



Where are the women?

SANDRA SOMERS – DIRECTOR, DRIVER TRETT SINGAPORE EXPLORES THE SLOW GROWTH OF THE NUMBERS OF WOMEN ENTERING THE CONSTRUCTION INDUSTRY AND HIGHLIGHTS SOME OF THE STEPS BEING TAKEN TO SUPPORT THOSE WHO WISH TO DEVELOP AND PROGRESS AS EXPERT WITNESSES.

Driver Trett is committed to delivering 'great quality service and real value'. We recruit 'only the best professionals in the business' and strive to be 'the employer of choice in our industry'.

These commitments are reflected in the fact that we house some of the world's leading experts and work on the best projects. Delivering high quality work means having the highest calibre workforce and to achieve that, we need diversity.

In terms of why diversity is needed, The Wall Street Journal coins this nicely:

"Research shows that gender equality is as good for business as it is for individuals. Diverse teams and companies produce better results and higher revenue and profits, which lead to more opportunity for everyone, not just women."¹

We all know how the statistics for women in construction are challenging at best. So much so that the subject even makes headlines in global media. For instance, the Guardian newspaper reported that women made up just 11%

of the UK construction workforce in 2015. This is a slight improvement since 2002/03, where women accounted for 9%².

Interestingly, these statistics are actually worse when looking at the appointment of female arbitrators. The London Court of International Arbitration (LCIA) showed in their 2013 annual report that just 9.8% of the 162 appointees selected by the LCIA, and 6.9% of the 160 appointees selected by the parties, were female.

However, all is not lost. The construction industry in the UK is proactive in attracting women. For instance, the government launched the #notjustforboys campaign which highlights issues surrounding getting women to work in industries like construction, where they are under-represented. Similarly, the Equal Opportunities Commission (EOC) also launched a campaign 'Know your place' encouraging women to consider a career in construction.

Further, there is the Equal Representation in Arbitration (ERA) Pledge, which calls on the international dispute resolu-

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tion community to commit to increasing the number of female arbitrators on an equal opportunity basis³.

Notwithstanding this, it might be understandable that construction does not appeal to everyone, regardless of gender. Many years ago, I remember my dad's not quite so supportive reaction when I told him I was leaving my cosy job in an engineering office, "to go build a road!" and despite that, I have not looked back since.

The same cannot be said for the legal profession, where regardless of the fact that approximately 60% of all law graduates are women, this figure steadily decreases over time and rank; such that, by the time we get to the managing partner level, only 4% are women⁴.

So, what does that mean for us? In terms of dispute resolution services, Driver Trett generally consists of construction professionals, engineers, and quantity surveyors. Many of us also have advanced qualifications in law and alternative dispute resolution (ADR), we may even be non-practising barristers. In →

terms of the work that we do, this places us somewhere between the two arenas of construction and law. Insofar as the numbers of women are concerned, needless to say the implication is severe.

Looking at the overall number of fee-earners in Driver Trett, currently around 15% are women⁵, this is an improvement from 13% in June 2017 so we are heading in the right direction. Within the Diales expert witness team around 12% are female (a massive improvement on the 0% figure that the service launched with in 2012), this percentage of female experts appears to be mirrored across our industry⁶. In addition, the number of females within the Diales development group and showing interest in our Minerva programme is encouraging for the future.

Focussing on the role of experts, I asked several outside professionals their views.

Generally, female experts are a rare breed. However, the feedback on how well they perform is positive. Both Rashda Rana SC⁷ and Annalise Day QC agree that the female experts they have worked with were excellent: clearer in their reports and in the witness box, and tend to have done more work themselves.

Head of Dispute Resolution at Drew Napier states that he has seen good and bad experts of both sexes (this is inclusive of other industry sectors such as medical). Notwithstanding the general rarity, he states that he would not consciously insert the gender debate into any expert selection process, it's all about competence and steadiness which overshadows sensitivities over gender.

This feedback is very encouraging. So, aside from the obvious reason of family (if that may count), what is holding us back?

To start with, it's not the easiest job. The Academy of Experts state: "Firstly being an expert is certainly not for everyone irrespective of gender. In addition to knowledge and experience, one has to be prepared to be 'shot at in public', work totally anti-social long hours frequently at very short notice. It is important to recognise that you cannot become an Expert overnight."

The Society of Women Engineers state that there isn't a strong network of females in engineering. The American Society of Mechanical Engineers (ASME) and

UK organisation #ChicksWithBricks also include the lack of female role models as a factor. Further, the Institution of Engineering Designers⁸ state that the lack of females choosing to study science related subjects is the lowest in Europe and that diversity is required to overcome this problem. Overall, confidence came up as a key factor.

On the legal side, our female friends appear to face different challenges. According to a report by the Institute for Continuing Legal Education in California, 85% of the women lawyers surveyed perceived a subtle, but pervasive, gender bias within the legal profession. Almost two-thirds agreed women lawyers are not accepted as equals by their male peers. As a result, women are often overlooked or passed over.

Annalise Day points out that the tendency is to appoint the same experts, in the same way that people appoint the same arbitrators, and those experts tend to end up being men. Rashda Rana also states that:

"Just as most people think of men when you say 'Arbitrator' or even 'Counsel', they think of men when you say, 'Expert Witness'. You have to get out there and press the flesh to make sure people know about you."

Making sure people know about you is a key piece of advice for any potential expert (whether male or female). However, how do we do this and what else can we do?

Rashda suggests:

- Networking – this is equally as important for lawyers as it is for experts.
- Build a profile – attend seminars and events where possible.
- Help yourself and help others. This includes being assertive without being aggressive, promote your skills and expertise.
- Find support - surround yourself with supportive people: family, friends, colleagues, bosses, mentors.
- Make sure you get credit for the work you have done.

Further and most importantly – don't give up! Rashda tells us that perseverance and courage has been key for her personally in

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overcoming obstacles. She shares:

"The best way is to show them your brilliance which means working doubly hard and being doubly good at whatever it is you do."

On a more practical level, Annalise suggests:

"...finding a mentor whether male or female. You can also reach out to supportive lawyers for guidance and feedback – don't be afraid to ask for help!"

In line with this, the Driver Trett Singapore office has set up a mentoring initiative for female consultants in both delay and quantum. Going against the trend for Asia, Singapore and Hong Kong have an unusually high proportion of female consultants (there is also a high proportion of female consultants in the France office). The initiative is not to exclude the male consultants, but has been set up to support and encourage our team should they wish to participate. Experts Faye Yeo from Singapore, Ashlea Read in Hong Kong, Karen Wenham, and myself have kindly agreed to act as mentors for the Singapore and Hong Kong teams. We hope that this initiative will start the ball rolling and extend further into other regions and across the globe.

The mentoring initiative has already proven successful with both individual

and group mentoring sessions having taken place. In fact, a similar initiative for our male consultants is currently being discussed. We have also been reaching out to our female experts in Europe to see what we can achieve.

To improve networking and profile building, the Singapore office has also set up an events calendar for local and regional seminars, conferences and networking events. The team is notified on a weekly basis of upcoming events and participation is encouraged.

Outside of Driver Trett, there are several organisations specifically for supporting the fairer sex in a professional capacity, such as www.arbitralwomen.org and www.nawic.co.uk⁹.

There may be networking groups in your area (Singapore has 'Women in Arbitration' that meets regularly), or it may be worth seeing what is available within existing institutions such as CIOB and RICS.

To conclude, despite the significant challenges, progress is being made. Support is out there, and things are slowly changing. At Driver Trett, despite some offices employing a high proportion of females for the industry, when it comes to female experts, it seems we are yet to stand out. Ultimately, it is up to the individual to determine how they wish to progress and this applies to both males and females alike. Certainly, in Asia and parts of Europe, Driver Trett appears to be the employer of choice as far as female consultants are concerned, offering a work place that is not only open to diversity but also supportive of its growth, which the industry so badly needs – and who knows, with these types of environment now being set up, we may even see the number of female experts in the industry rise. ■

¹ <https://www.wsj.com/articles/sheryl-sandberg-women-are-leaning-in-but-they-face-pushback-1474963980> dated 27 September 2016

² Article 'The Changing Role of Women in the Construction Workforce' published by the Chartered Institute of Building

³ www.arbitrationpledge.com

⁴ Interview of Rashda Rana by LexisNexis "Is there a Gender Gap in Arbitration?" dated 07 April 2015

⁵ Based on internal HR stats as at December 2017

⁶ From looking at information available on competitors' websites, the ratio of male to female experts in construction was generally similar

⁷ President of Arbitral Women

⁸ May/June 2017

⁹ The National Association of Women in Construction