



The Law Society of
Upper Canada

Barreau
du Haut-Canada

LAWYERS IN ONTARIO: EVIDENCE FROM THE 1996 CENSUS

**A Report for the Law Society of Upper Canada
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Executive Summary

Using the 1996 Canadian Census, this Report describes the representation, work situations and income of lawyers in Ontario, focussing on Aboriginal persons, racialized groups and women. Detailed information is provided for Blacks, South Asians, Chinese, Southeast Asians, Koreans, Japanese, Filipinos and Pacific Islanders, Latin Americans, and Arabs and West Asians.

In 1996, 7.3 percent of lawyers in Ontario were non-white, compared to 17.5 percent of the population. Only 0.6 percent of lawyers were Aboriginal, compared to 1.4 percent of the population. Three-quarters of non-white lawyers are South Asian, Black or Chinese. Except for the Japanese, all the other racialized groups are under-represented in the legal profession.

The 7.3 percent non-white lawyers compares to 24.5 percent non-white physicians, 22.1 percent of engineers, 20.6 percent of medical specialists and 13.7 percent of professors; and 9.5 percent of high-level managers and 13.0 of middle managers are non-white. More than four-fifths of lawyers in Ontario were born in Canada, 2.8 percent in the US and 8.1 percent in Europe. Just 6.3 percent of lawyers are from outside Canada, the US and Europe. In comparison, about 30 percent of high- and middle-level managers and 45 percent of physicians, specialists, engineers and professors are born outside Canada.

Among the youngest lawyers there is greater diversity, with a noticeable increase in the proportion of lawyers from all the racialized groups except for Southeast Asians and Filipinos, who have almost none. Thirteen percent of Ontario lawyers between 25 and 34 years of age are non-white, compared to 5.0 percent of lawyers 35-44, 3.7 percent of lawyers 45-54, and 7.1 percent of lawyers between 55 and 64.

In 1996, 30.1 percent of lawyers in Ontario were women. The proportion of women is roughly similar for physicians, medical specialists, professors and middle managers. Women account for just 7.8 percent of lawyers between the ages of 55 and 64, compared to 18.0 percent of lawyers 45-54, 33.1 percent of lawyers 35-44 and 45.3 percent of lawyers between 25 and 34. The increased representation of women lawyers has been more rapid than in any of the six other occupations studied.

Defining "Francophones" as persons whose first language was French and had French heritage, in 1996 2.8 percent of lawyers in Ontario were Francophone, somewhat less than their 3.3 percent share of the Ontario population.

In 1995, the mean annual earnings of non-white and white lawyers, respectively, were \$28,000 and \$33,900 for lawyers between 25 and 29, rising to \$58,500 and \$91,200 for the 35-39 age group. Non-white lawyers between 40 and 49 earned about \$70,000 per year on average, compared to \$110,000 for whites. At the peak age for white earnings, between 50 and 54, the average income of white lawyers is about \$130,000, versus \$60,000 for non-whites.

At the beginning of their careers, the incomes of female and male lawyers are not different, but for lawyers between 30 and 34 the gender difference averages \$7,900, rising to \$16,300 for ages 35-39, to about \$35,000 for lawyers 40-49, and to almost \$65,000 for lawyers between 50 and 54. Male lawyers between 50 and 54 earned 94 percent more than women the same age. Regression analysis shows that after age 40 the income disparity cannot be explained by gender differences in hours or work, sector of employment and self-employment.

To better understand why Aboriginals and racialized groups are under-represented in the legal profession requires new data on recruitment into the profession. Further research on why women's income is lower, and on the incomes of lawyers who are Aboriginal and from racialized groups also requires new information, on recruitment to different areas of legal practice and on the hiring, promotion and compensation practices of law firms.

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Contents

Executive Summary	i
Acknowledgements	iii
List of Tables	v
Introduction	1
Using the Census for Research on the Social Characteristics of Lawyers	2
Definitions of Key Measures Used in this Study	3
Who is Counted as a Lawyer?	4
Aboriginals and Racialized Groups	4
Francophones	5
Representation of Aboriginal Persons and Racialized Groups	5
Comparisons to the Population	5
In and Outside of Toronto	10
Provincial Differences	10
Comparing Lawyers to Other Professions and Managers	12
Immigration, First Language and Access to the Professions	14
Changes in the Representation of Aboriginals and Racialized Groups	17
Representation of Women	21
Representation of Francophones	23
Racialized Groups, Gender and the Working Conditions of Lawyers	25
"Class" of Worker and Sector of Employment	25
Hours and Weeks of Work	27
Incomes of Lawyers	29
Income Distributions by Gender and for Racialized Groups	29
Gender, Age and Income	33
Regression Analysis of 1995 Income	35
Incomes of Women	36
Incomes of Members of Racialized Groups	36
Conclusions	37
Notes	40

List of Tables

1. Aboriginal Status and Membership in Racialized Groups Lawyers, with Population Comparisons, Ontario, 1996
2. Aboriginal Status and Membership in Racialized Groups of Lawyers, with Population Comparisons, for the Toronto CMA and Ontario outside Toronto, 1996
3. Aboriginal Status and Membership in Racialized Groups of Lawyers, by Province and Territory, 1996
4. Aboriginal Status and Membership in Racialized Groups of Lawyers, Compared to Other Professions and Managers, Ontario, 1996
5. Place of Birth of Lawyers, Compared to Other Professions and Managers, with Population Comparisons, Ontario, 1996
6. Period and Age of Immigration and First Language of Lawyers, with Population Comparisons, Ontario, 1996
7. Aboriginal Status and Membership in Racialized Groups of Lawyers, by Age, with Comparisons to the Population and Other Professions and Managers, Ontario, 1996
8. Gender of Lawyers, with Comparisons to the Population and Other Professions and Managers, Ontario, 1996
9. Gender of Lawyers, by Age with Comparisons to the Population and Other Professions and Managers, Ontario, 1996
10. Representation of Francophones among Lawyers, with Comparisons to the Population and Other Professionals and Managers, Ontario, 1996
11. Part-Time Employment, "Class" of Worker and Sector of Employment of Lawyers, by Aboriginal Status and Membership in Racialized Groups, Ontario, 1996
12. Part-Time Employment, "Class" of Worker and Sector of Employment of Lawyers, by Sex, Ontario, 1996
13. 1995 Employment Income of Members of Racialized Groups for Lawyers, Ontario
14. 1995 Employment Income by Gender for Lawyers, Ontario
15. 1995 Employment Income by Age by Gender, Ontario

Introduction

Using the 1996 Canadian Census, this *Report* describes the representation of Aboriginal persons, racialized groups, women and Francophones in the legal profession in Ontario. The findings measure the ability of the legal profession to provide effective representation in a society divided by social, cultural and economic differences, and where the identity of lawyers often matters to clients. The findings also point to inequality in the resources of the different racialized groups, because lawyers' expertise and privileged social and economic position provides knowledge of and greater access to government, political institutions and elective office.

Short of complete exclusion, to say that a group is under-represented requires a standard. The proportion of lawyers from a particular group should be compared to the corresponding proportion of the population, but it is also sensible to make comparisons to the numbers in the labour force, in full-time employment and with university degrees. Information on full-time students provides an indication of the numbers eligible to enter law school.

Because most lawyers have long careers, the overall composition of the profession changes quite slowly. Lawyers are also at low risk of occupational injury and many are not subject to compulsory retirement. A comparison of age cohorts will provide evidence of whether and how the characteristics of the profession are changing. For racialized groups with significant numbers of immigrants, it is also helpful to look at lawyers' places of birth, age on arrival in Canada and first language. Another interesting comparison is between lawyers and other occupational groups with comparably long professional careers and status. This *Report* provides comparisons with physicians, medical specialists, university professors, engineers, and high- and middle-level managers.

The situation of Aboriginals, racialized groups and women in the legal profession involves not only the number of lawyers, but also their status within the profession. The Census measures the extent of part-time employment, hours of work, number of weeks of employment, sector of employment (distinguishing law firms from government and other organizations), and income, separately from salaries and self-employment. Regression models provide the means to examine gender and, to a limited extent, racial differences in income, taking account of the effects of age, sector of employment, and other factors.

Ideally, this *Report* would include an examination of the *intersection* between gender and membership in racialized groups. We should examine the numbers of women lawyers who are Aboriginal and from racialized groups, as well as their work situations and income levels. Unfortunately the Census sample is not sufficiently large to address this in detail.

Using the Census for Research on the Social Characteristics of Lawyers

The Canadian Censuses constitute the largest and most important sources of information on the Canadian population. The "long form" of the Census, distributed to one in every five households (the other four-fifths complete a "short form" designed mainly to count the population), provides detailed information on Canadians' ethno-racial characteristics, education, occupation and income. The data are not perfect, but close to the best achievable from what is effectively an enormous survey research project. The Census response rate – the proportion of the population for whom data are gathered successfully – is close enough to 100 percent that non-response can safely be ignored. Much effort is put into assuring the quality of the Census data, resolving inconsistencies among an individual's answers, making educated guesses about missing answers, and compensating for non-response.¹

As a research tool, a great strength of the Census is that it can address a wide variety of research questions, which need not have been anticipated beforehand. The quantity of data is such that research can be conducted on very small groups, such as lawyers in Ontario, who constitute roughly one twentieth of one percent of the Canadian population. Census information on individuals' socio-economic and demographic characteristics makes it a powerful tool for evaluating access and equity. A weak point of the Census is that it does not capture institutional features of the legal (or any other) profession, particularly the characteristics of the law firms and other employers where lawyers work, which strongly affect their work experience and remuneration. The only remedy is to gather new information, surveying individual lawyers and/or law firms. Nevertheless, the Census offers a valuable starting point for research on lawyers in Ontario, at very low cost; and it is uniquely suited to making systematic comparisons between

lawyers and the corresponding groups in the population, as well as with other professional groups.

The Census data speak with authority, but also with the statistical limitations of any sample survey. With six million records, it may seem odd to think of the Census as a sample that yields "estimates" of the characteristics of lawyers, or any other group, with a margin of error. But the selection of one in five Canadian households to receive the Census "long form" is no different from any other kind of sampling. *On average*, statistics computed for a sample fairly represent the population, but since each random sample is a bit different from the others, there is "sampling error" in the resulting estimates. Of course, larger samples give smaller sampling errors, usually in inverse proportion to the square root of the size of the sample.

Since the 1996 Census includes records for about 4,800 Ontario lawyers, statistics in this *Report* that are based on the entire sample of lawyers in Ontario are very precise. The proportion of women lawyers, for example, is accurate to within 1.6 percent, 95 percent of the time ("with 95 percent confidence"). More serious limitations arise when it is necessary to examine parts of the sample, for example to calculate the proportion of lawyers between 25 and 34 who are female, the mean income of aboriginal lawyers, or the proportion of visible South Asian lawyers who work part-time.

Nearly five years after they were collected, it is reasonable to ask whether the 1996 Census data are obsolete. The 2001 Census will produce more timely data, but not until 2004, since Statistics Canada requires about three years to ready the huge number of Census questionnaires for analysis. Whether the 1996 data are still relevant depends essentially on how rapidly the profession is changing. In fact, the great majority of lawyers included in the 1996 Census will still be in practice five years later and so the data are reasonably timely. Where change is rapid, as we see below in the representation of women, data from 1996 are "conservative" and *underestimate* the extent of change.

Definitions of Key Measures Used in this Study

What seems like the simplest analysis of a survey involves methodological judgements. For example: should a lawyer who was not working when the Census was conducted, because she is on maternity leave, be counted among the Ontario lawyers examined here; how does one identify a person who is "Aboriginal" or a "Francophone"; and how does one "count" a person who, say, indicates that he is both South Asian and white. Details are left to the notes of this *Report*, but the key definitions are set out here.

Who is Counted as a Lawyer?

In this study, lawyers simply include all Census respondents who gave "lawyer" as their occupation.² Almost all these "lawyers" were working when the Census was conducted, in May 1996, but an instruction on the form asks persons who are not working at the time to indicate the occupation of "the job of longest duration since January 1, 1995." Provided she worked as a lawyer at any time in 1995 or 1996, a lawyer on maternity leave was included in these statistics.

Aboriginals and Racialized Groups

The identification of Aboriginal persons in this study is based on the question: "Is this person an Aboriginal person, that is, North American Indian, Métis or Inuit(Eskimo)?" Only persons who were not Aboriginal, were instructed to answer the next question, which asks only "Is this person ..." and provides a series of categories, displayed as shown in the box. An additional instruction reads, "*Mark or specify more than one, if applicable.*" The Census form does not use *any* term to describe what this question measures.³

A very small number, less than one percent, of respondents gave more than one answer to the question

-
- White
 - Chinese
 - South Asian (e.g., East Indian, Pakistani, Punjabi, Sri Lankan)
 - Black (e.g., African, Haitian, Jamaican, Somali)
 - Arab / West Asian (e.g., Armenian, Egyptian, Iranian)
 - Filipino
 - Southeast Asian (e.g., Cambodian, Indonesian, Laotian, Vietnamese)
 - Latin American
 - Japanese
 - Korean
 - Other — Specify
-
-

Response Options for the 1996
Census Question about
Racialized Groups

about racialized groups, compared to about 30 percent multiple-responses for the Census question about their ethnicity. In this analysis, respondents who gave two or more answers were classified according to their "most visible" response. For example, a person who indicated that she was "Black" and "South Asian" was placed in the category for "Black".⁴ A very small number of respondents who did not answer the question about "race" were assigned to categories on the basis of their answers to the question about ethnicity.

Francophones

In this *Report*, Francophones are persons whose first language was French and who answered "French" to the question about the "ethnic or cultural group" of their ancestors. Provided one of their answers was "French", respondents who gave more than one answer still qualified as francophone. The Census question about first language reads, "What is the language that this person **first learned at home in childhood and still understands?**"⁵ [emphases in original]

Representation of Aboriginal Persons and Racialized Groups

Comparisons to the Population

In 1996, 7.3 percent of lawyers in Ontario were non-white, compared to 17.5 percent of the population. Aboriginal persons account for 0.6 percent of lawyers, compared to 1.4 percent of the population. Three-quarters of non-white lawyers are South Asian, Black or Chinese, who account, respectively, for 2.6, 1.5 and 1.4 percent of the total population and are the three largest racialized groups in the population. No other group accounts for more than 0.4 percent of lawyers. Southeast Asian and Filipino lawyers (in the latter group are included a very small number of Pacific Islanders, such as Samoans) each account for less than one twentieth of one percent of lawyers; Japanese and Koreans each account for 0.2 percent, Latin Americans 0.3 percent, and Arabs and West Asians 0.4 percent.⁶ Aside from "whites", who are over-represented, only for the Japanese is the proportion of lawyers approximately equal to a group's representation in the population. All the other visible minorities are under-represented.

Table 1
Aboriginal Status and Membership in Racialized Groups of Lawyers, with Population Comparisons, Ontario, 1996

Aboriginal Status and Membership in Racialized Group (percentage distribution)													
	Aborig- inal	Black	South Asian	Chinese	South- east Asian	Korean	Japan- ese	Filipino, Pacific Islander	Latin Amer- ican	Arab, West Asian	White	Total	Number
Ontario Lawyers													
Total	0.8	1.5	2.8	1.4	0.0	0.2	0.2	0.0	0.3	0.4	92.7	100.0	24,090
Full-time, Full-year	0.5	1.3	1.9	1.1	0.0	0.1	0.2	0.0	0.1	0.3	94.4	100.0	20,310
Ontario Population													
Total	1.4	3.7	3.9	3.8	0.7	0.3	0.2	1.1	1.0	1.3	82.5	100.0	10,556,151
Labour Force Participants	1.1	3.5	3.6	3.4	0.6	0.3	0.2	1.2	0.9	1.1	84.1	100.0	5,554,811
University-Graduate Labour Force Participants	0.4	2.2	5.2	5.7	0.4	0.6	0.4	2.2	0.6	2.0	80.4	100.0	1,043,620
Full-time, Full-year Participants	0.9	3.0	3.5	3.5	0.6	0.3	0.2	1.2	0.7	0.9	85.2	100.0	3,461,060
Full-time, Full-year University- Graduate Labour Force Participants	0.4	1.9	4.7	5.7	0.4	0.5	0.4	2.1	0.5	1.7	81.6	100.0	745,991
Full-time Students 15-19	1.7	4.4	5.0	4.9	0.8	0.7	0.3	1.3	1.4	1.5	78.1	100.0	563,456
Full-time Students 20-24	1.5	5.2	5.8	6.3	0.9	0.8	0.5	1.5	1.2	1.8	74.5	100.0	313,935
Aboriginal Status and Membership in Racialized Group (estimated number)													
Ontario Lawyers													
Total	145	370	620	335	5	60	45	10	65	100	22,335	24,090	
Full-time, Full-year	95	255	385	230	5	30	40	5	20	65	19,180	20,310	

Source: Statistics Canada 1996 Census; Analysis: Michael Ornstein, Institute for Social Research, York University

Table 1 shows that how one compares the lawyers to the population affects the findings. Restricting the analysis to lawyers who worked "mainly full-time" and for at least 40 weeks in 1995 decreases their number, by about 15 percent, but also *decreases* the proportion of non-white lawyers, from 7.3 to 5.6 percent. On average, non-white lawyers are more likely to have worked for fewer hours *and* fewer weeks, a point explored in more detail below (see Table 11). The Census cannot tell us whether a lawyer who worked part-time or for fewer weeks did so voluntarily.

Comparisons between the characteristics of lawyers and the population depend on who is said to constitute the relevant population. For example, compared to 2.6 percent of all lawyers and 1.9 percent of full-time, full-year lawyers, South Asians make up 3.9 percent of the Ontario population, 3.6 percent of Ontario labour force participants, 5.2 percent of labour force participants who are university graduates, 3.5 percent of full-time, full-year labour force participants and 4.7 percent of full-time, full-year labour force participants who are university graduates. Taking the population most likely to become lawyers, 5.0 percent of students between 15 and 19 are South Asian, as are 5.8 percent of students between 20 and 24. Of course, the different figures reflect the demographic profile of the South Asian population. The higher proportion of students than labour force participants, for example, is indicative of a relatively young population, and the greater proportion of students between 20-24 reflects South Asians' above average enrollment in post-secondary education.

Which figure is used to measure the size of each group affects the comparison between the population and the number of lawyers differently for each racialized group. For South Asians, the discrepancy between the proportions of lawyers and university graduates is *greater* than between the proportions of lawyers and the population. But the opposite holds for Aboriginal persons and Blacks: 1.5 percent of lawyers are Black, compared to 3.7 percent of the population, 3.5 percent of labour force participants and 2.2 percent of university graduate labour force participants.

Since almost all law school entrants have an undergraduate university degree, it is especially interesting to compare the proportion of lawyers in each group to the corresponding proportion of university graduates in the labour force and of full-time students between 20 and 24 (who will almost all be enrolled in post-secondary education). The number of students indicates

the base from which law students could be recruited, while the labour force participants with university degrees provide a comparison to the existing highly-educated work force in each group.

Except for Aboriginals, in each non-white group the proportion of lawyers is smaller than the proportion of university graduates in the labour force and also smaller than the proportion of full-time students between 20 and 24. For example, 1.5 percent of all Ontario lawyers are Black, as are 1.3 percent of lawyers who worked mainly full-time and for all of 1995. In comparison, 2.2 of labour force participants with university degrees are black, as are 5.2 percent of full-time students between 20 and 24. South Asians account for 2.6 percent of lawyers, compared to 5.2 percent of labour force participants with degrees and 5.8 percent of full-time students between 20 and 24; and Arabs and West Asians are just 0.4 percent of lawyers, compared to 2.0 percent of labour force participants with degrees and 1.8 percent of students between 20 and 24.

These complexities should not detract from the fundamental result that, *no matter how the comparison is made*, non-whites are significantly under-represented in the legal profession. The global figures are as follows: 7.3 percent of all lawyers and 5.6 percent of full-time full-year lawyers in Ontario are Aboriginals or members of racialized groups, compared to 17.5 percent of the population, 15.9 percent of labour force participants, 19.6 percent of university graduate labour force participants, 14.8 percent of full-time full-year labour force participants, and 18.4 percent of university graduate full-time full-year labour force participants. Non-whites presently account for 19.1 percent of full-time students between 15 and 19, and 25.5 percent of students between 20 and 24. Depending on how the comparison is made, the proportion of non-white lawyers is between one half and one third their representation in the population; under-representation is greater comparing lawyers who worked mainly full-time and for at least 40 weeks in 1995 to labour force participants who are university graduates.

It seems natural to think about the social composition of the legal profession in terms of a distribution, comparing percentages in different groups to the population. But the absolute number of lawyers in each of the racialized groups is also important. There are almost no Southeast Asian (who, in Ontario, are primarily Vietnamese) lawyers or Filipino lawyers. At the bottom of Table 1, the estimates show that there are 5 and 10 lawyers in the two groups,

Table 2

Aboriginal Status and Membership in Racialized Groups of Lawyers, with Population Comparisons, for the Toronto CMA

Aboriginal Status and Membership in Racialized Group (percentage distribution)													
	Aborig- inal	Black	South Asian	Chinese	South- east Asian	Korean	Japan- ese	Filipino, Pacific Islander	Latin Amer- ican	Arab, West Asian	White	Total	Number
Lawyers													
All Lawyers													
Toronto Census Metropolitan Area	0.3	2.1	3.2	2.1	0.0	0.3	0.3	0.0	0.4	0.5	90.8	100.0	14,505
Ontario Outside Toronto	1.1	0.6	1.7	0.4	0.0	0.1	0.1	0.1	0.2	0.3	95.6	100.0	9,590
Full-time, Full-year													
Toronto Census Metropolitan Area	0.2	1.8	2.3	1.7	0.0	0.2	0.3	0.0	0.2	0.4	92.8	100.0	12,160
Ontario Outside Toronto	0.8	0.5	1.2	0.3	0.0	0.1	0.1	0.1	0.0	0.2	96.8	100.0	8,155
Ontario Population													
Total													
Toronto Census Metropolitan Area	0.4	7.4	8.4	8.2	1.1	0.7	0.4	2.4	1.7	2.0	67.3	100.0	4,183,105
Ontario Outside Toronto	2.0	1.3	1.0	0.9	0.5	0.1	0.1	0.3	0.4	0.9	92.5	100.0	6,373,045
Labour Force Participants													
Toronto Census Metropolitan Area	0.4	6.9	7.6	7.1	0.9	0.6	0.4	2.5	1.5	1.7	70.3	100.0	2,235,940
Ontario Outside Toronto	1.6	1.2	1.0	0.9	0.4	0.1	0.1	0.3	0.4	0.7	93.4	100.0	3,318,670
University-Graduate Labour Force Participants													
Toronto Census Metropolitan Area	0.2	3.0	7.7	9.0	0.5	0.9	0.6	3.6	0.8	2.7	71.0	100.0	528,565
Ontario Outside Toronto	0.7	1.4	2.6	2.2	0.3	0.2	0.2	0.7	0.4	1.3	90.2	100.0	515,055
Full-time, Full-year Participants													
Toronto Census Metropolitan Area	0.4	5.9	7.1	7.1	0.9	0.5	0.4	2.5	1.3	1.5	72.3	100.0	1,438,935
Ontario Outside Toronto	1.2	1.0	0.9	0.9	0.4	0.1	0.1	0.3	0.3	0.6	94.3	100.0	2,022,125
Full-time, Full-year University-Graduate Labour Force Participants													
Toronto Census Metropolitan Area	0.2	2.6	6.9	9.0	0.5	0.8	0.6	3.5	0.7	2.4	72.8	100.0	381,340
Ontario Outside Toronto	0.6	1.1	2.5	2.2	0.2	0.2	0.3	0.7	0.3	1.1	90.9	100.0	364,855
Full-time Students 15-19													
Toronto Census Metropolitan Area	0.4	8.8	10.2	10.5	0.9	1.3	0.5	2.7	2.5	2.2	59.9	100.0	223,115
Ontario Outside Toronto	2.5	1.6	1.5	1.2	0.8	0.2	0.1	0.4	0.6	1.0	89.9	100.0	340,340
Full-time Students 20-24													
Toronto Census Metropolitan Area	0.4	8.9	10.6	11.4	1.6	1.4	0.8	2.6	1.9	2.4	58.0	100.0	138,265
Ontario Outside Toronto	2.4	2.4	2.0	2.2	0.4	0.4	0.2	0.7	0.5	1.4	87.4	100.0	175,670

respectively.⁷ Whatever the disadvantages of the under-representation experienced by all the non-white groups except the Japanese, having virtually no representation is a different, more serious problem.

In and Outside of Toronto

About 60 percent of the province's lawyers live in Toronto and the surrounding area, which also accounts for about 40 percent of the province's population. Racialized groups, of course, are also concentrated in Toronto. Table 2 shows the effect of differentiating the Toronto "Census Metropolitan Area" (CMA) from the rest of the province. Statistics Canada defines CMAs in terms of the commuting area, so the Toronto CMA includes much of the "905" region around the city, but not Hamilton. The references to Toronto that follow refer to the CMA. It would be possible to conduct a more detailed regional analysis for Ontario, but not without serious statistical complications, due to the relatively small populations of the different regions.

The proportion of non-white lawyers in Toronto is twice as high as in the rest of the province, 9.2 versus 4.4 percent. But there is an even bigger difference in the overall population. Almost one-third of the Toronto population, 32.7 percent, is non-white, compared to just 7.5 percent outside Toronto. Non-white lawyers are concentrated in Toronto, but the non-white population is concentrated even more heavily in Toronto. The only exception is Aboriginals, who account for 0.3 percent of lawyers in Toronto and 1.1 percent outside Toronto compared to 0.4 and 2.0 of their populations, respectively. Black, South Asian, and Chinese lawyers, respectively, account for 2.1, 3.2 and 2.1 percent of lawyers in Toronto, and no other group exceeds 0.5 percent (see the first two rows of Table 2). Outside the City, Aboriginals and South Asians constitute 1.1 and 1.6 percent of lawyers, respectively, and no other racialized group exceeds 0.6 percent.

Provincial Differences

To place the findings for Ontario in perspective, it is interesting to look at the social composition of lawyers and the populations of the other provinces and territories. All these figures are based on samples from the Census, so the sampling error is larger in the smaller provinces; the

Table 3

Aboriginal Status and Membership in Racialized Groups of Lawyers, by Province and Territory, 1996

Group Province	Aboriginal Status and Membership in Racialized Group (percentage distribution)									Total	Number
	Aborig- inal	Black	South Asian	Chinese	Southeast Asian, Korean, Japanese	Filipino, Pacific Islander	Latin Amer- ican	Arab, West Asian	White		
All Lawyers											
Newfoundland	1.9	1.9	1.9	0.0	0.0	0.0	0.0	0.0	94.4	100.0	540
Prince Edward Island	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	100.0	170
Nova Scotia	0.7	0.0	2.2	0.0	0.4	0.0	0.0	0.0	96.0	100.0	1,375
New Brunswick	0.0	0.0	0.4	0.0	0.0	0.0	0.0	1.8	97.8	100.0	1,120
Quebec	0.3	0.6	0.1	0.2	0.1	0.0	0.3	0.5	98.0	100.0	15,300
Ontario	0.6	1.5	2.6	1.4	0.5	0.0	0.3	0.4	92.7	100.0	24,090
Manitoba	0.3	0.0	2.1	1.2	0.0	0.3	0.3	0.3	95.5	100.0	1,660
Saskatchewan	3.1	0.4	0.8	0.4	0.0	0.0	0.4	0.4	94.6	100.0	1,295
Alberta	1.2	0.6	2.0	2.1	0.6	0.4	0.1	0.5	92.6	100.0	5,430
British Columbia	1.6	0.7	1.7	3.8	0.5	0.2	0.0	0.4	91.0	100.0	8,360
Yukon	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	100.0	150
Northwest Territories	9.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	90.9	100.0	110
Canada, Total	0.8	0.9	1.6	1.4	0.3	0.1	0.2	0.5	94.2	100.0	59,610
Population in the Labour Force											
Newfoundland	2.2	0.1	0.2	0.3	0.1	0.0	0.0	0.1	97.1	100.0	245,570
Prince Edward Island	0.6	0.1	0.1	0.1	0.1	0.1	0.1	0.4	98.4	100.0	72,965
Nova Scotia	1.1	1.6	0.5	0.4	0.1	0.1	0.1	0.5	95.7	100.0	435,805
New Brunswick	1.2	0.4	0.1	0.3	0.0	0.0	0.0	0.2	97.7	100.0	359,415
Quebec	0.8	1.7	0.7	0.7	0.6	0.3	0.7	1.3	93.4	100.0	3,527,285
Ontario	1.1	3.5	3.6	3.4	1.1	1.2	0.9	1.1	84.1	100.0	5,554,610
Manitoba	7.9	1.1	1.2	1.1	0.7	2.8	0.5	0.2	84.7	100.0	571,695
Saskatchewan	6.2	0.5	0.4	0.9	0.3	0.4	0.3	0.1	91.0	100.0	503,300
Alberta	3.4	0.9	1.8	3.1	1.1	0.9	0.6	0.6	87.5	100.0	1,491,770
British Columbia	3.0	0.7	4.2	7.1	1.8	1.6	0.5	0.6	80.6	100.0	1,936,895
Yukon	16.2	0.5	0.4	0.5	0.5	0.3	0.1	0.3	81.1	100.0	18,500
Northwest Territories	46.4	0.5	0.6	0.7	0.4	1.0	0.1	0.2	50.1	100.0	30,950
Canada, Total	2.1	2.0	2.3	2.8	1.0	0.9	0.6	0.9	87.3	100.0	14,748,765

Source: Statistics Canada 1996 Census; Analysis: Michael Omstein, Institute for Social Research, York University

population figures are based on much larger numbers and have small errors relatively. The results are in Table 3.

The Atlantic provinces have small non-white populations, less than five percent, and low levels of immigration. In three of the four provinces, the law profession does *not* under-represent racialized groups. The two northern territories (the Census took place before the creation of Nunavut) are also unusual, and there are very few cases on which to base the statistics for lawyers.

Outside Atlantic Canada and the North, by a wide margin Quebec has the lowest proportion of non-whites, 6.6 percent of the labour force, and only 2.0 percent of lawyers are not white. West of Quebec, except for Saskatchewan, at 9.0 percent, the labour force of each province is at least 12.0 percent non-white: 12.5 percent in Alberta, 15.3 percent in Manitoba, 15.9 percent Ontario and 19.4 percent in British Columbia. The representation of lawyers from racialized groups is in *roughly* the same order: 4.5 percent in Manitoba, 5.4 percent in Saskatchewan, 7.3 percent in Ontario, 7.4 percent in Alberta and 9.0 percent in British Columbia. In Saskatchewan and Alberta the representation of lawyers from racialized groups is about 60 percent of their representation in the labour force; in Ontario and British Columbia the corresponding figure is about 45 percent; and in Manitoba and Quebec just 30 percent.

The samples are too small to allow detailed comparison among the different racialized groups in each province, but one set of figures is particularly important. Aboriginal people are at least three percent of the labour force in all four western provinces: 3.0 percent in British Columbia, 3.4 percent in Alberta, 6.2 percent in Saskatchewan and 7.9 percent in Manitoba.⁸ The four provinces have, respectively, 1.6, 1.2, 3.1 and 0.3 percent Aboriginal lawyers. The figure for Manitoba is far below the other provinces, especially compared to its large Aboriginal population.

Comparing Lawyers to Other Professions and Managers

Table 4 compares lawyers to physicians, medical specialists, engineers and university professors, and to high-level and middle-level managers.⁹ Of the seven occupations, racialized groups are *least* represented in the legal profession. The 7.3 percent non-white lawyers compares to more than three times the proportion, 24.5 percent, of physicians from racialized groups,

Table 4
Aboriginal Status and Membership in Racialized Groups of Lawyers, Compared to Other Professions and Managers, Ontario, 1996

Aboriginal Status and Membership in Racialized Group (percentage distribution)												
	Aborig- inal	Black	South Asian	Chinese	South- east Asian	Korean	Japan- ese	Filipino, Pacific Islander	Latin Amer- ican	Arab, West Asian	White	Total
All Professionals and Managers												
Lawyers	0.6	1.5	2.6	1.4	0.0	0.2	0.2	0.0	0.3	0.4	92.7	100.0
Physicians	0.2	2.0	8.4	8.1	0.5	0.9	0.3	0.7	0.6	2.8	75.5	100.0
Medical Specialists	0.1	2.2	7.4	5.3	0.2	0.3	0.9	0.3	0.6	3.2	79.4	100.0
Engineers	0.2	1.8	5.3	8.7	0.8	0.3	0.6	1.0	0.7	2.6	77.9	100.0
University Professors	0.6	1.8	3.7	3.6	0.2	0.3	0.6	0.2	0.8	2.0	86.3	100.0
High-level Managers	0.6	0.9	2.3	3.1	0.1	0.2	0.6	0.2	0.3	1.2	90.5	100.0
Middle-level Managers	0.6	1.6	3.1	3.7	0.2	0.9	0.3	0.5	0.4	1.6	87.0	100.0
Full-time, Full-year Professionals and Managers												
Lawyers	0.5	1.3	1.9	1.1	0.0	0.1	0.2	0.0	0.1	0.3	94.4	100.0
Physicians	0.2	2.1	8.9	8.1	0.5	0.8	0.3	0.7	0.8	2.5	75.1	100.0
Medical Specialists	0.1	2.4	8.0	5.2	0.2	0.3	0.7	0.2	0.8	2.9	79.1	100.0
Engineers	0.2	1.7	4.9	8.4	0.9	0.3	0.6	1.0	0.6	2.3	79.0	100.0
University Professors	0.5	1.4	3.6	3.0	0.2	0.3	0.4	0.1	0.6	1.5	88.4	100.0
High-level Managers	0.5	0.8	2.3	2.8	0.1	0.3	0.6	0.2	0.2	1.1	91.1	100.0
Middle-level Managers	0.5	1.5	2.9	3.5	0.2	0.8	0.3	0.5	0.4	1.4	87.8	100.0

Source: Statistics Canada 1996 Census; Analysis: Michael Ornstein, Institute for Social Research, York University

22.1 percent of engineers, 20.6 percent of medical specialists and 13.7 percent of professors. By a much smaller margin, management also includes more non-whites, 9.5 percent of high-level managers and 13.0 of middle-level managers. Because lawyers are somewhat *less* likely than members of the other occupations to have worked mainly full-time and for a "full year" in 1995, the differences are somewhat greater when the comparison is restricted in this way.

There is relatively little variation among occupations in the representation of Blacks, who account for 1.5 percent of lawyers, 2.0 percent of physicians, 2.2 percent of specialists, 1.8 percent of engineers, 0.9 percent of high-level managers and 1.6 percent of middle managers. The lower representation of racialized groups in the legal profession is mainly the result of differentials in just three racial groups. South Asians and Chinese, who are just 2.6 and 1.4 percent of lawyers, respectively, account for 8.4 and 8.1 percent of physicians in Ontario, 7.4 and 5.3 percent of medical specialists and 5.3 and 8.7 percent of engineers. Arabs and West Asians account for 0.4 percent of lawyers, compared to 2.8, 3.2, 2.6 and 2.0 percent of physicians, specialists, engineers and professors, respectively. There is hint of a similar pattern of much stronger recruitment into professions other than law for the Japanese and Latin Americans as well, but the numbers are quite small and subject to a high degree of sampling error.

Immigration, First Language and Access to the Professions

Table 5 shows that 82.8 percent of lawyers in Ontario were born in Canada, 2.8 percent in the US and 8.1 percent in Europe. Just 6.3 percent of lawyers are from outside Canada, the US and Europe. Table 6 shows that 42.9 percent of lawyers who were born outside Canada arrived before the age of ten. In this respect, lawyers are radically different from the other professions and from managers in Ontario. About 30 percent of high- and middle-level managers and approximately 45 percent of physicians, specialists, engineers and professors are born outside Canada. In *all* of the six other occupations more than 80 percent of immigrants arrive when they are 10 years of age or older.

As the last panel of Table 6 indicates, language must play a role in the low representation of immigrants among lawyers. People with English as their first language predominate in all seven occupations, but to a greater extent among lawyers, 84.7 percent of whose first language is

Table 5
Place of Birth of Lawyers, Other Professions and Managers, with Population Comparisons, Ontario, 1996

	Place of Birth													Total	Number
	Canada	US	Europe	Carib- bean	Central America	South America	Africa	Arabia	East Asia	South Asia	Australia	Pacific Islands	Other		
Lawyers	82.8	2.8	8.1	0.8	0.0	0.7	1.8	0.7	1.2	0.9	0.1	0.1	0.0	100.0	24,275
Physicians	58.2	2.8	18.5	1.7	0.0	1.8	4.3	3.1	8.3	5.1	0.2	0.0	0.0	100.0	14,775
Medical Specialists	58.8	2.8	18.5	2.1	0.1	1.8	3.5	3.7	5.0	5.0	0.6	0.0	0.0	100.0	8,600
Engineers	55.6	1.2	21.3	1.4	0.2	1.4	1.7	3.0	9.9	4.1	0.1	0.1	0.0	100.0	70,350
University Professors	54.0	10.4	20.5	1.1	0.1	1.1	2.2	2.5	4.4	2.9	0.4	0.2	0.0	100.0	18,325
High-level Managers	68.4	2.7	18.6	0.9	0.1	0.9	1.2	1.6	3.8	1.7	0.1	0.1	0.0	100.0	58,075
Middle-level Managers	70.6	1.5	15.3	1.3	0.1	1.1	1.2	1.8	4.9	2.0	0.1	0.1	0.0	100.0	485,425
Population in the Labour Force	71.1	1.1	13.6	2.4	0.3	1.6	1.2	1.2	4.9	2.4	0.1	0.1	0.0	100.0	5,601,610

Table 6
 Period and Age of Immigration and First Language of Lawyers, with Population Comparisons,
 Ontario, 1996

	Year of Immigration						Total	Number
	1900-45	1946-55	1956-65	1966-75	1976-85	1986-96		
Lawyers	1.2	15.4	18.8	35.0	15.1	14.6	100.0	3,800
Physicians	0.8	8.7	13.1	42.2	19.1	16.2	100.0	6,225
Medical Specialists	0.3	7.6	12.2	39.2	18.5	22.3	100.0	3,500
Engineers	0.2	6.1	10.4	29.5	20.9	32.8	100.0	30,300
University Professors	0.6	7.7	17.0	38.3	14.8	21.6	100.0	7,875
High-level Managers	1.2	16.0	20.3	31.4	14.1	17.0	100.0	17,675
Middle-level Managers	0.5	10.4	16.8	31.3	18.2	22.7	100.0	138,575
Population in the Labour Force	0.3	7.3	13.0	27.8	19.0	32.7	100.0	1,575,635

	Age at Arrival					Total	Number
	0-9	10-19	20-29	30-39	40 or more		
Lawyers	42.9	21.5	20.7	10.9	3.9	100.0	3,800
Physicians	16.9	14.9	35.1	25.4	7.7	100.0	6,225
Medical Specialists	15.2	11.2	32.5	32.5	8.7	100.0	3,500
Engineers	14.5	14.3	39.4	24.6	7.2	100.0	30,300
University Professors	11.8	11.2	41.3	29.1	6.6	100.0	7,875
High-level Managers	17.8	19.1	36.8	16.4	9.9	100.0	17,675
Middle-level Managers	19.6	20.5	35.9	16.8	7.2	100.0	138,550
Population in the Labour Force	17.9	21.4	35.6	18.0	7.0	100.0	1,575,635

	First Language					Total	Number
	English	French	English and French	Aboriginal	Other		
Lawyers	84.7	3.6	0.3	0.1	11.3	100.0	24,275
Physicians	67.5	3.5	0.2	0.0	28.7	100.0	14,775
Medical Specialists	71.2	3.3	0.1	0.0	25.4	100.0	8,600
Engineers	62.4	3.3	0.1	0.0	34.2	100.0	70,350
University Professors	71.4	5.6	0.2	0.2	22.6	100.0	18,325
High-level Managers	75.5	4.1	0.2	0.2	20.0	100.0	58,075
Middle-level Managers	73.5	4.9	0.2	0.1	21.3	100.0	485,425
Population in the Labour Force	73.3	4.8	0.3	0.1	21.5	100.0	5,601,610

Source: Statistics Canada 1996 Census; Analysis: Michael Ornstein, Institute for Social Research, York University

English, compared to about 75 percent for managers at both levels, about 70 percent of physicians, specialists and professors, and 60 percent of engineers. Almost *none* of the professionals and managers – the estimates range between zero and 0.2 percent – indicated that their first language was Aboriginal – much smaller than the proportion who identified themselves as Aboriginal persons. People whose first language was French account for 3.3 and 5.6 percent of the totals for the seven occupational groups, with lawyers, physicians, specialists and engineers at the low end of the range.

The patterns of language cannot fully account for the unusually low proportion of lawyers who are immigrants. Even if their main impact on access to professional employment is via the selection of the parents of potential professionals, immigrant selection procedures must also have some effect. Likely, difficulty in gaining professional recognition tends to keep lawyers in the countries where they began their practice; but broader socio-economic and cultural barriers to the advancement of non-whites must also restrict the access of racialized groups.

Changes in the Representation of Aboriginals and Racialized Groups

To show how their composition is changing, in Table 7 the lawyers and other occupational groups are divided into ten-year age cohorts. The youngest, 25-34 year, age cohort of lawyers is much more diverse than all the others: 13.1 percent of Ontario lawyers between 25 and 34 are non-white, compared to 5.0 percent of lawyers between 35 and 44, 3.7 percent of lawyers between 45 and 54, and 7.1 percent of lawyers between 55 and 64. The higher proportion of non-whites in the oldest group is due largely to an unusually large number of South Asian lawyers and also a somewhat elevated number of Chinese lawyers between 55 and 64. Interestingly, a similar pattern is found for South Asian physicians, suggesting a combination of a distinct generation of immigrant professionals, now in late middle age, and a younger population with gradually increasing numbers of Canadian-born and educated lawyers and other professionals. Of course, the older South Asian professionals could be from the Caribbean.

For younger age cohorts, there is a small but noticeable increase in the proportion of lawyers from all the racialized groups, except for Southeast Asians and Filipinos, who include almost no lawyers at all. Aboriginal lawyers account for 1.0 percent of the youngest, 25-34,

Table 7

Aboriginal Status and Membership in Racialized Groups of Lawyers, by Age, with Comparisons to the Population and Other Professions and Managers, Ontario, 1996

Aboriginal Status and Membership in Racialized Group (percentage distribution)													
	Aborig- inal	Black	South Asian	Chinese	South- east Asian	Korean	Japan- ese	Filipino, Pacific Islander	Latin Amer- ican	Arab, West Asian	White	Total	Number
Lawyers													
25-34	1.0	2.8	4.8	2.0	0.0	0.5	0.4	0.1	0.6	1.0	86.9	100.0	6,720
35-44	0.8	1.2	1.4	1.3	0.1	0.1	0.1	0.0	0.2	0.1	95.0	100.0	8,480
45-54	0.2	1.1	1.0	0.7	0.0	0.1	0.2	0.1	0.0	0.3	96.3	100.0	5,740
55-64	0.0	0.5	4.2	1.3	0.0	0.5	0.0	0.0	0.0	0.5	92.9	100.0	1,905
Population in the Labour Force													
25-34	1.6	3.5	3.8	2.3	0.6	0.3	0.2	1.1	1.0	1.1	84.4	100.0	877,483
35-44	1.4	4.2	4.1	3.7	0.8	0.2	0.2	1.2	1.1	1.4	81.7	100.0	1,440,792
45-54	1.1	3.3	3.6	4.2	0.7	0.3	0.2	1.3	0.8	1.1	83.4	100.0	1,522,112
55-64	0.8	3.2	3.5	3.2	0.3	0.4	0.2	1.2	0.7	0.9	85.5	100.0	1,109,343
Physicians													
25-34	0.2	1.4	11.0	12.9	0.9	2.5	0.5	0.3	0.0	3.8	66.6	100.0	3,260
35-44	0.1	0.8	6.5	8.2	0.3	0.3	0.5	0.3	0.6	3.7	78.6	100.0	4,430
45-54	0.0	2.8	9.9	7.4	0.1	0.3	0.0	1.3	1.5	1.6	75.0	100.0	3,385
55-64	0.3	4.3	11.1	5.3	1.0	1.0	0.3	0.8	0.8	1.8	73.4	100.0	1,975
Medical Specialists													
25-34	0.0	2.2	12.2	9.2	0.5	1.1	1.9	0.3	0.5	4.1	68.1	100.0	1,850
35-44	0.0	1.5	5.0	6.0	0.2	0.2	1.5	0.0	0.4	4.0	81.2	100.0	2,600
45-54	0.3	3.8	7.4	3.6	0.0	0.0	0.0	0.8	1.5	3.6	79.0	100.0	1,955
55-64	0.0	2.4	7.3	2.4	0.0	0.0	0.0	0.0	0.8	2.0	85.0	100.0	1,230
Engineers													
25-34	0.3	1.8	5.0	8.8	1.0	0.3	0.5	0.9	0.6	3.1	77.9	100.0	22,490
35-44	0.2	1.8	4.1	10.1	0.9	0.4	0.4	0.9	0.9	2.8	77.5	100.0	21,140
45-54	0.2	2.4	6.8	8.3	1.0	0.3	0.5	1.7	0.6	2.3	75.9	100.0	14,785
55-64	0.1	1.3	5.8	5.1	0.1	0.2	1.5	1.0	0.3	1.3	83.4	100.0	6,695
University Professors													
25-34	0.4	2.2	3.3	6.8	0.3	0.3	0.7	0.1	0.9	4.1	80.8	100.0	3,435
35-44	0.1	2.2	3.2	4.1	0.5	0.5	0.6	0.1	1.2	2.2	85.3	100.0	4,105
45-54	0.7	1.0	3.7	1.6	0.1	0.2	0.5	0.3	0.6	1.4	90.0	100.0	5,065
55-64	0.9	1.5	3.8	2.9	0.1	0.1	0.8	0.0	0.5	0.9	88.5	100.0	3,955
High-level Managers													
25-34	1.3	1.9	2.4	3.1	0.3	0.1	0.6	0.1	0.4	1.6	88.3	100.0	6,590
35-44	0.7	0.7	2.2	3.5	0.2	0.2	0.6	0.3	0.4	1.2	90.1	100.0	17,530
45-54	0.4	0.8	2.7	3.4	0.0	0.3	0.7	0.2	0.2	1.2	90.0	100.0	19,185
55-64	0.4	0.7	2.3	2.4	0.1	0.4	0.6	0.3	0.2	0.9	91.9	100.0	9,995
Middle-level Managers													
25-34	0.9	2.2	3.1	3.5	0.3	0.5	0.3	0.6	0.6	2.0	86.0	100.0	113,410
35-44	0.7	1.4	3.0	4.2	0.3	0.9	0.3	0.4	0.4	1.6	86.8	100.0	156,350
45-54	0.5	1.4	3.4	3.9	0.2	1.3	0.3	0.5	0.4	1.4	86.7	100.0	125,705
55-64	0.4	1.3	2.6	3.3	0.0	1.2	0.4	0.3	0.2	1.2	89.1	100.0	50,390

Source: Statistics Canada 1996 Census; Analysis: Michael OrNSTAIN, Institute for Social Research, York University

cohort, and 0.6, 0.2 and 0.0 percent of the three successively older cohorts. Black lawyers account for 2.8 percent of lawyers between 25 and 34, compared to about one percent for the 35-44 and 45-54 cohorts. And there are big increases for South Asians and Chinese: 4.8 percent of lawyers 25-34 are South Asian, compared to 1.4 percent and 1.0 percent for the 35-44 and 45-54 age cohorts; 2.0 percent of lawyers 25-34 are Chinese, compared to 1.3 and 0.7 percent for the next two age cohorts.

Comparing age cohorts to measure change over time requires the assumption that migration in and out of the profession is not strongly related to lawyers' personal characteristics – in 2006, we expect that the cohort of lawyers between 35 and 44 will consist essentially of the 25-34 year cohort described in this 1996 Census. Bias would result if, say, in one of the groups a common strategy was for entrepreneurs to begin their careers in law and then leave to manage businesses. Even if this assumption does not hold exactly, it seems highly unlikely that the departures from the legal profession and entry into the profession at a later age are of sufficient magnitude to threaten the key conclusions.

The change observed for lawyers – a major increase in the proportion of non-whites, *but only for the youngest age cohort* – also holds for physicians and medical specialists. Fully one third of Ontario physicians between 25 and 34 and more than 30 percent of specialists are non-white, compared to about 25 percent of physicians and 20 percent of specialists 35 and older – there is little detectable change in the proportion of non-white physicians and specialists over the 35-64 range of age. Among engineers, in contrast, there is no evidence of increasing representation of non-whites; and among high- and middle-level managers there is only a slight change, approximately a three percent increase in the proportion of non-whites between the 25-34 and 55-64 age cohorts. Professors exhibit a still different pattern, of more steadily increasing representation of non-whites. In the two oldest cohorts about 10 percent of academics are from racialized groups, compared to 15 percent and 20 percent for the 35-44 and 25-34 year cohorts, respectively.

Table 8

Gender of Lawyers, with Comparisons to the Population and Other Professions and Managers, Ontario, 1996

	Percent- age of Women	Number of Women	Number in the Popul- ation
Lawyers			
Total	30.1	7,305	24,275
Full-time, Full-year	27.1	5,550	20,470
Population			
Total	50.8	5,409,870	10,644,310
Labour Force Participants	46.6	2,611,250	5,601,610
University-Graduate Labour Force Participants	46.6	489,885	1,051,990
Full-time, Full-year Participants	40.3	1,407,835	3,490,620
Full-time, Full-year University- Graduate Labour Force Participants	40.7	306,020	752,670
Full-time Students 15-19	48.9	278,145	569,065
Full-time Students 20-24	51.4	163,135	317,080
Professionals, Managers			
Physicians	29.5	4,365	14,775
Medical Specialists	29.3	2,515	8,590
Engineers	9.7	6,820	70,355
University Professors	33.6	6,160	18,335
High-level Managers	21.0	12,175	58,075
Middle-level Managers	34.4	167,170	485,415

Source: Statistics Canada 1996 Census; Analysis: Michael Ornstein, Institute for Social Research, York University

Representation of Women

In 1996, 30.1 percent of all lawyers and 27.1 percent of full-time full-year lawyers in Ontario were women (see Table 8). The Ontario population is 50.8 percent female: women make up 46.6 percent of labour force participants of university educated labour force participants; and 40.3 percent of full-time, full-year labour force participants are women, as are 40.7 percent of full-time full-year labour force participants with university degrees. Future increases in the proportion of highly qualified women are implicit in the figures for the proportion of full-time students: 48.9 percent of students between 15 and 19, 51.4 percent of students between 20 and 24.

In sharp contrast to the findings for racialized groups, the representation of women in five of the occupational groups is quite similar: women are 30.1 percent of lawyers, 29.5 percent of physicians, 29.3 percent of medical specialists, 33.6 percent of professors and 34.4 percent of middle-level managers. But there are far fewer female high-level managers, 21.0 percent, and only 9.7 percent female engineers.

Table 9 shows that women account for just 7.8 percent of lawyers between 55 and 64, compared to 18.0 percent of lawyers 45-54, 33.1 percent of lawyers 35-44, and 45.3 percent of lawyers in the youngest cohort, between 25 and 34. In a generation, the proportion of women has increased by a factor of six! Changes in the *numbers* of women lawyers are even more dramatic, since they multiply the effects of increasing female representation and the larger total number of younger lawyers. There are more than four times as many lawyers between 35 and 44 as between 55 and 64. As estimated from the 1996 Census, there are only 150 women lawyers in Ontario between the ages of 55 and 64, compared to 1,040 between 45 and 54, 2,840 between 35 and 44 and 3,065 between 25 and 34.

The proportion of women lawyers has increased more rapidly than in the six other occupations, though all experienced substantial change. For example, 41.5 percent of physicians between 25 and 34 are women, compared to 36.7 percent between 35 and 44, 24.9 percent between 45 and 54 and 14.6 percent between 55 and 64. The figures are similar for specialists, though the increase was somewhat less. Elsewhere, there are smaller and more uniform increases in the proportion of women between the oldest (55-64) and youngest (25-34) cohorts, from 19.9 to 44.1 percent for professors, 14.4 to 26.8 percent for high-level managers and 26.0 to

Table 9
Gender of Lawyers, by Age, with Comparisons to the Population and Other Professions and Managers,
Ontario, 1996

Group	Percent Women				Number of Women			
	25-34	35-44	45-54	55-64	25-34	35-44	45-54	55-64
Lawyers	45.3	33.1	18.0	7.8	3,065	2,840	1,040	150
Population in the Labour Force	47.4	48.0	45.9	40.8	688,325	735,605	514,535	204,050
Physicians	41.5	36.7	24.9	14.6	1,360	1,635	850	290
Medical Specialists	38.2	33.5	29.6	16.5	710	875	580	205
Engineers	13.6	9.5	5.4	3.0	3,090	2,030	800	205
University Professors	44.1	40.2	33.6	19.9	1,525	1,670	1,720	795
High-level Managers	26.8	25.2	19.1	14.4	1,780	4,440	3,685	1,455
Middle-level Managers	39.7	35.4	31.0	26.0	45,390	55,730	39,310	13,250

Source: Statistics Canada 1996 Census; Analysis: Michael Ornstein, Institute for Social Research, York University

39.7 percent for middle-level managers. Even for engineers, with a minuscule 3.0 percent women in the 55-64 cohort, the proportion quadruples to 13.6 percent women in the 25-34 age cohort.

As mentioned in the *Introduction*, the Census sample is too small to allow much analysis of the *intersection* of gender and racialization. It is possible to provide some very general results. Remember, 30.2 percent of Ontario lawyers are women and, since whites are the great majority, the figure is very similar for white lawyers, 29.4 percent are women. Among lawyers who are Aboriginal or members of racialized groups, however, 40.3 percent are women (which is significantly different from 29.4 percent). This is all that can be said with certainty, for the sample of each of the individual racialized groups is too small to show with confidence which groups account for the greater representation of racialized women. Still, *in all ten* non-white groups there is a higher proportion of women lawyers than whites. It appears that the East Asian groups have the highest proportion of lawyers who are women, about 60 percent, and that the proportions are around 40 percent women for the Aboriginal, Chinese, South Asian and Arab and West Asian groups.

Representation of Francophones

Defining "Francophones" as persons whose first language was French and describing themselves as having French heritage (though not necessarily exclusively), 2.8 percent of all lawyers and 2.4 percent of full-time full-year lawyers in Ontario were Francophone. As Table 10 indicates, these figures are somewhat, though not dramatically, lower than the corresponding figures for the population. Francophones account for 3.3 percent of the total Ontario population, 3.6 percent of labour force participants, 3.3 percent of university graduate labour force participants; and 2.8 percent of full-time students. The 2.8 percent Francophone lawyers is also not far off the figures of 2.7 percent of physicians who are Francophones, 2.5 percent of specialists, and 2.3 percent of engineers. Proportionately, there are more Francophone professors, high-level managers and middle managers, respectively 4.3, 3.1 and 3.7 percent of the total.

Table 10

Representation of Francophones among Lawyers, with Comparisons to the Population and Other Professionals and Managers, Ontario, 1996

	Percentage of Franco- phones	Number of Franco- phones	Number in the Population
Lawyers			
Total	2.8	670	24,275
Full-time, Full-year	2.4	495	20,470
Population			
Total	3.3	353,800	10,644,305
Labour Force Participants	3.6	201,475	5,601,610
University-Graduate Labour Force Participants	3.3	35,210	1,051,990
Full-time, Full-year Participants	3.7	129,410	3,490,620
Full-time, Full-year University- Graduate Labour Force Participants	3.6	27,000	752,670
Full-time Students 15-19	2.8	15,760	569,065
Full-time Students 20-24	2.8	8,740	317,080
Professionals, Managers			
Physicians	2.7	395	14,775
Medical Specialists	2.5	215	8,595
Engineers	2.3	1,590	70,360
University Professors	4.3	780	18,335
High-level Managers	3.1	1,815	58,070
Middle-level Managers	3.7	18,005	485,415

Source: Statistics Canada 1996 Census

Analysis: Michael Ornstein, Institute for Social Research, York University

Racialized Groups, Gender and the Working Conditions of Lawyers

The Census provides some information about lawyers' work lives, measuring their sources of income, working hours and weeks, and income. For racialized groups and gender respectively, Tables 11 and 12 provide information on classes of work, hours and weeks of work and employment sector and Tables 13 and 14 deal with income. In presenting these results it is easier to integrate the discussion of racialization and gender, rather than separating them

The size of the sample seriously limits what can be said about the impact of racialization on the work experience of non-white lawyers. To avoid unacceptably large sampling error, it was necessary to combine the non-white groups, except for Aboriginals, in a single category. Though the number of Aboriginals in the sample is very small (about 30) and the sampling errors are correspondingly large, it did not seem appropriate to combine the data for the Aboriginals and non-Aboriginal racialized groups. The data for Aboriginals are used sparingly and no results are given for income. A proper study of the numbers and experience of Aboriginal lawyers in Ontario or of the individual racialized groups would require the collection of new data.

"Class" of Worker and Sector of Employment

Statistics Canada divides all employment into five "classes". First, employees are distinguished from people who are self-employed; then self-employed people are divided according to whether their businesses are incorporated; finally, self-employed persons with and without "paid help" are separated. Most self-employed lawyers are not incorporated.

Table 11 shows that 76 percent of Aboriginal lawyers, 62.7 percent of non-white (non-Aboriginal) lawyers and 45.6 percent of white lawyers work in salaried positions. About four-fifths of self-employed white lawyers have paid help, compared to about two-thirds of non-whites. By a margin, 69.3 to 37.1 percent, Table 12 shows that women are more likely than men to be employed rather than self-employed; 63 percent of self-employed women have paid help, compared to 81 percent of men. These patterns reflect the distinction, within law firms, between salaried lawyers and more senior, self-employed partners, and also the tendency for non-whites and women to work in government and in sectors where they are paid salaries. In 1996, 81.6 percent of Ontario lawyers worked at law firms, 10.6 percent were employed by government and

Table 11
Part-Time Employment, "Class" of Worker and Sector of
Employment of Lawyers, by Aboriginal Status and Membership
in Racialized Groups, Ontario, 1996

	Distribution of Condition (percentaged by Racialized Group and for total)			
	Aboriginal	Non-White	White	Total
Class of Worker				
Employed	76	62.7	45.6	46.9
Self-Employed, Unincorporated				
With Paid Help	17	9.9	10.9	10.8
Without Paid Help	0	20.5	39.8	38.3
Self-Employed, Incorporated				
With Paid Help	0	2.2	0.6	0.7
Without Paid Help	7	4.7	3.1	3.2
Total	100	100	100	100
Number	145	1,610	22,335	24,090
Sector of Employment				
Law Firms	52	78.9	81.5	81.2
Government	38	14.6	10.2	10.6
All Other	10	6.5	8.3	8.2
Total	100	100.0	100.0	100.0
Number	145	1,610	22,335	24,090
Worked mainly Full- or Part-Time in 1995				
Full-Time	97	90.1	95.3	95.0
Part-Time	3	9.9	4.7	5.0
Total	100	100.0	100.0	100.0
Number	145	1,570	22,205	23,920
In 1995, Number of Weeks Worked				
under 20	14	10.2	2.6	3.2
20-39	14	19.0	8.0	8.8
40-52	72	70.8	89.4	88.0
Total	100	100.0	100.0	100.0
Number	145	1,235	21,965	23,720
Hours worked in previous week				
1-19	15	4.9	2.6	2.8
20-34	12	3.1	5.3	5.2
35-44	46	35.4	25.7	26.5
45-54	8	26.7	35.2	34.5
55-64	15	21.9	22.2	22.1
65-79	4	6.9	7.0	6.9
80+	0	1.0	2.0	1.9
Total	100	100.0	100.0	100.0
Number	130	1,440	21,075	22,645

Source: Statistics Canada 1996 Census

Analysis: Michael Ornstein, Institute for Social Research, York University

8.2 percent worked in other sectors of the economy. The last includes lawyers in the legal departments of large corporations, and those working for trade unions, professional, industry and advocacy organizations.

Fifty-two percent of Aboriginal lawyers work for law firms, 38 percent for government and 10 percent in other sectors (on the basis of a very small sample). The sectoral distributions of lawyers from racialized groups (other than Aboriginals) closely resembles that of the white majority: 78.9 percent work for law firms, compared to 81.5 percent of whites; 14.6 percent work in government, compared to 10.2 percent of whites; and 6.5 percent work in other sectors, compared to 8.3 percent of whites. Non-whites' and women's lower levels of self-employment *cannot* entirely result from their greater tendency to find employment outside of law firms – there simply are not enough such jobs. More non-whites and women are law firm employees and correspondingly larger proportions of whites and men are self-employed partners.

Hours and Weeks of Work

The great majority of lawyers work full-time and were employed throughout the year¹⁰: more than 90 percent worked mainly full time, and 88 percent worked for 40-52 weeks in 1995. The Census question asked, "During **most** of those weeks [that she or he worked], did this person work **full-time** or **part-time**?" [emphasis in original]. Nearly 10 percent of non-whites worked mostly part-time in 1995, compared to 4.7 percent of whites; and 7.3 percent of women were mostly part-time compared to 4.1 percent of men. Moreover, 29.2 percent of non-whites worked for less than 40 weeks in 1995, compared to 10.6 percent of whites; 18.6 percent of women worked less than 40 weeks, compared to 9.1 percent of men.

For the job held when the Census was conducted, in May 1996, non-whites worked for somewhat fewer hours than white lawyers: 35.4 percent of non-whites worked 35-44 hours/week, compared to 25.7 percent of white lawyers; and 48.6 percent of non-whites worked 45-64 hours/week, compared to 57.4 percent of white lawyers. Similarly, 10.4 percent of women lawyers worked for less than 35 hours per week, compared to 7.1 percent of men; 32.5 percent of women and 23.9 percent of men worked 35-44 hours per week; and 50.1 percent of women and 59.1 of men worked 45-64 hours.

Table 12
 Part-Time Employment, "Class" of Worker and Sector
 of Employment of Lawyers, by Gender, Ontario, 1996

	Distribution of Condition (percentaged by gender and for total)		
	Women	Men	Total
Class of Worker			
Employed	69.3	37.1	46.8
Self-Employed, Unincorporated			
With Paid Help	10.5	11.0	10.9
Without Paid Help	19.0	46.6	38.3
Self-Employed, Incorporated			
With Paid Help	0.2	1.0	0.8
Without Paid Help	1.0	4.2	3.2
Total	100.0	100.0	100.0
Number	7,305	16,965	24,270
Sector of Employment			
Law Firms	71.7	85.2	81.2
Government	16.0	8.3	10.6
All Other	12.3	6.5	8.2
Total	100.0	100.0	100.0
Number	7,305	16,965	24,270
Worked mainly Full- or Part-Time in 1995			
Full-Time	92.7	95.9	95.0
Part-Time	7.3	4.1	5.0
Total	100.0	100.0	100.0
Number	7,225	16,875	24,100
In 1995, Number of Weeks Worked			
under 20	4.7	2.5	3.2
20-39	13.9	6.5	8.8
40-52	81.4	90.9	88.1
Total	100.0	100.0	100.0
Number	6,925	16,600	23,900
Hours worked in previous week			
1-19	2.8	2.8	2.8
20-34	7.6	4.3	5.2
35-44	32.5	23.9	26.4
45-54	32.1	35.5	34.5
55-64	18.0	23.9	22.2
65-79	4.9	7.7	6.9
80+	2.1	1.8	1.9
Total	100.0	100.0	100.0
Number	6,655	16,160	22,815

Source: Statistics Canada 1996 Census

Analysis: Michael Ornstein, Institute for Social Research, York University

Incomes of Lawyers

In the Census, employment income is separated into two categories. Employees are asked to report their "total wages and salaries, including commissions, bonuses, tips, etc., before any deductions," and self-employed persons to report their "net non-farm income from unincorporated business, professional practice, etc. (gross receipts minus expenses)." [emphases from the original]. Of course, an individual may have both types of income. Total employment income, referred to below and in the tables, is obtained by adding the two figures.¹¹ The term "salaried" will be used to refer to lawyers who are not self-employed. As noted, due to the high degree of sampling error, limited information is available on the incomes of lawyers from racialized groups.

Income Distributions by Gender and for Racialized Groups

Lawyers from racialized groups have substantially lower incomes than white lawyers, and the difference is especially large at the highest levels of income. Table 13 shows that 12.8 percent of *salaried* white lawyers earned \$100,000 to \$149,000, 2.9 percent earned \$150,000 to \$199,999 and 3.4 percent earned \$200,000 or more; the proportions of non-whites in the corresponding categories are 4.0, 0.9 and 0.0 percent. Twenty percent of whites and 43.9 percent of non-whites earned under \$25,000 in 1995, and there are more whites in the middle-income categories: 15.5 percent earned \$75,000 to \$99,999 and 24.6 percent earned \$50,000 to \$74,999, compared to 6.7 and 17.0 percent of non-whites, for the two categories respectively. About one seventh of *self-employed* white lawyers, 14.2 percent, earned \$200,000 or more, compared to 5.1 percent for non-whites. Almost one-quarter of white lawyers earned between \$100,000 and \$199,999, compared to 10.1 percent of non-whites.

Combining the two categories of income, white lawyers are almost six times more likely than non-whites to have earned at least \$200,000 in 1995; 9.3 percent of white lawyers and 1.6 percent of non-white lawyers earned this much. Another 6.0 percent of whites and 1.6 percent of non-whites earned \$150,000 to \$199,999; 14.0 percent of whites and 5.0 percent of non-whites earned \$100,000 to \$149,999; and 13.4 percent of whites and 7.5 percent of non-whites earned \$75,000 to \$99,999.

Table 13

1995 Employment Income by Membership in Racialized Groups for Lawyers, Ontario

	1995 Income From Wages and Salaries, including income from incorporated business (percentage distribution)			1995 Income from Self- Employment in an Unincorporated Business (percentage distribution)			1995 Total Income from Employment (percentage distribution)		
	Non- White	White	Total	Non- White	White	Total	Non- White	White	Total
Percentage with Any	71.1	47.1	45.8	31.1	50.9	49.4	---	---	---
Percentage Distribution									
Loss of \$10K or more	---	---	---	3.0	1.2	1.3	0.9	0.5	0.5
Loss under \$10K	---	---	---	2.0	1.2	1.3	0.3	0.4	0.4
Zero	---	---	---	---	---	---	5.3	2.0	2.2
Under \$5,000	8.5	3.6	4.1	8.1	3.7	4.0	6.6	2.2	2.5
\$5,000-14,999	17.9	8.1	8.9	14.1	6.2	6.5	13.8	5.6	6.2
\$15,000-24,999	17.5	8.3	9.1	7.1	7.6	7.6	13.8	7.1	7.6
\$25,000-49,999	27.4	20.8	21.5	25.3	16.7	17.1	25.2	18.9	19.3
\$50,000-74,999	17.0	24.6	24.0	18.2	15.5	15.6	18.2	20.6	20.5
\$75,000-99,999	6.7	15.5	14.7	7.1	10.4	10.4	7.5	13.4	13.1
\$100,000-149,999	4.0	12.8	11.9	7.1	14.4	14.0	5.0	14.0	13.3
\$150,000-199,999	0.9	2.9	2.7	3.0	8.8	8.5	1.6	6.0	5.7
\$200,000 or more	0.0	3.4	3.1	5.1	14.2	13.8	1.6	9.3	8.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number (non-zero)	1,115	11,805	13,040	495	11,345	11,865	1,590	22,310	24,045

Source: Statistics Canada 1996 Census; Analysis: Michael Ornstein, Institute for Social Research, York University

The gender differences are not as large. Especially, women are less likely to have very high incomes, for both salaried and self-employed lawyers. For salaried lawyers, 15.6 of men earned \$100,000 to \$149,999, 3.9 percent earned \$150,000 to \$199,999 and 4.7 percent earned \$200,000 or more; the corresponding figures for women are 6.5, 0.9 and 0.8 percent. Interestingly, the gender income difference is smaller for self-employed lawyers: 15.1 percent of men and 8.2 percent of women earned \$200,000 or more in 1995. 8.6 percent of men and 7.3 percent of women earned \$150,000-199,999, and 15.0 percent of men and 8.6 percent of women earned \$100,000-149,999. Combining both forms of income results in a *larger* difference between women and men, because women are concentrated in salaried positions, where the gender difference is greater. Men outnumber women by 11.1 to 3.0 percent in the top income category, for \$200,000 or more annual income, by 6.7 to 3.1 percent in the \$150,000-199,999 category, and by 15.8 to 7.6 percent in the \$100,000-149,999 category.

These differences in income reflect a number of factors. Most important, male and white lawyers are older and there is a very strong relationship between age and income. There are very large differences in the age distributions of women and men, and also between whites and racialized groups. These differences are diminishing, but will not disappear for many decades.

Accounting for differences in the distribution among sectors and in hours and weeks of work is more problematic. The key question is whether gender differences – for example tendency to work fewer hours or in government rather than for a law firm – reflect women's free choices, or result from women lawyers being channelled into certain jobs and work patterns. Women's choices can also be limited by extra-market factors, such as the unequal division of responsibility in families. It is appropriate to "adjust" for the income-lowering effects of working fewer hours only if women choose to work less and get paid less. Since the Census does not provide this kind of information, it makes sense to develop measures based on the different assumptions.

Table 14
1995 Employment Income by Gender for Lawyers, Ontario

	1995 Income From Wages and Salaries, including Income from incorporated business (percentage distribution)			1995 Income from Self- Employment in an Unincorporated Business (percentage distribution)			1995 Total Income from Employment (percentage distribution)		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
Percentage with Any	72.6	46.2	54.2	69.2	42.6	50.6	---	---	---
Percentage Distribution									
Loss of \$10K or more	---	---	---	0.7	1.4	1.3	0.2	0.7	0.5
Loss under \$10K	---	---	---	1.8	1.2	1.3	0.2	0.5	0.4
Zero	---	---	---	---	---	---	2.0	2.4	2.3
Under \$5,000	3.4	4.5	4.1	8.5	2.9	4.0	3.2	2.2	2.5
\$5,000-14,999	8.8	9.0	8.9	9.8	5.8	6.5	7.8	5.5	6.2
\$15,000-24,999	11.7	7.2	9.0	11.6	6.8	7.7	10.6	6.3	7.6
\$25,000-49,999	24.9	19.1	21.4	21.4	16.1	17.1	24.1	17.3	19.3
\$50,000-74,999	28.9	20.8	24.0	12.9	16.3	15.7	25.4	18.4	20.5
\$75,000-99,999	14.1	15.1	14.7	8.2	10.7	10.3	12.8	13.2	13.0
\$100,000-149,999	6.5	15.6	12.0	9.6	15.0	14.0	7.6	15.8	13.3
\$150,000-199,999	0.9	3.9	2.7	7.3	8.6	8.4	3.1	6.7	5.6
\$200,000 or more	0.8	4.7	3.1	8.2	15.1	13.8	3.0	11.1	8.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number (non-zero)	7,280	16,945	24,225	7,285	16,945	24,230	7,270	16,945	24,215

Source: Statistics Canada 1996 Census; Analysis: Michael Ornstein, Institute for Social Research, York University

Gender, Age and Income

Table 15 gives 1995 income statistics for women and men in five-year age groups. The sample is a bit smaller than previously as it excludes lawyers with no income in 1995 and is restricted to individuals between 25 and 69 years of age. The lawyers' income has a "positively skewed" distribution, with an unusually large proportion of very high values. For a skewed distribution, the mean indicates how much income a group receives per capita, but is not a good indicator of the typical experience. A preferable measure of the centre is the median, which is the income value in the middle of the distribution, in the sense that half of the sample have incomes lower than the median and half have incomes higher than the median.

The mean employment income of women lawyers in Ontario in 1995 was \$64,600, compared to \$99,900 for men. The median incomes were considerably lower, \$53,000 and \$75,000. The mean income of men is 55 percent higher than the mean for women, and men's median income is 42 percent higher. Men had higher incomes, but also much more variation in income, as the standard deviations are \$54,300 and \$101,600 for women and men respectively.

For both women and men, mean and median incomes increase rapidly with age, reaching a peak for women who are between 45 and 49 and for men who are between 50 and 54. But there is a striking difference in the trajectories of women and men. Only in the youngest age category, 25-29, are the incomes of women and men *not* different; for ages 30-34 the gender difference averages \$7,900, rising to \$16,300 for ages 35-39, to about \$35,000 for lawyers 40-49, and to an astonishing \$64,600 for lawyers between 50 and 54. At their peak, between 50 and 54, male lawyers earned 94 percent more than their women in the same age group. Beyond age 54, there are so few women lawyers that the estimates of mean income are quite unreliable. The gender differentials in *median* incomes are smaller, but still rise very steeply with age. From no gender difference at all in the 25-29 age group, the difference between the medians increases to \$4,500 for ages 30-34, \$10,800 for ages 34-39, \$22,000 for ages 40-49, and \$40,000 for ages 50-54.

Of course, the Census does not actually trace the incomes of individuals over time – these data are *not* "longitudinal". It is therefore impossible to determine whether the age pattern of gender differences reflects a stable state or indicates an equalizing trend, as younger cohorts with much smaller income differentials succeed older cohorts with very large income differentials. The

Table 15
1995 Employment Income by Age by Gender, Ontario

Age	1995 Total Employment Income (in \$1000)					
	Mean		Median		Estimated Number	
	Women	Men	Women	Men	Women	Men
25-29	33.1	32.8	28.6	28.8		
30-34	54.8	62.7	50.5	55.0	1,180	1,050
35-39	79.1	95.4	65.9	76.7	1,490	2,230
40-44	77.6	112.7	65.0	87.0	1,485	2,460
45-49	84.6	120.9	70.0	92.0	1,075	2,900
50-54	68.7	133.3	50.0	90.0	695	2,890
55-59	76.5	100.4	62.1	75.0	215	1,640
60-64	---	102.7	---	80.0	105	965
65-69	---	125.0	---	80.6	35	610
					35	400
Total	64.6	99.9	53.0	75.0	6,315	15,150

Source: Statistics Canada 1996 Census; Analysis: Michael Ornstein, Institute for Social Research, York

most pessimistic view is that the income distributions are stable and that women lawyers are increasingly disadvantaged as they become more senior. The optimistic view is that younger, more egalitarian generations are working their way forward and that the distributions will equalize as older lawyers retire.

Neither scenario is completely realistic. The pessimistic view takes no account of the rapid increase in the numbers and *proportion* of women lawyers. If age-related gender differences in income were to remain stable, an increasingly feminized profession would experience a decline in *overall* income. This has happened in the past, for example when largely male, well-paid nineteenth century clerks were displaced by lower-paid female office workers. The modern legal profession, however, is much more effectively organized to defend its share of income; nor is it in the interest of highly-paid male lawyers to be increasingly in competition with lower-paid women.

But there are also powerful factors perpetuating gender inequality. These include differences in distributions of the areas of law in which women and men practice and differences in hours of work. Institutional factors are also critical. The organizational practices of large law firms play a key role in shaping the distribution of lawyers' incomes, the rewards of seniority and career advancement, and who qualifies for what rewards. Studies in many different contexts show that the nature and exercise of organizational standards, and associated organizational culture, can affect the status of women and other minorities. But there is no systematic, current study of the practices of Ontario law firms and the Census does not provide information about employers (beyond the crude classification of sectors, reported above). Regression analysis can offer some clues, but is not a substitute for better data.

Regression Analysis of 1995 Income

Regression analysis is a family of statistical techniques used to analyze the impact on some outcome of a number of different factors simultaneously. Like any statistical technique, regression is limited by the quality and quantity of available data. Most important, when there are only a small number of respondents with a certain characteristic, it is impossible to describe the group with much precision. There are not enough non-white lawyers in the Census sample to analyze their income levels in much detail.

Incomes of Women

For younger lawyers, Table 15 shows that women and men between 25-29 have approximately the same income; in the 30-34 age group the average income of men is \$8,000 higher; and in the 35-39 age group men's income is \$16,000 higher. Regression analysis shows that these gender differences in income are close to zero *if we account for* gender differences in hours and weeks of work, sector and class of worker.¹² In other words, assuming that women and men make different choices about how much and where they work, gender has no significant effect on income. These findings hold whether the regression is based on the records for all lawyers or just those working mainly full time for a "full-year" in 1995.

For the two cohorts aged 40-44 and 45-49 the gender difference in 1995 income is about \$35,000/year (see Table 15). Controlling for hours and weeks of work and industry and class of worker, the regression estimates of the gender difference are somewhat smaller, about \$20,000 and \$25,000 for the two cohorts, respectively. Finally, for the peak of men's earnings, between 50 and 54, the estimate of approximately \$65,000 lower earnings of women in Table 15 is reduced only to about \$60,000 controlling for the hours and weeks of work, sector and "class".¹³ In the next age category, 55-59, the average difference of \$25,000 per year in Table 15 is reduced to \$20,000 after adjustment in the regression. From age 60 on, the gender gap appears to widen again, but there are too few women to make reliable estimates.

So, assuming that women voluntarily decide how much they will work and in what sector, and that these decisions are not made in a discriminatory environment, women lawyers under 40 are not paid less than men. Put so absolutely, this assumption seems implausible, but we do not have good empirical evidence on what affects these choices. For lawyers entering the middle stages of their careers, from age 40 on, controls for hours and weeks of work, and even the form of income (salary versus income from self-employment, which distinguishes partners in law firms), account for much less of the gender difference in income. The likelihood is that much of the gender differential arises from differentials in access to employment in large firms and to promotion and compensation practices within large legal firms.

Incomes of Members of Racialized Groups

The limited number of non-white lawyers in the Census sample and the even smaller number within each age category does not allow as detailed an analysis. For this reason it was necessary to pool all the non-white groups. Non-white lawyers' earnings peak at a lower age, between 40 and 49, than for white lawyers. In every age category, non-whites have lower incomes than whites. For the 25-29 cohort, the mean annual earnings of non-whites and whites, respectively, are \$28,000 and \$33,900. This increases to \$46,600 and \$60,800, respectively, for the 30-34 year cohort, then to \$58,500 and \$91,200 for the 35-39 year cohort. Non-white lawyers between 40 and 49 earned an average of about \$70,000 per year, compared to \$110,000 for whites. At the peak age for white earnings, between 50 and 54, white lawyers average about \$130,000 versus \$60,000 for non-whites.

The regressions used to estimate the effects of gender also included a crude measure of race, with five categories distinguishing lawyers who were Aboriginal, Black, South Asian, East Asian (including Filipinos, etc.) and whites. This generates estimates of the average impact of race, controlling for hours and weeks of work. The regression results indicate that non-whites earned about \$25,000 per year less than whites, considering all lawyers or just those who worked mainly full-time and for a full-year in 1995.¹⁴ Controlling for sector of employment and "class of worker" does not change the estimates much.

Conclusions

The 1996 Canadian Census data demonstrate a pervasive pattern of the under-representation of Aboriginal persons and racialized minorities among lawyers in Ontario. Only for the youngest cohort, of lawyers between 25 and 34 in 1996, is there evidence of an increase in the number of non-whites. Members of the Southeast Asian and Filipino communities will have great difficulty obtaining legal service from a member of their community. The under-representation of other racialized groups is more a matter of degree. Depending on how the comparison is made, except for the Japanese, the representation of minority groups in the legal profession is one-third to one-half their presence in the population. Disparities are greater when the comparison is restricted to

lawyers who work full-time and when the comparison is made to university graduates in the population. Which figure is more relevant depends on whether the concern is with the legal services provided to Ontario communities or with the social and economic factors affecting recruitment into the profession.

Particularly telling are the comparisons between lawyers and the numbers of workers with university degrees and full-time students between the ages of 20 and 24. The figure for students, 24.5 percent of whom are Aboriginal or members of racialized groups, compares to 7.3 percent of all lawyers who are non-white. Clearly, this demonstrates that there is a very large population base from which to recruit lawyers. Moreover, the proportion of non-whites with university degrees who are presently in the labour force – 19.5 percent of the population – is two and a half times the proportion of lawyers who are Aboriginal or from racialized groups. These figures point to systemic barriers to the recruitment of members of racialized groups to the legal profession in Ontario. There is also significantly greater representation of non-whites in medicine, engineering and the universities. One encouraging sign is the greater proportion of non-white lawyers between the ages of 25 and 34, relative to older cohorts.

Women are still under-represented in the legal profession in Ontario, but there is evidence of an extremely rapid increase in the proportion of women lawyers. The trend has accelerated in recent years, but there is notable progress stretching back to the cohort between 45 and 54 (in 1996). At the same time, women lawyers earned less than men with similar characteristics. Women are far outnumbered among the highest earners. It is only possible to “explain” this difference in terms of market forces for women under 40, and then only on the assumption that women and men make free choices about their hours and sectors of employment. For older women, however, no such explanation is possible. Taking account of women’s somewhat shorter work weeks, greater tendency to work for government and to be paid a salary account for only a small fraction of the \$60,000/year difference in the average incomes of male and female lawyers between 50 and 54. The explanation for this huge difference must involve the organizational structure of legal practice. The most likely causes are gender differences in areas of legal practice, and especially access to employment in the largest and highest-paying law firms, and promotion and compensation practices within firms.

The questions raised by these initial Census results can be answered, but not without gathering new information. Different problems are raised by the findings about the representation of Aboriginals and racialized groups and the analysis of income. Increasing the representation of non-whites will require changes in the patterns of recruitment into law schools in Ontario. While students may begin thinking about their careers very early on, it makes sense to concentrate on understanding what influences university students, who are in the process of obtaining the undergraduate degree that they need to qualify, to apply to law school. At the same time, it makes sense to look at admission procedures. Increasing the proportion of university graduates from racialized groups might have some effect, but the Census shows that there are already much higher proportions of university graduates from racialized groups than law school applicants and lawyers.

While limitations of the Census data restricted much of the income analysis in this *Report* to gender, an effort to better understand gender differentials would also provide the data required for a serious analysis of the impact of racialization on income. The key problem is that the Census does not provide the information on characteristics of employers that is needed to properly understand differentials in pay. While the characteristics of individuals, such as their gender, age and membership in a minority affect income, labour market outcomes are also affected by employers. Differences *between employers*, particularly between big and small firms and perhaps between firms in different areas of practice, and also differences in status *within firms* very strongly affect lawyers' earnings. To determine what accounts for the large gender differences in income requires a database that *combines* information about individuals and the organizations in which they are employed. This information can be obtained from a survey of individual lawyers, who could be asked to describe their places of work and position in the organization, or from a survey of law firms.

Notes

1. In the Census data file used for analysis, the individual Census records have "weights" to compensate for non-response and missing data are "imputed", except for the questions about disability.
2. The figures for Quebec include both lawyers and notaries, who in that province carry out some of the functions of lawyers in the rest of Canada. Outside Quebec, notaries are not included with lawyers.
3. On the *previous* page of the Census, is a question that asks "To which ethnic or cultural group(s) did this person's ancestors belong? For example, French, English, German, Scottish, Canadian, Italian, Irish, Chinese, Cree, Micmac, Métis, Inuit (Eskimo), Ukrainian, Dutch, East Indian, Polish, Portuguese, Jewish, Haitian, Jamaican, Vietnamese, Lebanese, Chilean, Somali, etc." Respondents are asked to "Specify as many groups as applicable" in the four blank boxes (although there are no "pre-coded" responses, the examples likely increase the frequency of some answers). The earlier placement of this question about ethnicity likely increases the validity of the following question about race.
4. The order of "visibility" used was: Aboriginal, Black, South Asian, Filipino, Pacific Islanders, Chinese, Korean, Southeast Asian, Japanese, Latin American, Arab and West Asian, and White.
5. Just after, an additional sentence reads, "If this person no longer understands the first language learned, indicated the second language learned."
6. Because the Census employs a single response category for Arabs and West Asians, it is impossible to separate the two groups.
7. All the size estimates in this table are rounded to the nearest five in order to protect the identities of Census respondents.
8. Probably the true percentages are higher due to the Census undercounting Aboriginals.
9. The distinction between high- and middle-level managers is *not* based on the respondent's evaluation of her or his status, but is obtained from Statistics Canada's classification according to its detailed occupational codes, which are based on three "open" questions in the Census. They ask the respondent "what kind of work" he or she was doing, the "most important activities or duties" of the job, and the "kind of business, industry or service" in which the person was engaged.
10. Because of uncertainty in the way that people counted their vacations, the category consists of people who said they worked 40 weeks or more in 1995.

11. An unavoidable but not serious problem is that someone who was a lawyer in May 1996, when the Census was conducted, could be describing 1995 income derived from another kind of work. Self-employed persons may have negative income, if they have a business loss. From the Census, it is not possible to distinguish people whose self-employment results in their having no *net* income from those who had no self employment in 1995.
12. The differences are not significantly different from zero (at .05), but of course this does not mean that the differences are actually zero (which is exceeding *unlikely*).
13. The differences are about \$5,000 higher if only full-time full-year workers are considered.
14. The errors in these estimates are very large and the coefficients just verge on statistical significance.