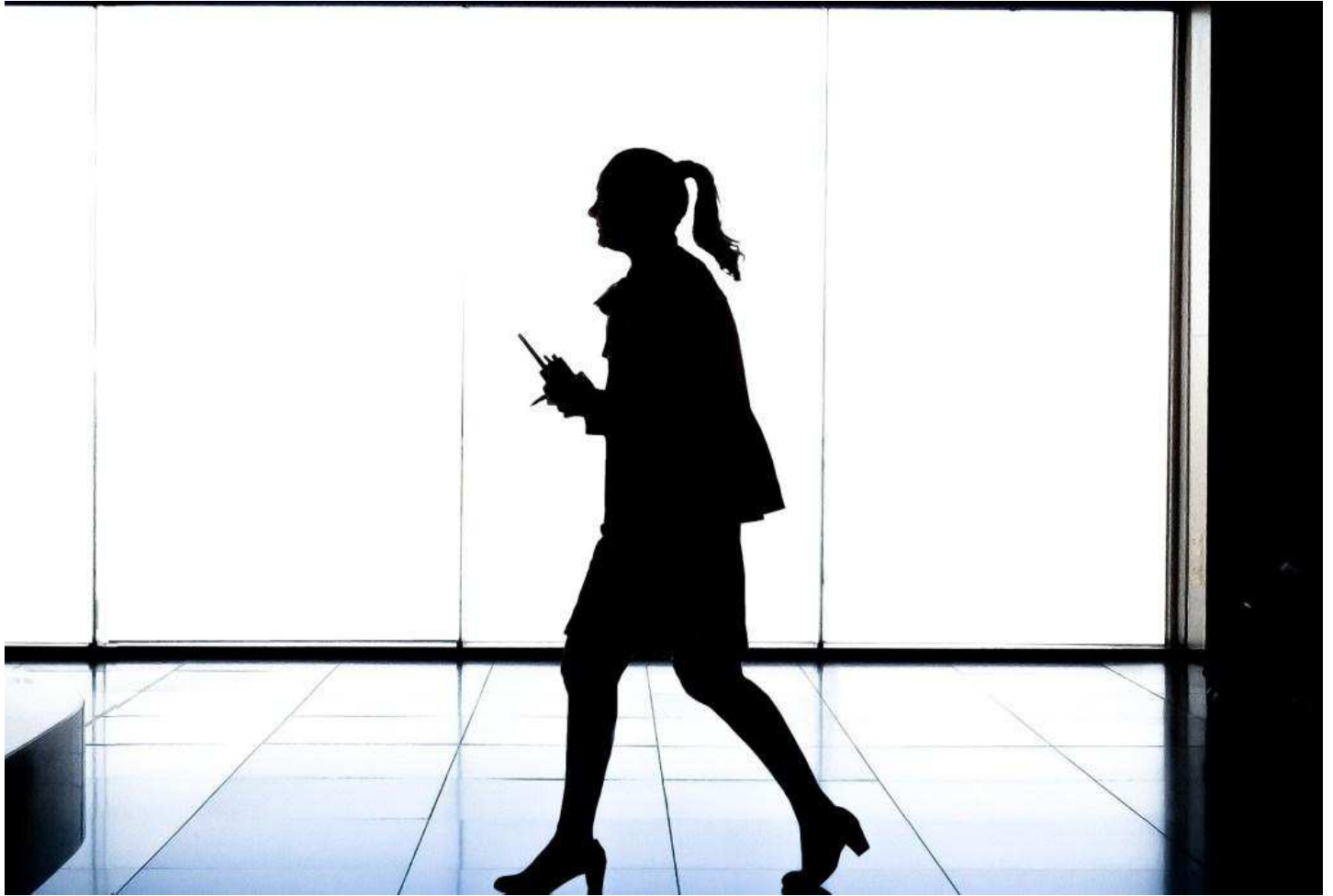




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Celebrating International Women's Day: Battling Unconscious Bias At Work

As the world celebrates [International Women's Day](#) through a wide range of activities, the central theme this year covers [women at work](#). The UN has published [a comprehensive infographic](#) on gender disparity globally, highlighting the low proportion of women in leadership positions. An issue not unique to a particular industry, including law.

What is particularly striking in the field of dispute resolution, is the [under representation of women](#) in international arbitration. But what are the barriers to women becoming successful international arbitration practitioners?

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Things are changing however, with increased transparency and increasing debate over diversity issues in the field. Initiatives such as the [Equal Representation in Arbitration \(ERA\) Pledge](#), which urges the international dispute resolution community to increase the number of female arbitrators on an equal opportunity basis, have had a significant impact in raising awareness of the huge gender imbalance.

The obstacles to women in dispute resolution are many, and to make things harder they are not clear cut – some may be obvious while others are more subtle. Furthermore, change does not happen overnight, it is a lengthy ongoing process.

Unconscious bias and decision making

One of the key obstacles for women in dispute resolution, is unconscious bias, an issue difficult to tackle precisely because those guilty of it (this would probably include every person), are unaware of their behaviour.

A [recent workshop](#), organised by [ICC World Business Women \(WBW\)](#) and [ArbitralWomen](#), at the **International Chamber of Commerce** in Paris, on 30 January sought to demonstrate how preconceived ideas can be detrimental to decision making in the workplace.

Vanina Sucharitkul, a Lawyer at **Herbert Smith Freehills** in Hong Kong, and **Mireze Philippe**, Special Counsel at the Secretariat of the ICC **International Court of Arbitration** in Paris, who both led the session, demonstrated to ICC staff how bias is ingrained in each person.

“The decisions we make are dictated by feelings anchored within us,” said Philippe, although she pointed out that unconscious bias is not inherently bad and can serve as a natural defence mechanism e.g. when it helps us to identify and flee danger.

She added: “Our choices and decisions are based on thoughts and impressions built from childhood, without us being conscious of them.”

The key issue, however is how to become aware of such bias, an issue which disproportionately affects women in the workplace – and not only in the legal profession.

Tackling unconscious bias in the workplace

Sucharitkul and Philippe provided a number of ways to address inner bias and contribute to better decision making. Primarily, recognising bias is the first step to addressing it, pointing out that a willingness to questioning one's own judgement in order to gain a more balanced and fairer approach.

The presenters also suggested that, where possible, it is hugely insightful to collect data and analyse it in order to identify where bias exists. Last year, the **ICC International Court of Arbitration** began publishing statistics on the gender balance of ICC tribunals, with a wider aim of improving transparency and diversity in international arbitration. The issue of under representation of women on tribunals persists across all arbitration institutions, although incentives like the Equal Representation in Arbitration Pledge aim to raise awareness of the problem among the worldwide arbitration community.

Culture is a huge factor in reinforcing bias, which in turn manifests itself through behaviour, according to Philippe. Collective decision making and involving a broader range of people can help to balance opinions,

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One of the most important factors in overcoming bias, according to Sucharitkul, is to be a “scientist of your own behaviour: Small changes can have a significant impact,” urging those in leadership roles to lead by example. Her tips for leaders include giving credit where it is due, as well as highlighting the work of those whose backgrounds may make them less likely to promote themselves and/or their work.

Written by Natasha Mellersh.

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