

# ASIAN- COUNSEL

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## EMPLOYMENT SPECIAL REPORT



Restructuring Asian labour laws

CEO qualifications in Vietnam



Abraham adds that one belief often used to discriminate against women is, 'that they are bound by their maternal and domestic obligations.' Emily Ko, a Solicitor with Kennedys in Hong Kong confirms that, 'As a result of having to allocate time to their families and children, women lawyers may be perceived as being less committed to their careers than men.'

This perception is both untrue and highly ironic, as Asia provides women lawyers with a domestic support infrastructure not commonly available to western lawyers. Walsh states that, 'One of the things that is interesting in Hong Kong compared to the London market, is that there is an incredibly sophisticated domestic support system in Hong Kong, with the availability of domestic helpers at affordable prices and cultural acceptance of it.'

Unlike their western counterparts, Asia's female attorneys also reap the benefits of a closely knit, extended family structure, where grandparents and relatives assist in the rearing of children. Indeed, this leads Walsh to ask, 'Why, if you have so much support, do you have so few female partners?' The answer is that while Asia provides female attorneys with excellent domestic support, the work-life balance is thrown out of kilter by the region's refusal to accept flexible working hours and non-traditional working arrangements.

Minter Ellison's Walsh states that, 'The real issues for the women I dealt with in London are linked to childcare responsibilities. We in Asia have inflexible working hours compared to Europe or Australia.' Consequently, she adds that the real challenge, 'is the absence of the acceptance of atypical working hours or arrangements. That is considered very unusual in Hong Kong but is very acceptable in London.'

Shearn Delamore & Co's Abraham adds that, 'Many

women in this day would be quite capable of being productive and efficient working from home or even on a part time basis. This is a common practice or at least an allowance made by law firms in the West. Such practice has not been officially adopted into employment contracts here in Malaysia.'

Not surprisingly, fields that require unlimited, unbalanced time commitments remain dominated by men. Widyaretna Buenastuti, in-house counsel with Pfizer Indonesia gives the following example, 'In the litigation area, there are more men than women.' On the other hand, she notes that women predominate among

in-house counsel. According to her, this is because, 'In the corporate world and working as an in-house counsel, the authority to manage your own time is on the counsel's shoulder and not on the clients.'

Everyone knows that innovations such as notebook PCs, wi-fi and the Internet raise productivity by giving employees greater control over their time and location. Moreover, smart employers have long grasped the notion that seems to elude some

Asian law firms: Quantity, quality and deadlines matter more than face time at the office. By refusing to unchain their brightest staff from office desks and time clocks, stubborn firms stand to lose far more than their female attorneys. As Minter Ellison's Walsh concludes, 'Alternative work arrangements that deliver to business needs not only empower female lawyers but also make good business sense.'

“ Women are sometimes discriminated against as the sexual discrimination laws are not part of our framework ”



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