurse and store milk.

Structural/cultural enablers

What policies, norms, or practices could help facilitate these conversations and equity more broadly?

- **Return-to-work programmes** are a helpful structure that is already in place in some firms.
- **Flexible hours** and work-from-home arrangements.
- Cultural shift toward **women and men sharing caregiving responsibilities** equally. **Encourage men to take parental leave** - this should be normalised.
- **Involve a maternity return coach** to help structure and facilitate reintegration discussions; they are neutral and knowledgeable about the process.
- **Bonuses/performance rewards could consider not only looking at the previous 12 months**, as maternity leave will affect 12-month performance; multi-year averaging may be fairer.

Conversation Guide 3: Lawyers approaching partnership/senior management

Context and Common Challenges

What makes this stage a pinch point? What inequities often show up?

- **Small salary differences in earlier career stages may become large inequities** in equity shares and bonuses at partnership level.
- **Some areas of work may have become male-dominated** (e.g., M&A) even though women can perform equally well; there may be few or no female senior lawyers in these spaces.
- **Stereotypes persist about what kind of work female lawyers are “better suited” for**; coded language is often used to justify this.
- **Limited experience in high-value or breakthrough matters earlier on in a career can limit eligibility for partnership later.**

Preparing for the Conversation

What should the employee prepare? What should the manager/organisation prepare? Who should managers involve?

- Ensure **conversations are data-driven and specific**, avoiding sweeping statements or assumptions.
- For the more senior lawyer: take a **long-term view of a lawyer’s performance** rather than focusing only on recent deals or matters.
- Managers should **hold regular career progression conversations**, so partnership discussions are not a surprise.
- Where mentorship or coaching relationships exist, employees can **“dry run” the discussion** in advance to sense-check expectations.

Conversation starters & phrasing (to use & avoid)

Good ways-in for employees; timing? supportive opening lines for managers; phrases to avoid

- Employees can **express keenness to take on more challenging work** and responsibilities aligned with partnership expectations.
- Employees should **communicate aspirations for partnership** or senior roles early to access the support and mentorship they need.
- **For employees - ask during the performance reviews whether anything might prevent eligibility** for a senior position.

Supportive responses and follow through

How should managers respond in the moment? What actions should follow? Who else should be involved?

For managers:

- **Review work allocation patterns** to ensure the employee has access to complex, high-value matters necessary for partnership eligibility.
- **Include HR or RemCom** where needed to verify consistency in promotion criteria, benchmarking, and eligibility pathways.
- **Follow up with a documented development plan** that the employee can co-create to include sponsorship, stretch opportunities, and visibility with key decision-makers.

Conversation Guide 3: Lawyers approaching partnership/ senior management

Structural/cultural enablers

What policies, norms, or practices could help facilitate these conversations and equity more broadly?

- **Ensure partnership criteria and policies are clear, accessible, and consistently applied.**
- **Establish mentorship and support programmes for women** aspiring to senior or partnership roles, including mentoring, sponsorship, and business development support.
- **Implement transparent workload and origination credit systems** to ensure value attribution and rewards are fair.
- **Incorporate women meaningfully into succession planning** so leadership pipelines are not shaped by stereotypes or informal networks.





**We would like to hear
your feedback!**

**Get in touch with us at
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