Women, Work and Learning

A thesis submitted in fulfilment of the requirements of the degree of

Doctor of Education

by

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from

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Candidate’s Statement

I certify that this dissertation entitled ‘Women, Work and Learning’, submitted for the degree of Doctor of Education, is the result of my own work, except where otherwise acknowledged, and that this dissertation (or any part of same) has not been submitted for a higher degree to any other university or institution.

Signed:_________________________
   Jillian Maria Cavanagh

Dated:__________________________
Abstract

Women, Work and Learning

Contemporary work is beset by changing laws, globalisation and technology. Such changes, together with the growing intensity of work, means work practices are constantly changing. Increasing numbers of women are entering into this work, often in contingent roles and many in administrative and service-related employment. Frequently, these contingent forms of work offer little in the way of career paths or support for ongoing learning and career development. This study investigates the work and learning experiences of a cohort of nine female auxiliary workers within the legal sector. These women are held to be illustrative of the growing ranks of contingent workers and their experiences in contemporary working life. The study examines the affordances for these women’s learning and levels of support available to them for participation in learning through their work.

The study is informed by a critical ethnographic approach that recounted the work and learning practices of these women through a series of structured interviews, observations and reflective journals written by both the participants and the researcher. This is interwoven with an autoethnography of the researcher’s work experiences within the legal workplace. Having advanced the case for learning through auxiliary kinds of work, the study describes and discusses three legal practice managers’ purposes of, conceptions about and practices for the learning of auxiliary legal workers in their legal practices. Next, it elaborates and discusses these women’s experiences of, conceptions about and practices to learn through their work. The literature dealing with aspects of the changing nature of work and contemporary issues affecting women at work such as power relations, the impact of policy, gender equity and discrimination illuminates the problems for these women workers. It also elaborates the nature of learning through work, and the self-identity and social identity of women at work and the notion of workplace knowledge within organisational practice.

How opportunities were afforded and maximised by these women was important as their learning was set within the structures of the workplace that served to inhibit their progress. Yet, these women needed to learn to perform
effectively and to retain their employment, and perhaps to progress. The women
worked within an environment characterised by change and the findings of the
study positioned each of them as committed workers and continuous, self-directed
learners; that is, learning was fundamental to their everyday work and they shared
a strong resolve to find ways to learn.

The study found strong and consistent evidence of personal
epistemologies, reflexive practice and personal agency being exercised in the
conduct of these women’s work and learning. Through these processes, the
women developed a sense of their own identity at work as workers and learners
and they enacted those identities. Yet, all this was found, to be necessitated by and
in the face of low workplace affordance for their work and learning. That is,
formal learning policies and programs were not readily accessible to auxiliary
level women at work. However, the study suggests that if these women were
offered opportunities to participate in formal learning programs at work they
would probably do so. It was concluded that improvement in the workplace
norms, values and practices associated with contingent workers, such as these
nine auxiliary legal workers, was needed, firstly, for the legal practices to enact
policies, procedures and opportunities for auxiliary level staff to participate in
kinds of learning that promote professional and self development and, secondly,
for auxiliary level women to be aware of, to learn and to participate in new ways
to practice and to strive for professional and self development. Overall, this study
illustrated how workplace policies and practices can work against the needs,
learning and aspirations of workers, who perform essential support and service
roles, yet are not seen as being central to workplace success. Interactive
collaborations between workplace managers and contingent workers are needed to
continually find new ways to help these workers change and grow at work within
workplace environments that are invitational for them.

In all, the study found that the agency and personal epistemologies of
these auxiliary workers was essential in their negotiation of learning, the
enactment of peer support and to necessarily cross boundaries of practice in
learning and working. While such agency is commendable, it is held that this
agency might be deployed more productively in workplaces, if it were not
continually having to be exercised to overcome the low invitational qualities of the very workplaces in which they work and learn.
Acknowledgements

A study of this kind was not accomplished alone; this was a journey, filled with support from many remarkable people who have influenced this research project and also my life:

To Associate Professor Stephen Billett, I am most appreciative for his academic expertise, leadership and inspiring supervision. His advice was always sound and he was the steady hand and strong partisan of my labours.

Dr Maree Boyle provided me with a female balance in perspectives, and always stirred in me a level of enthusiasm to move forward with my study.

Without the nine wonderful women, who were willing to take part in this study, it would not have been possible. I am truly grateful to each of them for openly sharing their personal lives and workplace experiences. At times these women waivered between vulnerability and strength, and they taught me that with personal epistemologies, reflexivity and agency we can all succeed, even in the face of adversity.

To the practice managers who allowed me into their offices, I am indebted to each of them for their generosity of time, professionalism and integrity. Even though I had spent over twenty years working within legal practices I found our in-depth conversations to be more enlightening than anticipated.

There were many other fellow RHD students, academics and friends with whom I shared discussion, debate, tears and laughter. Often, when the way was dark and difficult they guided me towards the ‘evidence’. Their insight and friendship made the journey easier.

Lastly, I want to thank my family for their patience and support; especially my son Adam for believing in me, and Sarah who is an aide memoire that daughters are precious.
Dedication:

This thesis is dedicated to Molly-Rose Ankonina
- for it is she, at the age of 5, who will shape the future.

And to the memory of
Molly Brady Collins and
Emily Bowcock Browne (my grandmothers)
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Chapter 1

Female auxiliary workers and learning through work

1.1 Introduction

This study is concerned with female auxiliary workers and how they learn through their work. It is about the experiences of nine female auxiliary legal staff from three legal workplaces, and focuses on the skill development and career progression of these legal staff. It is also about the opportunities for auxiliary legal staff to learn and represents an instance of understanding the prospects for processes through which auxiliary workers learn to maintain their competence in the workforce and secure advancement. Opportunities for auxiliary workers are shaped by the kinds of work they do (i.e. legal occupation), workplace practices and norms (organisational factors), and gendered roles. The study was undertaken by means of ethnographic research. Firstly, three legal practice managers’ perspectives of workplace conditions and practices that impact on auxiliary workers were explored and then, nine auxiliary legal staff’s perceptions of their workplace learning conditions and experiences at work were analysed and discussed.

Workplace learning continues to gain impetus in the learning literature because there have been increases in women's participation in the paid workforce in Western countries, including Australia. Many of these women are contingent workers and employed in administrative and service related roles (Billett, 2006c), and often have to learn through their work. According to Billett contingent workers are those who are either in part-time, contractual or subordinate roles. Clerical workers such as legal auxiliary staff are often contingent because they are in subordinate roles and granted low status despite analyses of their work suggesting they perform highly complex work. This study addresses an issue that is a wide concern about auxiliary workers who are not in privileged work placements yet who need to maintain the currency of their skills and employability. Another factor impacting on such types of work is that employers compete on new and changing business levels and have to consider ways to ensure their employees work faster and smarter (Fenwick, 2001a). As an environment for learning, the work setting has the potential to provide employees with rich goal-directed activities; direction from management; interactions
with co-workers; and engagement in everyday problem-solving (Billett, 1996). All of these are essential to assist individuals learn the knowledge required for their work and to progress in their work. This is increasingly important because the work for these individuals is constantly changing. Globalisation and the modern workplace continuously undergo rapid change and much of this change is being driven by unprecedented technological advancements, increasing competition and high client expectations (DiFazio, 1998). Hence, there is a need for continuous learning in and for the workplace. This pertains as much to auxiliary workers such as those in the legal sector, who are predominantly female, as for professional workers, such as solicitors in legal practices.

Certainly, women are entering and re-entering the Australian workforce in ever-increasing numbers (Australian Bureau of Statistics, 2000), but the learning conditions for many of them are complex and problematic (Kirner & Rayner, 1999). Increasing numbers are partially attributable to and reflect increased service demands, more flexibility and the growing acceptance of women in the workforce. In an environment of constant change women, as workers, need to continually develop their skills, to remain current and effective. So, these women need to continually learn but, the intertwining between what the workplace will permit them to do and what the individual is able to do impacts on their capacity to develop skills within the work environment. We should need little reminding that all this is occurring at a time when governments are placing greater responsibility on workers to maintain their workplace competence (Organisation of Economic Cooperation and Development, 2000). This imperative then influences how women shape their identity at work. Consequently, beyond the individual agency of workers as learners, how workplace practices support women’s learning is important, particularly as adaptability is (in part) a product of participation in social practice.

This thesis expands upon an area of socio-cultural research relevant to female workers more generally, but focuses primarily on the implications for female auxiliary legal staff in the legal sector. Legal auxiliary staff provide legal support to professional workers (solicitors). Female workers confront issues of discriminatory practices within the workplace and this study considers aspects of those practices associated with their work and their learning at work. The investigation adopts a critical ethnographic approach to identify deficiencies in social practice and the prospects for bringing about social change (Carspecken, 1996, 2001). The study also deploys an autoethnographic lens that allows self-representation of the researcher
(Hayano, 1979). In this way, this study explores: (1) issues for women in the workplace and learning at work; (2) what practice managers report about conditions of work and affordances for learning; and (3), auxiliary women’s (including the author’s) perceptions of their learning experiences and the legal learning environment – an environment embedded in socially mediated activities. Questions are raised throughout the study about auxiliary women’s roles and acceptance in the communities of practice (Wenger, 1998) that comprise their work, and their participation and engagement (Billett, 2001a; Lave & Wenger, 1991; Wenger, 1998) in learning activities at work. Wenger (1998) argues when communities of practice are bought into focus they can result in the development of the strategic capabilities of an organisation. The study challenges workplace managers, educators, scholars and the women themselves to continually find ways to advance workplace learning.

1.2 Origin of interest in legal auxiliary workers

My personal identification of the issues of women’s learning experiences at work began many years ago when I was first appointed as practice manager within a general legal practice:

He seemed a long distance away, sat behind a mahogany desk and surrounded by legal files. I stood in the doorway not wanting to move, dressed in jeans and a T-shirt, feeling completely out of place, but somehow not wanting to admit defeat. He looked at me over the top of his bifocals, very qualified, brown suit and pink bowtie…‘Ah…I have been waiting for you…’ I had tried the front door of the building and then walked around to the back, hoping for someone to exit. We moved house today, all my clothes and my curriculum vitae left behind. I received a phone call and had an hour to attend an interview for the job of a lifetime. I had no alternative but to turn up at 6.00pm and I did. An hour passed, it was now 7.00pm and I was feeling more anxious by the minute and then a cleaner appeared. I was in but then the lift was locked so I raced up the stairs knowing that I did not have a chance but determined not to yield. My voice quivered as I explained the events of the day, particularly the last few hours. I walked out knowing I would be the practice manager.

(Journal entry, 4 November 1987 – Appendix A)

In more recent times, as a consultant legal practice manager, it has been evident (through various levels of my expertise being required) that the learning experiences of auxiliary level women in the workplace are complex yet restricted. The first group of participants of this study comprise the legal practice managers who have power
over their employees’ work conditions. It is these managers who exercise and control workplace practices and distribute opportunities for development for auxiliary staff, that is those who provide secretarial and administrative support to professional staff within general legal practice. During my years of practice, many women have reported, and I have reflected and made notes about, workplace-learning issues as an important personal and professional issue. To facilitate success for these women who continue to work within the legal industry, the circumstances garner questions such as: How do auxiliary level women see themselves as workers? How do these same women view themselves as learners? How do women’s workplace learning experiences help them to change and develop? How do workplace affordances help women adapt to workplace conditions? How do workplace conditions affect women’s learning experiences? And how do these conditions shape a woman’s identity at work? It is these questions that guide the focus and progress of the research reported here.

1.3 Personal basis and engagement with critical ethnography

As a female legal practice manager/consultant, I have been (and continue to be) situated within complex networks of social practice and interactions within legal practices. Through a process of personal reflection (particularly on improving work practices and how learning in the workplace has influenced my professional development), I seek to make a difference for the many auxiliary women who work within legal workplaces (and beyond). Even though workplace and learning issues often sap the very effectiveness of my contribution, I still feel empowered to attempt to influence future workplace learning cultures. It is these perceptions and sense of self that warrant exercising and articulating here. A vehicle for this is the adoption of a critical ethnographic approach to inquiry within a socio-cultural orientation to better understand female auxiliary staff learning.

The issues surrounding women’s learning experiences are complex, demanding further inquiry into why female auxiliary legal staff experience learning difficulties at work. However, literature on women workers and learners within legal practices remains sparse. Therefore, this study has commenced from theoretical perspectives about work and learning and engages with literature that reports experiences, principally from other kinds of workplaces. To gain a better
understanding of these issues, it is necessary to consider the background and working conditions of Australian women over the years. Thus, the next section provides a working knowledge of some of the conditions that have contributed to women’s workplace issues and is particularly relevant to auxiliary workers within legal workplaces.

1.4 Changed conditions of work in Australia

The status of women as workers and their experiences within the Australian workplace has changed over time. The workplace has experienced the impetus of factors such as the industrial revolution, scientific and Fordist style management systems, world wars (Bar-Haim, 2002), unions, government legislation, economic rationalism, globalisation and technology (Kouzmin, Korac-Kakabadse, & Korac-Kakabadse, 1999). Because of these factors, women’s status and engagement with work has fluctuated. Other factors which have influenced women’s engagement with work have been a spread of ‘new’ and collaborative management techniques and their retreat, escalating international competition, and increasing pressures to respond more quickly to changes in client needs (leading to flexibility and specialisation) (Dyer, 1998). Throughout these and other socio-historical events, there have been increasing numbers of women entering the Australian workforce each year (Australian Bureau of Statistics, 2006b). The current notions of work, as we know them in contemporary workplaces, have evolved with expectations that women and men will enjoy an equal quality of working life, including opportunities for advancement.

Socially driven legislative and non-legislative equity initiatives began to have a greater impact on the Australian workplace from the early 1970s. Here the major initiatives are outlined. The Affirmative Action Act (AAA) was legislated in 1986 to provide women with equality in employment opportunity (Campbell, 1996). The Whitlam Labor government that had encouraged union membership as well as introducing equity legislation was replaced by the Fraser Coalition government, and legislation was introduced to abolish government collection of union fees, thereby discouraging union membership (Bamber & Lansbury, 1987). The Hawke-Keating Labor government that followed made significant advances in labour market flexibility and enterprise bargaining. The National Training Reform Agenda (NTRA) (1987-1996) was introduced as a national system of qualifications and competency
based training to ensure a more skilled, competent and productive workforce (Wallace, 2003). The Industrial Relations Act of 1988 approved the development of workplace dispute-settling systems that focused on conflict resolution within the workplace.

As well as legislative reforms, changing ways of thinking about work have also had an impact on the Australian workplace. Some writers argue workplaces should become more flexible and develop better understandings of work patterns, particularly for women because of the increasing numbers of women who work (Falkenberg & Monachello, 1989). At the same time, human resource management has become increasingly more important due to organisational demands for economic rationalism and employing the best candidate for the job (Stone, 1991). The result in the new millennium is a situation where the education of adults focuses on maximising employee potential – an era of total quality management which has come to be known as the knowledge age (Drucker, 2002). In such times, it has been claimed that progressively more organisations would appreciate the value of human capital (Becker, 1993; Flamholtz & Lacey, 1981). Thus, it might be assumed that this era of considerations for equity issues and educational reform should have resulted in better opportunities for women in the workplace. And, of all the workplaces, it might be expected that with their concern for legal compliance, legal practices should have led the employment field in providing improved opportunities and conditions. However, results from this study suggest that this is not necessarily the case.

The modern day workplace is also influenced by conditions such as globalisation and technology. They have an impact on workplace experiences and cause uncertainty for many workers especially marginalised groups such as women (Bagnall, 1999). Legislation such as the Sex Discrimination Act (1984) and the AAA (1986) provided women in this country with conditions conducive to equal opportunity in employment (Naughton, 1998). However, Affirmative Action Programs cover only those organisations with more than 100 employees (G. Strachan & Winter, 1995) thereby excluding many legal workplaces and other workplaces in which women work. While flexible work conditions appear to support women at work, many still experience erratic hours, the fear of being dispensable (Grensing-Pophal, 2000) and the pressure of having to learn new skills (Carnoy, 1999). Additionally, many women have more limited access to promotion and equal remuneration than their male counterparts (Scutt, 2000). Therefore, equity will only be achieved in employment (Bryce, 1992), when organisational and social policy
reflect women’s position in employment. However, the concern here is not just the
distribution of jobs, but the distribution of opportunities for work that is largely
undertaken by women in a segregated labour market that privileges professional
workers and limits opportunities for non-professionals.

1.5 Women and work and learning through work

Change has become endemic within contemporary workplaces, and globalisation and
technology have for the most part been responsible for erratic changes within the
broader labour market (DiFazio, 1998). Modern workplace change is influenced more
by legislative and non-legislative initiatives and less reliant on the unions that held
many businesses to ransom thirty years ago (Cox, 1996). Most workplaces are
characterised by shifting patterns of work in response to the diversity of client needs
(Fenwick, 2001a). In general legal practice, such change has been illuminated as a
result of amendments to legislation and a shift towards specialisation in accordance
with demand for new and diverse areas of the law. Current employment conditions,
beyond traditional full-time work, embrace contingency work and various forms of
contract (long and short-term), part-time and casual work and changing labour force
conditions which all impact on an individual’s experience at work. Since these issues
influence contemporary conditions of work, many workers find it difficult to respond
to new work conditions (DiFazio, 1998).

Some of the significant changes affecting work conditions and the individual
worker are products of the kinds of work performed, levels of involvement in work
performance, and engagement in work practice (Billett, 2001a). Work practices
themselves are governed by elements such as laws and technology. The fundamental
tenet of professionalism is the development of specialised fields with distinctive
knowledge and skills bases. Thus, workers need declarative, procedural, structural,
embedded and conceptual knowledge (Farnaham-Diggory, 1994; Gagne, 1985) to be
successful in their work. In the case of legal staff, their role is to affirm the law or
specific details of it, to administer legal documentation, to solve problems and to
identify with social, ethical and legal implications. Workers also need to know how to
transfer knowledge from one set of circumstances to another (Baldwin & Ford, 1988;
Simons, 1999; Singley & Anderson, 1989) – legal staff have to apply prior
knowledge to new situations on a regular basis. Expertise at work also requires the
individual to develop competence in cultural discourses, workplace activities, routine and the ability to adapt to new knowledges and ways of work (Billett, 2000) – legal staff are frequently challenged by new legislation, documentation and procedures. In these ways, workers have to constantly renegotiate their knowledge bases to engage in work practices, and the way individuals engage in work practices is crucial to their self-development and continued existence within the workforce.

Flexibility within contemporary workplaces creates much uncertainty, and increases demands upon workers to perform. Additionally, an individual’s participation in learning at work impacts on their ability to perform and develop at work (Billett, 2001a). The centrality of learning in affecting the workplace experiences for many female members of the labour force is emphasised in a number of studies. For example, it has been observed that frequently, as a co-participant in the learning process the learner’s social and cultural values and needs go unnoticed (McLellan, 1995); that workers who are afforded the richest opportunities at work report the greatest development (Billett, 2001a); that issues of equity and ethics affect women’s workplace experiences (Bryce, 1992) and that discriminatory language often impacts on their survival at work (Probert, 1998). Several scholars also highlight subjectivity as a limitation to an individual’s development at work, and it is fundamentally economic rationalism that governs what a worker does and how that worker develops within the workplace (Cho & Apple, 1998; Fenwick, 2001a; Newton, 1998; O’Doherty & Willmott, 2001). These accounts emphasise the centrality of learning that ultimately affects the workplace experiences for many female members of the labour force.

The concept of learning within the workplace is not new. Over the last fifty years, adult vocational education has gained momentum as a socio-cultural phenomenon, essentially as a result of changing business needs (Fenwick, 2001a). In fact, within some of the traditional disciplines there is in-built support for the power of social equality and self-expression of adults to build on their knowledge and make better lives for themselves (Lindeman, 1989). There has also been a strong argument for the self-directed approach to adult learning encouraging adults to participate in all phases of their learning, from initial planning through to the evaluation stages (Knowles, 1984). Thus, there has been an emphasis in recent accounts on lifelong learning as an individual responsibility.
However, contemporary theorists continuously challenge traditional approaches to adult learning. For some, the focus is on organisational learning and the learning organisation (Senge, 1990; Watkins & Marsick, 1993), while others argue communities of practice promote rich learning that is shared amongst all members of the community (Lave & Wenger, 1991). Other contemporary views of learning support discourses in action learning where the learner learns by doing (Bierema, 1998; Mumford, 1996; Zuber-Skerritt, 2000); situated learning where learners’ reflect on knowledge and skills that are applied to problem solving in real-life situations (Lave & Wenger, 1991; McLellan, 1995); and incidental learning which occurs unintentionally through every day work practices and peer interactions (Garrick, 1998; Watkins & Marsick, 1992). Livingstone (2001) argues that many adults find informal learning is the best way to adjust to changing environments. So, the emphasis is shifting from one of individually selected and managed learning purposes and goals to learning in a self-directed way, but still with a focus on what others may want them to learn.

Essentially though, ‘learning at work’ informs policies and practices that then produce enhanced learning and education at work (Fenwick, 2001a). New ways of learning suggest learners have choices and are receptive to workplace learning. Much of this literature (and in particular, the learning organisation literature) is biased in favour of organisational values, goals and capital gain. And, in most workplaces the ‘learning organisation’ represents a vision that seldom materialises; espoused plans rarely convert to plans in action (Watkins & Marsick, 1993). Some of these writers are also consultants in the field with a commercial interest (Fenwick, 2001a). What Habermas (1971) pointed out more than thirty years ago has relevance to this issue because many workplace educators and scholars concentrate on the technical and practical aspects of learning and largely ignore the emancipatory levels of learning even where the learner is aware of the sociocultural barriers that may inhibit personal and professional development. This suggests a need to concentrate particularly within the legal industry and we need to concentrate more on the individual’s perspective to develop an understanding of what work and learning means to them. Whether individuals are aware of their learning, how they learn in the workplace and what learning actually occurs need to be further explored. Additionally, issues that may impinge on many women at work need to be ascertained and presented for discussion.

The increase in women’s participation in the workforce highlights various contemporary issues impacting on their experiences at work (Fenwick, 2001a). How a
woman then identifies herself within the workplace is determined by her role and interactions with others (Stryker, 2000). At a legal office focus group meeting I conducted, women talked about issues within the workplace. Many of the women indicated their learning experiences at work were complex. That is, their learning is multifaceted and constantly demands they become skilled at new practices and procedures. Bierema (2001) suggests women’s workplace learning experiences are also affected by various levels of discrimination. This is evidenced by the underutilisation of female employees within certain sections of the workplace, which in essence supports covert levels of discrimination. As well, power relations not only impede women’s access to gaining knowledge, but in many cases prevent women from developing professionally (Fenwick, 2001b). It is therefore important that this study undertakes and articulates the ways in which these issues do affect women’s identity at work, and that action is crucial to their learning experiences at work.

Emerging challenges for women within the general (and legal) workplace are of such a complex nature that fundamental policies and practices for supporting women’s workplace learning need to be explored. Workplace policies and practices need to reflect an equitable distribution of power and decision-making, so that women may be able to make personal and cultural changes to improve not only their own experiences at work, but also to influence other women’s workplace experiences. The developments in labour force conditions support the notion that socio-cultural perspectives of learning should challenge existing learning traditions because they offer tools to incorporate into the learning process and provide guidelines for understanding the meaning of social interaction and learning. Therefore, knowledge management and the continuous and innovative development of an individual’s learning should be recognised as imperative for keeping pace with the changes in the different kinds of work practised today. Only then will women be in a stronger position to change and fully grow at work.

1.6 Identifying the research problem

Considerable pressure for organisational change exists within contemporary Australia and current business trends have had to move towards diverse ways of practice in order to adapt to changing service cycles. This then requires greater levels of organisational and individual adaptability to change (Billett, 1996). For the nine
female auxiliary staff working with constant change in their work, the problem centres on how to adjust to some of the interconnected processes of work and learning. Thus, the issues are situated within the practices that constitute the skills development and personal growth at work, through “the practices that are most directly constitutive of everyday life” (Livingstone, 2001, p.20).

It is through their learning that womens’ opportunities will be expanded, yet women’s access to support and affordances for learning are set within the very structures which inhibit womens’ progress. Therefore, notwithstanding significant legislative and organisational advances that have been made (predominantly by women but also effected by men on behalf of women), women are still marginalised within the workplace, and their learning experiences at work need to be further explored (Fenwick, 1998a). In my practice I have observed that it can be problematic for auxiliary-level women to articulate their concerns about workplace learning experiences affecting their participation at work. Part of the reason for this may be as Spencer (2001) argues, because most organisations factor-in education and training to their financial plans in favour of professional employees. Many strategic plans often then result in overlooking the needs of auxiliary staff members. Moreover, many workplace policies are reflective of the power relations existing within professional organisations, which further impacts on non-professional employees (Yolles, 1999). If organisational minders were more responsive to issues of equity and ethics, many women’s experiences at work might improve (Kincheloe, 1999). Therefore, it is critical for workplace managers, human resources practitioners, workplace educators, researchers and employees to be more aware of the functions driving policies and practices within organisations. Chapter 2 sets out the overall problem for women within the workplace, and Chapter 3 notes the problematic, but important nature of learning through work.

1.7 Questions guiding the study

To develop an understanding of this correlation of work and learning within the general legal workplace, this study explores what managers say about the policies, practices and norms in the workplace and the issues identified by women as being significant to their understanding of and potential to engage in workplace learning. The principal question guiding this study is:
How do female auxiliary legal workers engage in learning processes required to meet the changing nature of work and the challenges of limited employer support?

The method of inquiry comprised interviews with practice managers and female auxiliary workers in legal settings, as well as a reflective process articulated through critical ethnography. Interview questions for managers within the legal industry and auxiliary staffs were organised around the following three research questions, which were developed from the findings of a focus group:

1. How does the occupational practice of law distribute work opportunities for professional and auxiliary legal workers?

2. How do work practices in legal workplaces shape the opportunities for female auxiliary workers’ learning?

3. In what ways are women within the workplace allowed to participate in and self direct their own learning experiences?

4. What kinds of organisational support for learning either help or hinder a woman's learning experiences in legal workplaces?

It is these forces that guide the research and authenticate its significance.

1.8 Significance of a study within the legal milieu

This study is significant because it contributes to workplace learning literature by examining particular instances of women’s learning in the workplace. There are four main areas in which this research will impact on the legal environment. Firstly, it examines workplace practices and workplace affordances for women’s participation and engagement in learning at work. Therefore, it examines what workplace learning opportunities are provided by management, what conditions of work and learning are offered by management, and what this means to auxiliary level women within legal practice. It is anticipated that scholars, workplace educators, workplace managers and human resources practitioners will gain a better insight into some of the socio-cultural issues affecting women’s experiences and conditions of work and learning at work. Secondly, it moves beyond the power relations existing within some professional organisations to inform policy and practice. Scholars, workplace educators, organisational minders and relevant law societies may find some benefit in expanding
their focus on professional practice and continued legal education to take a more holistic approach to practice management. Thirdly, this research highlights the increasing numbers of women who enter the workforce each year. It identifies real issues for real women who work within the legal industry. Women who work within this industry may benefit from reading what other women say about their learning experiences at work. It is anticipated that women may discover ways to influence some of the socio-cultural practices that could possibly enhance their experiences at work. Fourthly, few studies have been undertaken within the legal industry. Due to the sparse literature available at present, researchers may draw on the findings of this study to influence further research within the legal industry and beyond.

1.9 **Definition of terms**

Throughout the study the terms used to describe workers within the legal industry and in general legal practice are common terms understood to the majority of persons associated within this area of professional practice.

1.9.1 *‘Work’ and the ‘workplace’*

For the female auxiliary level workers/participants of this study any reference to ‘work’ discussed in interviews and reflective diaries represents the ‘paid’ labour they perform within general legal practice. Women also refer to the ‘unpaid’ work they perform within the home and community but only in the capacity of influences outside the workplace. The ‘workplace’ for these auxiliary workers is a geographically identified place of employment where professional practitioners (solicitors) perform the law, and generally make every effort to provide high quality legal advice and services to their clients; and where auxiliary level staff work for practitioners to provide the necessary secretarial and administrative support services to facilitate the execution of a particular area of legal practice.

1.9.2 *‘Auxiliary’ and ‘professional’ workers*

The term ‘auxiliary’ is commonly used within the legal industry to describe those non-legally qualified employees who support professional staff workers. The level of support for professional staff is generally secretarial and administrative. Predominantly a professional staff member holds no less than a law degree but, in
some law offices, an articled clerk would train on the job whilst completing a degree. A clear distinction exists between auxiliary and professional staff in that auxiliary staff cannot execute the law. However, in some cases auxiliary level staff members become known as “para-legals”, who perform management of a file from opening to closure so long as they are not required to give legal advice to a client or a client’s agent. In this role the para-legal would be considered “professional”. In the event of a litigious issue, the para-legal either consults with or hands over the relevant file to a qualified legal practitioner, who is referred to as a “professional”. Throughout this paper the terms “auxiliary”, “non-professionally qualified” and “support staff” are interchangeable and the term “professional” describes a qualified solicitor and/or the level of work performed by a solicitor or auxiliary staff worker.

1.9.3 ‘Learning’ at work

The meaning of learning at work is best described by one of the participants. Tina explained “there are continuous changes” at work “and just about everything…has a learning process in it”. Then after a long pause:

The learning that I do on the job is constant….I generate the learning process myself. Basically, the way I learn is by just doing the job…getting into it and doing it and thereby formulating the best way to do it and that is the learning process – Tina

Learning at work for many auxiliary level staff members is self-directed, informal and continuous within the workplace. In practice I have not found it commonplace for auxiliary staff to attend further education beyond the workplace. Conversely, auxiliary staff members are usually aware that professional staff are obliged to be regularly involved in Continuing Legal Education (CLE) and Continuing Professional Development (CPD); learning provided by relevant State Law Societies when auxiliary workers are denied such affordances. The literature related to women and learning within the workplace is discussed in detail in Chapters 2 and 3.

1.10 Limitations of the study

This study involved workplace managers and auxiliary-level workers in an ethnographic study incorporating interviews, observations and reflective diaries. Although the strength of this study was in the immersion of the experiences of nine very experienced (eight years experience or more) auxiliary level female employees
and their respective legal office managers the study was limited to three offices. The study was also limited by qualitative research methods and even though ethnographic methods allowed me, as the researcher, to collect interview data and observe behaviours, and to probe for answers when answers were obscure I had to remain detached from the subjects. However, as researchers are instrumental in gathering data from this method Herndl and Nahrwold (2000) argue it was always going to be a struggle to remain open-minded and politically neutral. It was also difficult from time-to-time to keep a participant from digressing from the questions, and from simply providing answers to questions that the researcher wanted to hear. Another consideration was that the literature indicates qualitative research often silences the voices of marginal groups such as women (Carspecken, 1996), whereas this study was about giving a voice to women in this group.

It is acknowledged that the results of this study may have been different had the study been completed:

1. at a different time with different participants
2. with additional participants in specific age and/or with specific skill sets
3. within divergent socio-cultural dynamics
4. within diverse economic structures where systems and information technologies are at opposite ends of the spectrum, or
5. with more diverse time and management opportunities
6. with different methods (quantitative or a hybrid of qualitative and quantitative)

However, since research about auxiliary workers within legal workplaces is sparse, it was necessary to establish a foundation from which to examine women’s learning experiences. The need for replication studies and further research based on the findings of this study is recommended in Chapter 8.

1.11 Organisation of the study

This chapter has introduced the focus of the study and the research questions. The following sections briefly outline each chapter from Chapter 2 through to Chapter 8.
1.11.1 Chapter 2 – Women and work
Chapter 2 argues that changing work cycles, workplace practices and shifting work environments affect women’s experiences at work. The ways in which the individual worker is afforded workplace opportunities and how that individual participates in work activities is imperative to their workplace learning experiences (Billett, 2001a). Even so women experience contemporary socio-cultural issues such as the power relations that exist in workplaces (Fenwick, 2001a), the inadequacies of affirmative action programs (J. Strachan, 1987), gender biases (Kincheloe, 1999), and discriminatory language (Heaven, 1999; Higgins & Koucky, 2000). How the nine women of this study adapted to contemporary conditions of the legal workplace is important because of the changing nature of their work and the limited employer support.

1.11.2 Chapter 3 – Women and learning through work
Chapter 3 discusses the proposal that learning is shaped by both workplace experiences and gender for the increasing numbers of women who enter and re-enter the Australian workforce each year. The ways in which women acquire new knowledge at work and how they apply that knowledge at work are vital to their survival at work. However, much of the learning literature tends to be prescriptive, and fails to allow for differences in learners’ needs, levels of engagement in learning, or different levels in comprehension or commitment; and basically open-ended outcomes are rare. Scholars point out that one of the greatest challenges is to involve and engage employees in the kinds of workplace activities that serve their personal and vocational goals. How women, such as legal workers make decisions in the workplace is determined by their agentic actions (Billett & Pavlova, 2005) and their workplace self is shaped by their workplace experiences (Giddens, 1991). Therefore, how learning takes place in the workplace is important to the overall workplace experiences of the nine women of this study.

1.11.3 Chapter 4 - Investigating women’s learning and work
In order to examine women’s learning within the workplace, a critical ethnographic study was carried out between 2004 and 2005. As well, autoethnographic methods provided me with an avenue to self-disclose, retrace, and report on some of my own experiences within the workplace. Chapter 4 describes the methodological processes
undertaken to complete this study. The three data collection methods used were observation, reflective journals and interviews. It was considered that an ethnographic approach was the most appropriate, as this was the least intrusive method of establishing what women knew about their working environment that helped and/or impeded their learning experiences (Lofland, 2006).

1.11.4 Chapter 5 – Analysis of management practice

Chapter 5 presents and analyses the perspectives of three legal practice managers (from three legal practices) about all members of legal staff, but in particular about female auxiliary staff within general legal practice. This chapter identifies and elaborates the influences of work-based learning practices and norms that underpin learning within the legal workplace. It was expected that learning experiences within the legal workplace would favour professional workers. Therefore, this chapter focuses on what the three practice managers say about the differences between professional and auxiliary staff work distributions and their workplace education.

1.11.5 Chapter 6 – Analysis of auxiliary staff perspectives

Chapter 6 discusses the findings of the data collection against a background of empirical research and literature to elucidate how the nine female legal auxiliary workers learned through their work. This chapter identifies what these women know about conditions within the legal sector that facilitate or impede their learning practices, and how they as individuals engaged with workplace learning. The chapter also considers how these nine women questioned their own levels of assertiveness to consider personal change and growth at work. The nine women provided rich examples of the interrelationship between individual agency and performances within the workplace to elaborate how they learned through their work to become someone ‘new’.

1.11.6 Chapter 7 – A convergence of perspectives

This chapter provides a synthesis of the study and deductions from Chapter 5 and Chapter 6 through a discussion of the differences between the perspectives of the three practice managers and the nine auxiliary workers including their perspectives on factors within the work environment such as their power relations, practices and norms influence auxiliary women’s learning through their work. It considers the kinds of work opportunities afforded auxiliary workers and how these shape the
opportunities for their learning experiences. This chapter also illuminates how these workers exercise personal epistemologies, reflexivity and agency in learning about and participating in legal work. It is only through developing better understandings of how these women learn that we will be in a position to improve auxiliary women’s learning experiences at work.

1.1.1.7 Chapter 8– Discussion and future implications

Chapter 8 summarises the findings of the study in response to the research questions. This chapter provides insights into how a cohort of nine women, who are part of the increasing number of women workers in administrative and service roles, gain access to work and learning. The chapter contributes to better understandings about auxiliary women’s work and learning experiences; particularly how engagement in work, learning through work, and identity formation occurs in different ways for auxiliary workers than for their professional counterparts. This chapter also contributes to understanding women’s ways of learning, their participation in work and learning, and how they exercise their person epistemologies, reflexivity and personal agency. As well, the study identifies areas that need further research. In sum, this final chapter illuminates how women go about learning in the workplace and argues for a more guided approach to support auxiliary women’s continued participation in the workplace.

The contributions of this study coalesce across three central themes and several sub-themes to influence auxiliary womens’ learning at work:

1. The impetus of women’s workplace learning, incorporating:

   1.1 Workplace boundaries;

   1.2 Women’s ways of learning: empowerment and ownership;

   1.3 Personal agency and personal epistemology;

   1.4 Significance of continuous learning in working life;

2. Women’s participation in work and learning practices, and

3. Women’s reflexive practice and identity, incorporating:

   3.1 Women’s commitment to ‘self’; and

   3.2 Constraints on achieving interconnectedness between work, learning and identity.
To reiterate, this study investigates the work and learning experiences of nine female auxiliary workers and it is held these women are illustrative of the growing number of contingent workers in contemporary workplaces. Their work and learning experiences are important to inform future practice.
Chapter 2

Women and work

2.1 Introduction

Women, with diverse life experiences, and from diverse educational and employment backgrounds are entering and re-entering the Australian workforce in increasing numbers each year – an 8.23% increase in the participation rate from 2,075,300 in July 1996 to 2,518,800 in July 2006 has been recorded (Australian Bureau of Statistics, 2006b). The number of part-time females in employment has also escalated to 2,111,400 in May 2006 (Australian Bureau of Statistics, 2006a) further highlighting the growth of women’s participation in work. However, even though increased numbers represent a significant social change, the support for women workers has not necessarily increased to the same extent (Billett, 2006c). Many women face formidable barriers to pursue career and educational success due to family commitments and the anxiety, stress and guilt often associated with leaving their children in the care of others (Harry & Tiggemann, 1992); low self-esteem due to failed relationships (Titone & Maloney, 1999); or lack of educational qualifications (Kirner & Rayner, 1999). Moreover, workplaces are not always welcoming of women and their needs to participate and secure advancement, perhaps particularly in occupations that have and continue to resist their presence in anything other than auxiliary roles. Furthermore, it is these auxiliary roles that depend on women, yet stand to situate them in employment that inhibits their career prospects. Women workers within the legal industry are likely to reflect this problem as do their counterparts in other industry sectors. Across all sectors, particular barriers may stand in the way of women securing rich working lives and advancement in their career aspirations. To illuminate and critically appraise women’s experiences within general legal practice, this chapter explores socio-cultural and socio-political factors that influence the life patterns and decision-making processes of auxiliary level women workers in the broader perspective, but principally within their working milieu.

Much of the literature written from a socio-cultural perspective indicates the issue of work and learning demands consideration of both the social conditions and the individual’s social performance that impact on the learner’s experiences (Billett, 2001a; Fenwick, 2001a; Spencer, 2001). Within an environment of constant change,
women, as workers, need to continually develop their skills. However, the intertwining between what the workplace will permit women to do and what the individual woman is able to do impacts on their capacity to develop skills within her work environment. This principle likely informs the general profile of women at work. Consequently, beyond the agency of individual women as actors in the workplace, or cohorts of such women, workplace practices that support women’s participation and learning are important. It is proposed within this chapter that women's role in work has changed over time to embrace more diversity, flexibility and specialisation. Yet, it is also suggested that workplace-learning processes are important for women to acquire the capacities to cope with these changes. There is a general concern that women’s learning within the workplace is marginalised and this plays out most strongly when women are employed in auxiliary roles. In commencing this case, the next section describes contemporary working conditions for women.

Sections that follow argue the case for women’s learning at work: Section 2.3 considers the erratic nature of the modern workplace in supporting women’s participation and learning; Section 2.4 discusses the socio-cultural perspectives of change at work that emphasise the need for women to remain current in their skills; and Section 2.5 describes the impact of inequalities at work such as power relations and policy, and ethics and equity. The conclusion argues that we need to critically examine policies and practices that support or impede women’s learning within the workplace.

### 2.2 Women and work

The Australian labour market has undergone continuous change in the structure of employment over the last two centuries and in particular during the last three decades. During this time substantial social change has occurred leading to a redefining of the female and male roles within society (Cox, 1996). One outcome of this change has been the legislative and non-legislative initiatives introduced to provide women with equal opportunity in the workforce. Changes in the labour market have seen increasing numbers of women entering and re-entering the workforce. Whilst some contemporary conditions of work appear to support women at work, many women remain marginalised within the workplace on the basis of their gender and work
activities (Krautil, 2000). These conditions will be elaborated on in the following sections.

2.2.1 Changing conditions of work

For many years writers such as Schon (1973) predicted workplaces of the new millennium would become increasingly more unpredictable, with unstable organisational structures; and with workers’ roles constantly shifting and changing. Contemporary authors such as Fenwick (2001a) describes today’s workplaces as highly flexible political environments characterised by changing demographics and increased diversity. Because of the unpredictability of events and worldwide technological advances, organisations need to adapt to change to ensure they have adequate resources to maintain their businesses and manage their human resources. Consequently, to survive, it follows that businesses and their workers need to be equipped to cope with erratic and constant change.

Bagnall (1999) postulates that such post-modern conditions has seen the evolution of a more breakaway society wherein disadvantaged groups can finally develop, find self and be counted. In contrast to the strong sense of predictability characteristic of modernity, post-modernity is characterised by a strong sense of uncertainty in many areas. During the 1980s and 1990s, many governments were preoccupied with organisational reform and particular post-modern organisations began to fashion flexible employment conditions (Fraser, 1997). Part-time, casual and job-share arrangements have emerged, allowing more women to enter the workforce (Barber, 1995), albeit under contingent conditions. At the same time, globalisation and technology have also impacted on the working conditions of many women resulting in fewer jobs at liveable wages and failing to generate the same levels of prosperity enjoyed thirty years ago (DiFazio, 1998). Another aspect of post-modernity is the broad accessibility of inconsistent cyberspace information which Giddens (1987) argues essentially decreased the authority of claims once steeped in traditional truth. This means that conventional facts are now constantly challenged. These levels of change and uncertainty pose challenges for many women workers, particularly in relation to development at work; they may even affect their continued employment if they are not skilled to manage change effectively. Thus, women must keep up with changing work practices to remain employed. However, notwithstanding these conditions, there have been some advancements in equality for women in employment.
Much public debate about equality for women in employment occurred during the 1970s and early 1980s. Second-wave feminists of the 1970s left a substantial mark on Australian policy and politics. Cox (1996) claims it was mainly the feminist-driven initiatives of women such as Germaine Greer, Gloria Steinem, Claire Burton and herself that brought about substantial reforms. At the Federal level, the Sex Discrimination Act (SDA) 1984 was legislated to protect Australian women against all forms of discrimination, and the Affirmative Action Act (AAA) 1986, now known as Equal Opportunity for Women in the Workplace Act (EOWWA) 1999, was legislated to ensure equality for women in employment. The EO legislation worked towards eliminating discrimination for women in employment and ensuring employers contributed towards achieving equal opportunity for women in employment through Affirmative Action Programs. From the early 1990s the AA legislation aimed to achieve equal employment opportunities for women by eliminating the barriers in the workplace that restricted employment and promotion opportunities for women. However, as Campbell (1996) points out, whilst these legislations encourage workplace programs to support women’s integration and security within employment, the Act covers only those workplaces with more than 100 employees. Therefore, it neglects women employed in much smaller workplaces such as legal practices. It would appear then, particularly within certain legal practices, that affirmative action programs are more likely to target full-time professional women and to ignore casual and/or part-time female employees. However, an important remaining issue is how such initiatives are implemented through practices in a particular workplace. Workplace norms, practices and affordances shape the equity of opportunities within workplaces, and how the principles reflected in the legislation will be enacted in everyday working life.

There are also industrial legislative issues that shape equity in employment practices. According to Naughton (1998), during the 1990s, when anti-discrimination policies were being legislated, employers and unions took the opportunity to argue for industrial reform and the restructuring of the labour market. As part of the restructure, employers sought to decentralise bargaining arrangements with employees, with a view to reducing absenteeism and improving staff retention, as well as increasing efficiency and productivity levels. This decentralisation led to widespread enterprise bargaining and in effect fragmented the traditional working week to make way for flexible working hours (G. Strachan & Jamieson, 1999). Arguably, such arrangements were premised on union concerns about declining membership and lack of presence.
within workplaces, and employers’ hopes for direct control of work practices. However, industrial processes are driven by their own imperatives, often associated with rates of pay and hours of work. With such imperatives, less tangible issues such as work practices may be imperiled and marginalised in negotiations between those representing employees and those representing employers. For instance, contemporary work practices have evolved to include casual and part-time employment, job-sharing, flexible commencement and finishing times, parental leave policies sensitive to family needs, and, in some cases, combined work-from-home arrangements (Dunoon, 1995). From a positive perspective, the Office of the Status of Women (OSW) (1999) claims increasing numbers of women were then in a position to enter and re-enter the workforce. Grensing-Pophal (2000) also suggests these flexible arrangements have necessitated the development of active human resource policies in many organisations. Policies, such as those concerned with addressing discrimination, promoting affirmative action and associated concerns have been advanced. Such workplace conditions suggest workers, including women, are now more protected within the workplace. However, it is unclear whether what is espoused in policy actually occurs in practice. Certainly, a case could be made that, again, women workers in small businesses, such as many legal practices, would be disadvantaged in enterprise bargaining situations, as opposed to those advancing a collective case either nationally or sectorally.

Moreover, and more generally, both legislated practices and mandated industrial edicts are likely to be implemented in different ways with different levels of enthusiasm across Australian workplaces. Different degrees of compliance and enthusiasm will likely be encountered with these measures, which will be enacted in different ways in the everyday activities within workplaces, including the distribution of opportunities, the division of work, and the reinforcement of assumptions about equity practice. Therefore, beyond the intents of legislated practices, it is important to understand how these practices are construed, constructed and enacted within workplaces. It is only through this kind of appraisal that their effectiveness will be understood. For instance, the changing patterns of participation in contemporary workplaces may render more tenuous the existing relationship between employers and employees, thereby exacerbating - rather than easing - inequitable practices.

Carnoy (1999) suggests such growing forms of employment are associated with erratic labour force connection, underemployment and low remuneration. In comparison with permanent employees, casual employees have fewer entitlements to
benefits, are often required to work erratic hours, are easier to dismiss, and have diminished expectations of continued employment with the same employer (Grensing-Pophal, 2000). The environment of flexibility intensifies job instability, adds pressure on individuals to continually acquire new skills, and results in the need for many family members to be more transient in employment (Carnoy, 1999). Additionally, balancing home and work commitments presents a concern for many women who work. It is these kinds of conditions that may well serve to weaken women’s capacity to act agentically in the workplace.

Thus, whilst the Australian Government has continued to increase the degree of legislative support for women in employment, uncertainty remains for many women in social (Kirner & Rayner, 1999), work and family policies (O’Connor, Orloff, & Shaver, 1999). Political change has become the art of exploring possibilities within social life for improved social stability (Kirner & Rayner, 1999). Carnoy (1999) postulates that much discussion on social change is motivated in part by the measured increases of women rejecting the social identity of ‘homemaker’ to enter the workforce. Krautil (2000) reports sixty per cent of women within the Australian workforce had child care responsibilities. Additionally, a decrease in the number of traditionally (male) manual jobs, drove both women and men to readjust their family responsibilities. The Australian Institute of Family Studies (AIFS) argues social change would only happen when external economic and political factors, including our welfare system, changed (Commonwealth Department of Family and Community Services, 1999) (CDFCS). In September 1999, the Howard Government introduced new social policy aimed to secure welfare reform (CDFCS, 1999), whereby welfare payment design, demographic changes and shared commitment were on the agenda. Reform was aimed at ensuring equity for many women by improving incentives for those women receiving social security payments, as well as offering greater opportunities for many women to become self-reliant. If both social policy and work, as a social activity, reflect women’s position in employment, then women’s workplace experiences may well improve as a result of these reforms. However, as noted, such improvement depends upon the enactment of these policies within workplaces, and in particular, the sentiment underpinning the enactment.

The Australian Government and many organisations have represented work and family policies as being the instruments by which employers allow employees to meet work and family obligations. These policies have been designed to incorporate a myriad of flexible salary packages, such as flexible work hours, job-sharing, rostered
days off, extended leave, family leave to care for child/ren and dependent adult/s, maternity leave, and relocation assistance (I. Wolcott, 1996). However, even though work and family policies are crucial in terms of encouraging employers to deal with employees’ work and family issues, concerns persist for casual female employees who, for example, are not always permitted to take sick leave to care for family members. For instance, women who have ageing parents may not always be able to take time off to attend to medical needs. Casual employees accounted for 71.4% of the total employment growth in Australia between 1990 and 1999, and given women’s participation in such work represent a significant number of female employees who may be disadvantaged (Wooden, 2000). Fundamentally, there is a lack of high-quality qualitative evaluation data, which supports or challenges many organisations’ claims of success in responding equitably to females. The main concern is that in many cases, it is employers who determine work conditions and family policies without consultation with employees. This diminishes employees’ ability to negotiate conditions, including remuneration.

The concept of equal pay for equal work is well documented. Wages are a resource and, like other resources, are often allocated (at least in part) on the basis of power relations existing within an organisation (Pfefer, 1998). The exercise of such power is predominantly related to gender, and adversely affects many women who seek equal pay (and status) for equal work. Scutt (2000) challenged the assumption that Australian women have achieved equal pay and is supported by ABS equity statistics (2000) that reveal the average weekly earning for a full-time male employee is $847.60, compared with $712.20 for women. The wage gap between men and women is largely allocative (meaning the distribution of wages within an organisation) for instance the difference between professional and auxiliary staff in the legal workplace. Gaps are also evaluative (referring to the calculation and division of wages) based on levels of discrimination (England & Farkas, 1986). As a consequence, many women may have limited access to high-level positions and a propensity to be employed in occupations below their level of ability and earning capacity. Women of the new millennium need to scrutinise where they stand in the equal pay debate, and continue to fight for what they deserve (Scutt, 2000). The ways in which women adapt to these conditions is important to the advancement in their pay for work. Yet this is not an issue women alone can redress, or reasonably be expected to redress, because the structures and practices within the workplace may inhibit as well as promote their interests.
Modern work conditions of globalisation and technology have impacted on women’s workplace experiences, causing uncertainty at work for many women. Despite that, women’s contributions to the Australian workforce, in concert with legislated and non-legislated initiatives appear to have provided women in this country with conditions conducive to equal opportunity in employment. Affirmative action programs provide support for many women within the workplace, but concerns remain for those women in employment who are not covered by these programs such as many auxiliary workers. While flexible work conditions appear to support women at work they in fact sporadically increase marginalisation and access to career pathways for many women. Organisational policy needs to reflect the position of women in employment, and to activate enhanced levels of decision-making and participation in workplace activities. Social policy also needs to be congruous with women’s presence in the workplace in order to support their involvement in family life. Additionally, many women face problems in obtaining fair remuneration in line with their qualifications and job demands. Certainly not all forms of work are subject to work parity processes that can assist fair pay outcomes. Only with new initiatives and their enactment within workplaces will women be able to adapt to erratic employment patterns and changing skills boundaries to find equity in employment.

This section has depicted the legislative provisions that have responded to the changing participation and aspirations of women within the workforce. If legislation is in place to ensure equity within the workplace, then why are women not treated equally at work? And why do women continue to report inequities at work? These questions provoked further inquiry - Do changing workplace environments further impact on women’s experiences at work? This question is now addressed.

2.3 Changing workplace practices

This section considers how the complexities of the modern workplace and the evolution of specialised practice have impacted on women at work. Essentially, modern workplaces are characterised by constant change, predominantly as a result of globalisation and technology, and the commercial drive for capital growth (Livingstone, 2001; Wood, 2004). The current Howard government pursues policies promoting non-union involvement and decentralised bargaining arrangements which support the negotiation of workplace agreements often on unequal terms for
contingent workers (Lansbury & Westcott, 2000). Particularly within the service industry and professional practice (such as legal practices), specialisation and the restructure of the labour force have resulted in some significant changes in the types of work practiced today and how it is practised. The following sections elaborate on these changes, and illuminate something of the conditions in which women are seeking to secure rich and fulfilling work lives.

2.3.1 Context of contemporary practices and surrounds

Livingstone (2001) suggests that many changes in work practices have been influenced by an increasing intensity of work due to high client demand, resulting in changes in work practices and the reshaping of work. For instance, high client demand means clients require immediate attention for often-unique problems. This leads to concentration of expertise within specific areas. Modern times have signalled a turning point for the majority of businesses; in particular, legal practices and individual legal practitioners who once provided legal advice and services within most areas of the law, have had to change. Practitioners and auxiliary level staff who were required to be multiskilled in accordance with practice and practitioner needs, have now also begun to specialise and consequently, what we know as modern work practices have evolved (Livingstone, 2001). Emerging patterns within the legal industry have meant the majority of solicitors have had to adapt to practicing exclusively within one area of law. That is, providing expert advice and professional services in areas such as criminal law, employment law, company law, family law, personal injuries law, and sports law, to name but a few. In concert with these changes, many auxiliary level staff concentrate their work in complementary specialist legal areas, and in some cases as para-legals within such areas as cottage conveyancing, where the transaction of a sale or purchase of property is carried out solely by a para-legal.

These types of change have meant legal practices and the individuals working within these practices have had to constantly adapt to new ways of practice. Individual workers also risk engaging in a set of specific or specialist tasks that may limit their capacity to find employment or advancement in this or other legal workplaces. Nevertheless, the demand for their work is growing. In fact, the very notion of such face-to-face and specialist work likely avoids the export of the work to countries with lower labour costs, as happens in other types of work (Billett, 2006c).
2.4 Women and change within the workplace

The ways in which workplaces respond to changing times in concert with how women are affected by change within the workplace is important because it impacts on productivity and career progression. Contemporary authors suggest managers need to work towards finding new ways to improve work practices in order to maximise organisational productivity and staff potential. Some advocate that both participation and engagement in work practices need to be considered (Billett, 2000, 2001a; Lave & Wenger, 1991). If learning requires participation then it is important to understand that participation and how it shapes learning. To find out what happens within the legal environment, this study proposes there is a need to explore ways in which the work environment assists or impedes auxiliary workers’ work practices.

The work environment is subject to change across the boundaries of the socio-cultural and psychological spheres of influence. For example, Goleman (1999) argues workplace adaptability is multi-faceted, and multiple perspectives must be taken into account. As practical realities shift within the workplace, a worker needs to be emotionally intelligent and self-confident, particularly when immediate responses to workplace demands are vital. Many workers who lack adaptability find themselves ruled by fear, and often experience anxiety with change. However, when workplace managers provide social opportunities for change and professional development initiatives, those anxieties and fears can be turned into positive motivation (D. K. Smith, 1996).

As foreshadowed, mainstream change caused by globalisation and technology has resulted in an increasing demand for employees to be more flexible, to work harder and to develop more skills. Under these conditions, adaptability, flexibility and transferability are imperative for workers to reflect on work practices, apply decision-making skills and perform to their best ability (Marshall & Tucker, 1992). New approaches to promoting employee involvement in change processes at work draw particular attention to adaptability. Frohman (1997), for instance, emphasises the value of employee-initiated change initiatives to enhance personal and organisational adaptability. Individuals must also be flexible in the way they handle situations of shifting priorities, erratic demands and rapid change (Goleman, 1999). They may need to see events from multiple perspectives, and adapt their responses to changing circumstances.
Within the legal industry, solicitors and their support staff often work on behalf of clients who do not necessarily specify that they want to purchase a particular service. Rather they need a solution to a problem. The legal approach to many new problems is to apply existing expertise and explore legislation and case law (albeit changing legislation and case law) to find new ways to solve the problem. Professional level staff have the support of Continued Legal Education (CLE) programs to adapt to changes in the law. However, it is often the case that support staff have to adjust their practice to changing legislative requirements without training. A challenge for legal organisations would be to ascertain how auxiliary staff adjust to these changing conditions of work and explore ways to improve these practices – ways that will have a two-fold effect for the benefit of both the individual and the practice.

It is evident that change and shifting employment conditions contribute to the numerous dimensions of an individual’s work practices. Change in the work process is constant and the way in which an individual adapts to change at work is also influenced by what they are allowed to do in terms of workplace practices. Change can be viewed as an opportunity for an individual’s development, and as Billett (2001a) points out, the depth of an individual’s work and learning experiences at work can be shaped by their participation in work practices. Because the workplace is an environment of change, it is important to understand the requirements of change and how female auxiliary workers need to learn to adjust to changing workplace environments. The following section identifies these affordances.

2.4.1 Participation in work practices

Some writers seek to understand participation in terms of current trends in work and learning theories. Thus, participation at work facilitates an individual’s expression of a view and accords that view some influence over their decision-making processes about work (Billett, 2000). It also facilitates their learning (Rogoff, 1995). Underpinning participatory practices are workplace affordances and an individual’s intention to participate (Billett, 2001b, 2004). Employees who choose to participate, and are allowed to contribute to workplace tasks, with the influence of direct and indirect guidelines will most likely expand their working knowledge. They will be the workers who will develop new levels of learning and adapt more readily to change (Davis & Sumara, 1997). Legitimate peripheral participation will be central to each individual’s work because it is a social process that contributes to their development.
Therefore, in terms of learning, identity and progress, it is important to understand more about how female legal auxiliary staff members participate and engage in everyday work activities that shape their workplace experiences and their identities at work.

Billett (2001c) conducted research across different kinds of workplaces (e.g., food and textile manufacturing, and power distribution), to better understand how participatory practices shape learning at work. Findings indicated that those earners in workplaces that supported workplace learning experienced optimum learning outcomes. It was the degree to which workers participated in learning that shaped their learning experiences. However, one worker who rejected mentoring assistance highlighted the fact that when participants decline or only partially participate in learning episodes their learning outcomes may be hindered. Those learners who were given and seized the opportunity to participate in learning opportunities reported the greatest development (Billett, 2001a), with improved self-efficacy a key outcome particularly for learners who participated in mentoring activities (Billett, 2000). Billett (1993, 2000, 2001a) proposes that workplace activities for individuals are, for the most part, shaped by the workplace culture. However, as workers can also choose how to engage in guided learning practices such as modelling, mentoring and coaching it will be their interaction with peers and professionals (within a particular field) that will provide them with effective learning experiences. In Lave and Wenger’s (1991) case study research into learning and sociocultural influences, a measured achievement of knowledge and skills was observed as novices learned from experts in the context of everyday activities. Frankness and support for such learning influences the learning emerging from everyday workplace activities (Billett, 2001a). Research suggests that those organisations that encourage workplace practices of participation provide positive outcomes for the individual (Lave & Wenger, 1991).

In a study of female workers, Fenwick (1998a) found that most participants recognised that specific work-related tasks shaped the boundaries of what each worker could achieve. Fitch and Ravlin (2004) argue when those boundaries are extended to work with others, an individual will experience their most participative form of involvement. Conversely, those individuals restricted to routine tasks with limited guidance and involvement, and those who choose to limit or decline engagement in workplace activities for various reasons (such as lack of interest or perceived lower status) may not develop their knowledge (Billett, 2001a), nor recover the ‘authentic self’ (Fenwick, 1998a). Participation begins with effective
communication; and, in many cases, when an individual is included in decision-making processes, their sense of worth increases and their learning outcomes are enhanced (Billett, 2001a).

Yet, despite all of what has been argued previously we need to know more about how an individual engages in learning at work (Billett & Pavlova, 2005) and how they develop work competencies for engaging and negotiating in new ways of work and learning (Billett, 2006b). To what extent an individual is provided with opportunities to participate in workplace activities and how that same individual engages in workplace activities is imperative to their workplace experiences and learning (Billett, 2000, 2001a). Individuals who elect not to engage in workplace activities are obviously restricting their experiences; but those who do are more likely to become knowledgeable agents within a community of practice. Ongoing learning is now required throughout working life. However, inequalities that may impact on women’s experiences at work exist within the workplace, and the current themes on such inequalities are now discussed.

2.5  Structured inequalities within the workplace

This section explores issues that may impact on the work of many female employees, their learning experiences and their learning environment – an environment embedded in socially-mediated activities. According to Pfefer (1998), many organisations are unaware of the broader issues for women in employment and the underpinning issues of power relations’ between professional and auxiliary staff at work. These power relations are often reflected in policy and procedures. Additionally, equity issues and various levels of discrimination affect female workers, ultimately impacting on their learning opportunities (Cox, 1996; Scutt, 2000). This section, therefore, argues that women have concerns about support for learning and progression within the workplace, and the bases for them are related to power relations, policy, discourse, ethics and equity at work.

2.5.1  Broad issues for women in employment

It has already been established that women are entering and/or returning to the workforce in ever-increasing numbers, but for many of them the pathway is restricted. Women have specific needs, and experience many obstacles; these commence with
their entry and/or re-entry employment conditions and range through to the support systems available to them that influence their everyday survival at work (Kirner & Rayner, 1999).

The ‘problem’ for many women centres on the impediments they face when entering or re-entering the workforce after extended absences from ‘paid’ work, particularly as caregivers to children. Balancing home and work commitments affects their continued existence within the workforce (Voydanoff & Donnelly, 1998). For many of these women, even with the potential to learn and to be re-trained, it is highly unlikely they will ever achieve professional status (Bird, 1999). Many women experience low levels of self-esteem and confidence (Titone & Maloney, 1999), lack of skills (particularly with technology) and educational qualifications (Kirner & Rayner, 1999), and limited support (Hughes & Preston, 1998). They also may experience various degrees of discrimination both within and out of the workforce (Krautil, 2000) through language, prejudices, inequities and the ‘glass ceiling’ (Bierema, 2001). These discriminatory practices are entrenched in the notion that men work in particular occupations while women work in lower status and lower income jobs – a situation which is reflected by the many women auxiliary workers in legal workplaces.

Despite this, little is written about women who work within the legal industry. The investigation within this section explores women’s needs, and in particular highlights their learning needs and a range of forces impacting on their workplace experiences. The sheer numbers of women at work and reports of the injustices experienced by many of them validates the need to take a closer look at what women know and understand about their learning and cultural work environments. The aim of this section is to provide reference materials for those women who may experience problems at work, particularly for those in auxiliary roles within the legal industry but also beyond.

2.5.2 Fundamental power relations and systems of power

Bouchard and Simon (1977) suggest (in accordance with Foucauldian philosophy), that identities are often kept in place through the deployment of systems and the incorporation of power and knowledge. Under such conditions, an individual’s involvement at work and their potential to learn is repeatedly affected by the power relations displayed and played out within work settings (Fenwick, 2001a). Power
relations and the influence of policy makers and policy statements are representative within service organisations such as legal work. Policies that enact power may ultimately impact on women’s learning experiences.

Yolles (1999) postulates most organisations exist through the propagation of power across role positions and through selected individuals who are empowered to make decisions and facilitate actions on behalf of others. It is those decision-makers who determine who can (or cannot) participate in structured learning programs. It is often through socially-mediated learning activities that many women experience a loss of power (Bierema, 2001). Many women cite being excluded from certain activities, whilst others either have diminished experiences or decide not to participate. Within a legal practice it is the manager and professional staff who have the authority to make decisions about auxiliary workers’ participation in work and learning. These social structures can be perceived as conceptual systems that facilitate or impede the experiences of each member of a particular field (Bierema, 2000). Therefore in legal practices the power of management and professional workers, and the social experiences of employees will be reflected in the workplace.

Power relations determine who the decision-makers are and who is affected by decisions within an organisation. For auxiliary workers in legal workplaces their participation in work and learning is determined by management and professional workers. This study seeks to find out how organisational policies, practices and norms reflect the power relations that exist within legal practices and ultimately affect auxiliary workers. It is often evident from the composition of workplace policies that the firm and various levels of management have the power to write, administer and enforce the policy. Therefore, the following section considers the power of policy.

2.5.3 The impact of workplace policy

An earlier section (2.2.1) revealed the efforts of feminists Greer, Steinem, Burton and Cox who more than thirty years ago worked towards ensuring equality for women in employment. It was at this time the Sex Discrimination Act (SDA) 1984 was legislated to protect women against all forms of discrimination and the Affirmative Action Act (AAA) 1986, now known as Equal Opportunity for Women in the Workplace Act (EOWWA) 1999, was legislated to ensure equality for women in employment. These Acts have provided women with avenues of legislative support over the last two decades. The prime purpose of the AAA was to support women’s
issues to “achieve equal employment opportunity for women” by working towards eliminating “the barriers in the workplace, which restrict employment and promotion opportunities for women” (p.1).

Affirmative action legislation has brought about substantial reforms in the equality of women at work (Cox, 1996). Organisational AA policies should afford a firm commitment to establish programs and policies for the protection of all women who work. However, Strachan (1987) advocates that whilst affirmative action programs should be the result of careful examination of organisational practices, consultation with female employees and designed to overcome any problems for women in the workplace, instead it is more usual for emphasis is placed on individual organisational design. Women are often ignored when it comes to program design, which highlights a need for a more consolidated national focus, with guidelines to meet the needs of women in employment. Moreover, Strachan argues many affirmative action programs related to full-time professional women, and often ignored women with fewer skills and casual and/or part-time female employees.

Despite legislation, authors suggest it is generally easy to identify and associate those individuals who belong to power groups when examining policy statements (Kincheloe, 1999; Pfefer, 1998). It is also easy to identify certain activities and behaviours as being appropriate or inappropriate, in relation to organisational roles. Spencer (2001) posits most organisations would budget for professional staff education and training at the expense of training for auxiliary staff members. Legal practice managers have the power to issue policy to eliminate discrimination against women in the workplace; they also have to power to eliminate auxiliary level employees from further education/training opportunities. Because of legislation referred to earlier, organisations should ensure fair working conditions and provide learning opportunities for all employees, and employees deserve the right to receive such conditions and seek learning opportunities. Only through such grounded standards can we chip away at systems of power relations to ensure equitable workplace conditions for both men and women.

From a Foucauldian perspective (Bouchard & Simon, 1977), the power of the AAP should prohibit and repress discrimination against women within the workforce. Affirmative action programs should pertain to each and every female employee, and planning for these programs should be inclusive. The AAP statement is critical to ensuring a conducive learning environment for female employees. Such policies
circulate a power that does not usually exist outside the organisation, but produces relations that may extend beyond such boundaries. Two key issues for legal practices are whether such policies ensure enacting processes that are linked to policy, and whether other organisational policies support or impede each other. Thus, it would be pertinent for this study to consider practices, and policies within the legal environment to evaluate whether they are honoured in the workplace. As well, other impediments impact on women’s workplace experiences; these include issues of ethics, gender equity and discrimination. The impetus of such impediments may well affect female auxiliary workers’ experiences at work.

2.5.4 Considerations of ethics and equity

Cox (1996) argues that the hierarchical interplay of ethics and equity, and gender differences affect women’s workplace experiences and impact on the opportunities available to them through their work. For instance, within the legal industry very few female lawyers refuse to accept masculine cultures and fight for senior positions (Cox, 2004). That is why the senior ranks in law are still dominated by men. And, that is why it is even more difficult for auxiliary workers. At the auxiliary level, diverse levels of discrimination impact on women’s experiences and it is commonplace to find these employees are excluded from decision-making processes that affect their professional development (Kincheloe, 1999). Only when women no longer have to compete on male terms, and organisations recognise the differences between males and females without perpetuating such differences as strengths or weaknesses, society will have achieved gender equity (Bryce, 1992).

Kincheloe (1999) analysed the influence of class and gender biases in the workplace, and claims these influences effectively create anti-democratic social climates. He argues that the espoused practices of organisations and the practices in action clearly demonstrate the power of management to marginalise groups of employees. Effectively, many support staff (such as female auxiliary workers) belong to social groups dominated by hierarchies. Hierarchies usually dominate environments where those in power concentrate on production and profit rather than on people and self-development. Mullins (1996) advocates that this was in part due to the distinct differences between men and women that cannot be ignored; differences steeped in “economic theories, psychological sex differences, the socialisation process, orientations and motivations towards work and working practices” (p. 165). In economic terms, Human Capital Theory predicts women such as auxiliary workers
will need less education than men (solicitors); in terms of psychological sex
differences males are more likely to take up specialised professions; and through their
socialisation processes use language that place women in subordinate positions. In
addition, women’s orientations and motivations to work generally revolve around
their primary responsibilities at home. And, through work practices women are still
subjected to gender bias in recruitment and selection, career development, attitudes
and informal communication. Individual perceptions (both at work and within work
practices) are linked to the social environment, and by acknowledging the
abovementioned perspectives. Mullins also suggests men should broaden their
understanding of women to reduce the distortion of (male) views on female
participation within the workplace and to minimize levels of gender bias. Therefore,
women’s skills and experiences will continue to be marginalised until men
acknowledge that women are equal to men.

Moreover, Burton (1988) argues many interviews and evaluations continue to
recognise the technical skills and characteristics of males, but fail to recognise
women's social skills and dexterity, and the many organisational skills they develop
within the home. This lack of acknowledgement and parity impacts on the
opportunities available to women and results in inequalities. Unless current practice
changes to evaluate on competence alone, many women will continue to be
disadvantaged in the mid to top-level occupations, particularly with regard to
remuneration. Therefore, current practice needs to consider issues such as
remuneration based on skills as opposed to gender (Carnoy, 1999).

In Australia, deliberate discrimination against women appears to have
deprecated over the last decade but traces still remain within the majority of sectors
(Krautil, 2000). The entrenched notion that men work in particular occupations and
women in lower status and lower income jobs continues to impact on some women.
The impediments women experience are evidence of their underutilisation within the
workplace, and fundamentally keep discrimination alive, but often hidden. For
instance, in law practices female staff members who carry out para-legal work are
often referred to as “support staff” when their expertise could be recognised in the
work they do. Workplace discourses and non-verbal communications also have an
effect on women’s work experiences.
2.5.5 Discourses and non-verbal communications

Workplace discourses are influenced by the values, practices and norms of an organisation. They impact on how workers identify themselves, how they conduct themselves and the choices they make (Fenwick, 2001a). Workplace discourses often ignore minority groups (such as auxiliary level women) within larger groups (legal office staff), which emphasises differences between individuals and/or groups (Probert, 1998). Such language frequently describes people using stereotypes or generalisations in derogatory terms. It also marginalises or totally ignores issues of concern for minority groups. Women are often subjected to prejudice every day of their lives through negative attitudes associated with authoritarianism, inflexibility and the male gender (Heaven, 1999). Higgins and Koucky (2000) postulate that this occurs particularly in male dominated professions (such as the legal workplace), where women have experienced many subtleties, for example:

1. Women receive less eye contact than men;
2. Women are called upon less often than men when they volunteer for a task;
3. Women are interrupted more frequently than men;
4. Women have their suggestions ignored;
5. Women receive less feedback;
6. Men are characterised as courageous and/or assertive while women are characterised as dragon ladies and/or aggressive.

Solomon (2000) argues these kinds of obstacles also lead to even more debilitating barriers, because women believe men will not allow them to develop professionally. He posits many women cite the ‘glass ceiling’ as an even greater obstacle to learning, obtaining promotion within and/or remaining in employment. Higgins and Koucky (2000) reported on the career prospects of male and female engineers, and showed evidence of such career barriers for women. This was substantiated by the results of a survey conducted by the Society of Women Engineers, with participants who had equal qualifications and commenced employment on equal pay. Within a period of eight years, three times more males than females obtained full registration as professional engineers, and female engineers were earning less than their male counterparts. The majority of female engineers were found to be working in the manufacturing sector for smaller companies whilst most males were working in consulting for large companies. Fifty one per cent of male engineers said they
participated in managerial decision-making whilst only thirty two per cent of female engineers were included in the same level of decision-making. There is evidence here to suggest women’s participation rates must be affected.

Even though these results are not related to the legal industry they reflect what can happen to women who may be excluded from organisational decision-making processes. They reflect a ‘glass ceiling’ that not only marginalises women but also prevents many of them from professional development and from attaining managerial positions. Another United States Research Company, Catalyst, took a different approach to management, and simply asked male chief executive officers and female executives “What holds women back from advancement?” (www.eeo.gov.au, 2000). The results differed distinctly:

Group 1 - Females

1. 52% said the main issue was male stereotyping and preconceptions – within a law practice this type of labeling excludes women from decision-making processes such as the staffing needs of a firm.

2. 49% said the second issue was exclusion from informal networks – this is relevant to the legal industry because professional staff often exclude auxiliary staff from social functions.

3. 47% said the third issue was lack of general management – within many medium to small legal offices management is viewed as secondary, and the role is often a dual role carried out by a sole practitioner, head partner or an accounts clerk.

Group 2 - Males

1. 82% said the main issue was lack of general management.

2. 64% said the second issue was women were not in the pipeline - this reinforces the report findings of the engineers above.

3. 25% said the third issue was stereotyping and preconceptions.

Research such as this continues to produce evidence that women remain structurally disadvantaged in relation to professional development and obtaining high-level positions within the workplace, even when men and women have equal capacities and opportunities. Given that issues of gender equity and discrimination often hinder women’s opportunities and learning practices, it is imperative that strategies be
developed to overcome these barriers. Workplace minders need to initiate the process by asking women what affects their work and learning experiences. Organisations must become more aware of women’s issues; initiate inclusive policies; provide the same opportunities for men and women; and take the same risks with women as they do with men. Only then will women have reached social equality.

In summary, researching gender power relations within the workplace presents unique issues because gender affects social interactions that in turn affect workplace-learning opportunities for many women. Increasing numbers of women are entering and re-entering the Australian workforce each year and women’s participation in work activities is under question. Women continue to be marginalised within too many organisations and existing power relations hinder their participation in work and learning, and also progress in their career paths. The literature indicates women are both under-represented and under-paid in employment. Many women report issues of gender and discrimination, from subtle levels of prejudice through to blatant sex discrimination, that impact on their workplace experiences. Managers and vocational educators appear to have no predetermined policy to overcome these barriers. Policies and practices do not appear to provide the same opportunities, across the board, for women as for men (this means that within organisations such as legal offices, auxiliary and professional and auxiliary level staff do not share equal learning and development opportunities). Practices do not appear to provide women with the opportunities to participate in workplace activities. Issues of power, including the power relations between higher level males and auxiliary level women, fail to acknowledge women’s strengths. Workplace pedagogies do not ensure women are educated about gender and power relations and the ‘glass ceiling’. So, the gendered work legal auxiliary workers engage in is likely to be influenced by these issues. In relation to their critical career development, it is not likely they will share the same involvement in power structures and decision-making processes as their male counterparts. It is therefore argued these issues need to be addressed at the outset by asking legal auxiliary women what issues at work support or impede their workplace learning and working experiences. Only when inclusive strategies are put in place will women’s workplace experiences be improved and power relations turned into the power of a working knowledge.
2.6 Summary

This chapter has focused on issues associated with increased participation of women within the workplace and the demands of contemporary work and workplaces. Workplace literature indicates laws, globalisation and technology govern the modern workplace, and shifting work conditions and practices influence the way an individual works. The intensity of work today has meant work practices constantly shift and change, and the way women adapt to those changes is important. Contemporary work conditions appear to support women with more flexible conditions and legislation (ostensibly to ensure equal opportunity at work), yet many women continue to be marginalised. The implications for workplaces are that each element may bring about changes, but if there were to be radical change (particularly within general legal practice) other factors would need to be considered. Significantly, because of the increasing numbers of women within the workforce, and the growing awareness of women’s contribution to the workplace, greater understanding is needed as to how women work, how they adapt to working conditions and how they develop a working knowledge within the modern workplace. The inequities of working life and how these are being exacerbated by contemporary work conditions are important.

Gendered power relations (including those between hierarchical males and auxiliary level women); the wage gap between men and women; and subtle levels of prejudice, right through to cases of deliberate sex discrimination, affect women’s social interactions and may ultimately affect their workplace experiences, including their learning opportunities. Such workplace inequities and how these issues are being intensified by contemporary work conditions have also become important. Legislation and industrial mandates alone are unable to adequately address these inequities due to the potency of practices within workplaces.

Consequently, while work conditions appear to support women, female workers often experience disparate power relations, epitomised by hierarchies and policies, diverse forms of discrimination, and deficiencies in equity and ethics. Therefore, if women remain marginalised within the workplace, it is important that this study investigates inequities by examining women’s conditions of employment and ascertaining what can be done within the legal environment to make a difference. This will require establishing what practice managers say about the conditions of employment (including policies governing women’s working conditions), then critically examining a representation of those policies. It will also mean ascertaining...
from auxiliary level women how workplace conditions impact on their work and their learning experiences at work.

In summary, this study aims to find out if espoused policies and legislations are honoured in the workplace. It will explore what practice managers within the legal industry say about workplace policies and practices linked to women’s workplace opportunities and their learning through work. Secondly, it will identify and appraise the level of female legal auxiliary staff members’ knowledge about workplace conditions and procedures that support (or in some cases impede) their learning experiences. Thirdly, it will identify and critically examine some of the policies within the legal workplace that give direction to women’s learning at work. However, there are other factors involved in women’s learning at work, the next chapter notes problematic issues at work and the nature of learning through work. The focus of Chapter 3 is on issues associated with learning and identity formation through work for women. It is argued that it is mainly through changes to learning conditions that women’s workplace learning opportunities will be expanded. However, accessing support and affordances for learning are often set within the very structures that inhibit women’s progress.
Chapter 3

Women and learning through work

3.1 Women and learning at work

As already noted in Chapter 2, women’s participation in the Australian workforce continues to increase. In response to this increased participation, workplace managers and scholars seek new ways to augment women’s workplace learning experiences. One approach is to consider how women learn through their work. Broadly, the ways adults learn are grounded in the interconnected disciplines of learning how to learn, and continuous learning (Argyris & Schon, 1978). Adult learning theories and studies have been influenced by learning theorists such as Piaget (1954) and aspects of his theory of cognitive development and qualitative change; Kohlberg’s (1984) cognitive moral development; Lindeman (1989) and his belief in the power of social justice in adult education; Knowles (1984) and his andragogical model of adult learning and Vygotsky’s (1978) socio-cultural zone of proximal development. Contemporary theorists have drawn on these and other theories to re-shape contemporary views of adult learning (Livingstone, 2001). Livingstone argues it is important to consider contemporary perspectives, because a prime concern for many organisational managers is how to meet the challenges of the constant change required in workplace performance. Barnett (1999) postulates that such change has contributed to accountability and learning at work through client demand and specialisation of work. Sociocultural perspectives of learning such as these are vital because as Renshaw (1998) asserts, such viewpoints situate learning within an interconnectedness of organisational, cultural and communication practices that constitute work. This means an organisation’s practice constitutes these aspects of the learning environment.

Therefore, this study illuminates and reviews contemporary themes associated with learning in the following three sections: firstly, situated views of learning; secondly, working knowledge and the feasibility of transfer of working knowledge; thirdly, women’s identity at work. Collectively, these perspectives provide a conceptual foundation that acknowledges the situated nature of performance; the importance of transfer from situation to situation (including new situations); and factors that seek to distribute opportunities for learning within workplaces.
In order to appreciate the importance of these perspectives working collectively, the following argument is advanced. Johnson (2002) explored the socio-cultural differences between working women ranging from lower to middle-class and middle to upper-class groups, employed in jobs ranging from cleaners and secretaries to teachers and solicitors. This research is significant for the present study because one of its key questions was whether secretaries gained the same level of enjoyment from their careers as did professionals, such as solicitors. Findings revealed that women who work in secretarial jobs were less satisfied with their jobs than women who were employed in professional positions. Of those who had not completed school, only 19% of women described their involvement at work as being strong, compared with 54% of women with a degree. Consequently, this finding highlights the importance of social identity at work for 24% of women without having completed school, compared with 43% of women who had completed school. Women who had not completed high school and had no formal educational qualifications were ranked as being least satisfied with their jobs. The inference from this study is that women with little formal education tend to be less fulfilled in their jobs, while women with formal educational qualifications are more likely to be fulfilled within their jobs. Therefore, it is important for the present study to firstly establish, what women within legal offices say about their jobs and their educational status or lack of educational credentials; and secondly, how these women perceive the interconnection between work and education within their areas of practice. The following section argues that situated perspectives of learning advance the view that situational factors and how they intersect with individuals’ needs are central to an individual’s learning.

To understand the relationship between individuals, areas of practice and how these relationships shape learning, Section 3.2 explores women and learning at work and proposes that co-participative practices enhances women’s learning at work. In Section 3.3 that follows, a working knowledge and a re-conceptualisation of transfer of knowledge is seen as an important goal for learning through work, because it enables individuals to remain current in their work. Section 3.4 considers the agentic behaviours of women as workers because how these workers go about their learning demonstrates their determination to be successful learners. Section 3.5 argues that self-identity and social identity of women at work is essential to the consideration of human engagement in social practice and learning; Section 3.6 and the summary of this chapter argue that we need to examine the issue of women and work, and to
achieve this we must seek the perspectives of more women, and discover what supports or impedes their learning experiences at work.

3.2 Situated perspectives of learning

According to Collin (Collin, 2002; 2004) there is a growing need for research to be situated in the workplace. In her study of design engineers she argues that learning through everyday work practices was a critical part of understanding work practices, dealing with other workers and benefiting from shared experiences. Scholars across the discipline of ‘situated learning’ support continuous and beneficial change for the individual through the development of workplace knowledge, reflective practice and performance within active communities of practice (Lave & Wenger, 1991). Entrenched in many of the theories of situated learning is the concept of the individual learner as an active decision-maker who determines appropriate social practice, based on the interaction between decision-making structures and the social conditions within a working environment (Lave & Wenger, 1991). For the individual, rich learning is held to be realised through co-participatory practices (Billett, 2001a) that generate valuable personal change and what some theorists refer to as ‘human capital’ (Becker, 1993; Flamholtz & Lacey, 1981). However, if social equality is to be realised, workplace learning needs to embrace socio-cultural perspectives beyond basic ‘human capital’ considerations of pedagogical practice because all inclusive views will enhance organisational effectiveness (Baptiste, 2001). Therefore, those organisations promoting full participation within workplaces may have a better chance of meeting the demands of a changing workplace within a dynamic marketplace, because all workers are involved in learning. Hence, engaging all workers, including female auxiliary workers, is what is needed in legal practices.

3.2.1 Communities of practice

Brown, Collins and Duguid (1989) argue that meaningful episodes of learning will only occur if they are embedded in social practice. They advocated cognitive apprenticeships and the concept of the learner observing communities of practice. Lave and Wenger (1991) define a community of practice as “a set of relations amongst persons, activity and world …an intrinsic condition for the existence of knowledge” (p.98). Thus, for both sets of researchers, learning is held to be embedded in the particular social situation referred to as a community of practice, and
the learning that happens is claimed to be shared and understood by all members of
the community (Lave & Wenger, 1991; Rogoff, 1990).

Lave and Wenger (1991) propose a model of learning that involves
participation in organically developed communities of practice. Communities of
practice are everywhere and we are generally involved in many different kinds
extending from home to school, work, spiritual, civic and leisure activities (Wenger,
1998; Wenger, McDermott, & Snyder, 2002). In each community, we may be core
members or situate ourselves anywhere between the core and the periphery. What
makes a community of practice successful is when individuals engage in a process of
learning for a common purpose. For instance, in legal practice when a new
conveyancing procedure is introduced, senior para-legals learn to adapt that
procedure to their practice. Other individuals (such as conveyancing assistants) would
join at the periphery and as they become more competent progress towards the centre
of a community. However, auxiliary staff members of a legal practice also constitute
a community of practice when members of that group interact together and share
ideas about a common interest.

The functioning of a community of practice is dependent upon individuals
with a shared field of interest, depth of commitment and level of competence; and
members who share information with a repertoire of resources, experiences, cultural
tools, communications and documents that interrelate in everyday practice (Wenger,
1998). Much is made of the idea of sharing understandings or intersubjectivities
within this concept. Allied to this is the notion that individuals’ identity emerges from
their participation in social practice (Lave & Wenger, 1991). Various community
capabilities are dependent upon how community members contribute to the
development of these resources. Complex tasks and projects bring participants
together to realise rich learning. The greater the learning and the more knowledge and
skills an individual has will likely correspond with increasing employability,
productivity and greater potential for ‘human capital’. Consequently, the notion of
‘human capital’ which suggests an organisation’s investment in the skills of learning
through communities of practice is beneficial, not only to community members, but
also to the organisation’s economic viability (Becker, 1993; Flamholtz & Lacey,
1981) and adaptive social practice (Baptiste, 2001). For a legal office, the issue would
be how employees could gain knowledge of communities of practice, and how those
in the workplace would go about developing effective learning practice.
Boud and Middleton (2003) conducted a qualitative study to explore informal learning in the workplace. The study looked at how individuals learn from each other. To conceptualise workplace learning the researchers examined communities of practice within four different work groups in one organisation (specialising in vocational education and training). The four groups comprised teachers, educational planners, human resources and learning outreach teachers. Through semi-structured interviews and social network analysis it was found that learning was influenced by the kinds of work individuals engaged in and largely through informal learning episodes. Informal learning took place within and across boundaries of communities of practice but the organisation did not always recognise informal ways of learning. The participants learned by solving issues together but they were not always fully cognisant of the learning process. This study highlights the fact that learning through their everyday practice is the way most auxiliary workers would learn in legal practices but that these kinds of learning may not be articulated by auxiliary workers nor acknowledged by the hierarchy. Boud and Middleton (2003) argue there is a pressing need for more studies to develop further conceptualisations that illuminate how individuals learn at work.

Communities of practice develop organically and work best through shared repertoires of practice to gather information, solve problems, and gain experience. Central to a community is the presence of social and organisational structures that precipitate the evolution of a community or communities. Much informal learning takes place between members of these communities but participants are not always aware of the learning process and organisation do not always recognise this learning through everyday work practice. However, the success of legal workplace communities of practice will be determined not only by committed members, but through individuals’ perceptions of how these members engage in learning and a better understanding of workplace affordances.

3.2.2 Co-participative practices

Whereas situated accounts tend to emphasise the situation, co-participative practices emphasise the reciprocity in relations between the individual and the social practice (Billett, 2001a). In co-participative practices, learning is held to involve movement towards full participation in workplace activity through progressive participation in work activities. This implies a dual relationship between particular tasks or projects and social communities in which individuals play a significant part (Lave & Wenger,
Some of the different approaches to facilitate co-participative practices are discussed in this section.

In an analysis of situated learning, Lave and Wenger (1991) found across instances of work from midwives to meat cutters, that legitimate peripheral participation provided an explanation for how auxiliary level staff (such as legal secretaries) learn. To extrapolate to the current study, auxiliary staff are legitimate within the legal office environment because the majority are unqualified staff members (that is, with no formal legal educational qualifications) but are accepted as part of the practice; they are peripheral because they sit on the boundary of professional practice; and it is their participation in the performance of workplace activities that helps them acquire knowledge. Rich learning involves what Barnett (1999) suggests is a matter of dealing with compound situations that are unpredictable. Engaging in practices situated within legal practices that are typically erratic or unpredictably complex may well be the condition for the success of learning. This is because an individual’s level of involvement in the practice determines how well they can solve problems. If this is the case, this then raises questions for learning within the legal industry: How do employees access quality learning activities? And how do educators ensure participative practices and guidance for learning along the way within environments of constant change?

Billett (2001a) argues that participation in everyday work tasks is imperative to workplace learning. The ways in which individuals are given or afforded opportunities to participate in workplace activities and how they choose to engage in these activities is vital to their experiences. Those employees, who are allowed to contribute to ascending composite workplace tasks with direct and indirect guidelines along the way, are most likely to expand their workplace knowledge. Those employees who are restricted to routine tasks with limited guidance, and those who choose to limit or decline participation in workplace activities for various reasons, such as lack of interest or perceived lower status, may not develop their knowledge fully (Billett, 2001b). Billett (1993) carried out research within various industries and found the construction of workplace knowledge for individuals was, for the most part, influenced by the workplace culture, on the one hand, and individual engagement on the other. When a learner engaged in real practices, it was the social interaction (within a particular field) that provided them with effective learning experiences. The questions for employees and practice managers within the legal industry are: Do employees have access to quality learning activities? And, do employers provide
employees with opportunities and guidance along the way? Do legal practices ensure auxiliary women workers are in a position to maximise their workplace learning opportunities? Learning theorists contribute towards answering these questions.

Kohlberg (1984) postulates that work environments that foster altruistic behaviour and balance productivity with the welfare of their employees, encourage the development of reflective and critical thinking. Thus, workers employed within legal practices, who are involved in the ethical interests of various stakeholders, must learn to think about and apply responsible decision-making skills to resolve conflicts. These same workers are often required to deal simultaneously with the interests of the firm, the client and the profession, in addition to their own. When a learner becomes aware of experiences, the significance of those experiences are then illuminated through an awakening within an evaluation process of those experiences (Lindeman, 1989). This means learners gain from experience in which they critically appraise every aspect of their learning. For instance, adults may learn because they want to improve themselves and their non-work lives. Most adult learners are also believed to be seeking to transform the social order and create a new environment within which their ambitions may be articulated, social justice engendered, and knowledge developed (Lindeman, 1989).

Knowledge leads to power, power leads to self-expression, freedom and creativity, creative freedom leads to enjoyable experience, and finally a world in which knowledge goes forward under a discipline of specialization. (Lindeman, 1989:94)

Thus, the potential for the adult learner is quite expansive, and as each phase is achieved, the learner’s social environment is strengthened. This seems important for the consideration of auxiliary legal workers who work within complex social environments, yet whose opportunities to participate are constrained by the norms and practices of their particular legal workplaces. Such experiences and their relationship to the social practice of the workplace also shape how learning might be enhanced within workplace settings.

Turning to pedagogic matters, Schon (1987) suggests reflective thinking supports learners to achieve greater levels of sophistication in their understanding of workplace tasks and complex situations. Critical reflection occurs most naturally when learners view themselves as being central to their own learning, and when they are able to draw from their life experiences in response to organisational demands.
(Field & Leicester, 2000). Frequently, when women reflect on their experiences through programs such as action learning programs, they are able to re-trace their steps, modify those steps and learn from the experience (Mullins, 1996; Mumford, 1996). To further enhance this experience, women need practice in action learning procedures, and significantly, require access to the perception of other women (Mumford, 1996). Women tend to respond to other women’s opinions and are sensitive to their needs, particularly in action learning situations. It is through the process of evaluation (Knowles, 1984) and the critical reflection of adult learners during this process that provides adults with valuable levels of learning (Field & Leicester, 2000).

However, authors such as Pinchot and Pinchot (1993) suggest little connection exists between what is advocated in adult learning theories and what actually transpires within organisations. This is because many organisations hold outdated human relations guidelines that require minimal learning, and many are unaware of reflective practices. According to Tennant (1988) while it is also assumed all adults are capable of reflective skills, not all learners have the capacity or interest to be reflective or self-directed about their workplace experiences. This literature suggests finding out more about how an organisation develops an awareness of teaching methods and learner needs. So, along with the exercise of equal practice, the norms and practices of the legal workplace will also shape the opportunities for staff to engage with learning.

According to Argyris (1999), organisations that promote continuous learning need to take a totally different approach and move from single loop learning (where individuals identify and correct ad hoc problems) to double loop learning (that ensures transformational change). This process is represented here in a simple diagram:

![Diagram of single and double loop learning](image)

Single loop learning occurs during everyday practices to carry out routine tasks; the focus is on making the task more efficient (Argyris, 1999). Within a legal practice,
this could be carrying out a task such as completing a legal document in accordance with office procedures. Conversely, double-loop learning requires questioning the learning frameworks and systems underpinning organisational strategy, that is, an individual must critically and creatively evaluate the learning frameworks within which they work. Within a double-loop learning situation, a learner would question and challenge the policies and practices of, say, a legal organisation. This study will find out if, when and how female auxiliary workers engage in any double-loop learning in the course of their daily work activities.

Many adult learners are held to require particular kinds and amounts of guidance from educators in the course of their learning, because of their diverse levels of knowledge (Brockett & Hiemstra, 1991; Tennant, 1988). Further, Brockett & Hiemstra (1991) propose that various learning styles promote different kinds of learning for those who want to learn. Thus, it cannot be expected that every individual will want to learn, and it cannot be expected that one individual will learn in the same way as another. Livingstone (2001) argues there is also a deficiency in the acknowledgement of informal learning. Some legal workplace may not want to be proactive in relation to employee learning (either formal or informal), whilst other practices may value the development, skills and capacities of their auxiliary workers. Therefore, it is important that the present study examines how learning occurs for auxiliary workers. It will provide organisations with qualitative information, based on what employees know about their workplace learning environments - information that will highlight the differences between espoused learning policies and practices, and what happens in action. The next section considers an alternate view of organisational learning that became well known at about the same time as situated learning was pioneered.

3.2.3 The concept of the learning organisation

During the 1990s, when situated learning became topical, the concept of the ‘learning organisation’ also gained much attention; driven by the plight of many large organisations and their struggle for sustainable competitive advantage (Fenwick, 1998b). Much of the literature within this arena centres on the individual, group and organisational learning through systems thinking (Senge, 1990) and transformational change (Argyris, 1990). Assumptions are attached to this literature: learning is valuable; learning is continuous; learning can be improved; learning is enriched when shared with others; that everyone within an organisation wants to learn; and that
organisations will generally support learning. However, it is not clear whether these assumptions are upheld or broadly applicable. For instance, it is not at all certain that legal workplaces are necessarily interested in expanding the learning of their auxiliary workers. While they may be willing to extend the tasks of auxiliary workers to include routine legal tasks (e.g. conveyancing), little evidence exists that this includes the learning of tasks that transform the role of auxiliary workers or weaken the role of professional legal workers and reshape the relationships between them.

Dixon (2000) describes a ‘learning organisation’ as one that creates a dynamic business environment by maximising the competence of every member of the organisation. Garvin (1993) suggests such organisations are “skilled at creating, acquiring, and transferring knowledge, and at modifying their behaviour to reflect new knowledge and insights” (p.80). For many years, the Australian Government’s Vocational Education and Training system (VET) has provided flexible training options for both men and women within the workplace to establish legitimate learning environments. For the present study, it is of interest as to whether espoused learning practices in the three legal workplaces are congruent with practices in action, and how this impacts on auxiliary women’s learning experiences.

Senge (1990) argues that learning organisations must apply the disciplines of learning: firstly, he emphasises shared vision, describing it as an attribute that fosters passion and commitment within potential learners/leaders and helps them to build organisational pictures of the future. Personal mastery is held to strengthen the learner’s personal vision towards achieving the reality of that vision. Mental models are proposed to get to the core of an individual’s beliefs and encourage them to share their thinking with others. Team learning is claimed to build on the practice of accelerated learning where members of a team learn to think collectively. Systems thinking is a key concept of Senge’s work. It claims to provide individuals with the ability to see interrelationships rather than things that are related. Through this approach, individuals, are become part of systems as an individual, within a group and as part of an organisation (Senge, 1990; Senge, Kleiner, Roberts, Roth, Ross & Smith, 1999). Organisational applications are claimed to empower members to manage team functioning. Individuals are held to apply systems thinking to learn to diagnose problem situations and intervene to enhance team functioning.

Senge (1990) also argues that the fundamental tenet of systems thinking is to see organisations more like living organisms. Systems thinking serves as the solution
to the sense of helplessness many people feel within a world of change and interdependency. Senge believes successful organisations encourage the creativity and learning capability of all their staff. He claims there is a greater need to move away from the idea that only one person or division acts as the producer of new ideas. That is, the whole community can create new ideas and modes of leadership that facilitate the development of the learning organisation (Senge et al., 1999). Every member of the community then learns in such a way that helps the entire community to manage change, it is optimistically claimed.

Critics of the learning organisation literature argue that this is prescriptive and rhetorical, and fails to encourage individuals to think reflectively or critically (Fenwick, 1998a). Organisational learning theories do not allow for differences in learners’ needs or their individual levels of engagement in learning; essentially, no allowance is made for various levels of understanding or commitment. Additionally, many organisations continue to be hindered by hierarchies and structures of management, and are not necessarily interested in the learning needs of their staff (Salaman, 1984, 2001). Individuals are held to need to experience learning in an active rather than a passive way (Garvin, 1993), and organisations must find ways of focusing on ensuring that tacit knowledge becomes more explicit so that it is understood and available to each and every organisational member (Argyris, 1999; Garvin, 1993). Without this level of commitment to learning, neither the individual nor the organisation can reach their full potential. It is important for practice managers to establish collaborative approaches to learning that will add to the organisation’s competitive advantage and benefit their employees. They need to develop and apply better understandings of contemporary theoretical perspectives of adult learning. The kinds of learning that organisations are willing to promote, and for what purposes, are another consideration. In particular, it is imperative they consider the perspectives of staff such as auxiliary level women, who work within these environments. Given the reliance on rhetoric within the organisational learning literature, and because of the lack of qualitative information within that literature, it is important to understand how learning opportunities are afforded for women at work within the legal industry.

The literature presented here underpins the need for further exploration of women’s learning experiences, in correlation with what really happens at work for women in the wider ‘paid’ workforce; but in particular here, for many women in the legal workplace. Situated perspectives of learning propose the best learning occurs
within communities of practice involving full participation and engagement in everyday work tasks (Lave & Wenger, 1991; Wenger, 1998). However, such communities of practice are not necessarily benign or supportive to all in the workplace (Wenger et al., 2002). Learners need to be involved in reflective practice, double-loop learning in a self-directed social practice, because they cannot grow and develop without such deep learning experiences. However, some theorists argue that not all adults are capable of self-directedness, and often require a range of educators to meet wide-ranging teaching and learning needs. Notwithstanding this, it would appear that the very concept of adult education highlights the issue of how to provide a supportive environment for learning.

Much of the learning organisation literature suggests that the very management of organisational learning and workplace change can effectively transform an organisation. The concept of the workplace promoting ‘learning’ infers a level of consciousness about learning and its potential benefit to the organisation’s profitability. What is needed is a shift in focus of management thinking from the organisation, and the constant drive to create competitive advantage, to focus on the learner; embracing what is really happening within the workplace for the learner. It is only through understanding how the scope for learning is engendered in workplaces and how the learning is actually supported that a more informed view of workplaces as learning environments for auxiliary workers will be fully understood. It is also important to acknowledge that a worker must be acquainted with many different levels of knowledge at work because as Lindeman (1989) argues, knowledge is power. With greater depths of knowledge an individual, such as an auxiliary worker, can become more specialised in their everyday work practice. Contemporary perspectives of a working knowledge are discussed in the following sections.

### 3.3 Learning and a working knowledge

The focus of this section is on the workplace knowledge crucial to auxiliary level women’s ongoing work within the legal industry. Consideration is given to contemporary perspectives about the knowledge required within the workplace, and the notion of transferability (including alternate views of transfer) of workplace knowledge within such environments. The literature suggests alternate approaches to transfer provide vocational educators with fundamental techniques towards
ameliorating workplace knowledge and learner opportunity. In summary, the key purpose of this section is to consider the knowledge employees require within the legal environment, and the possibility of transfer of such knowledge.

3.3.1 Within a changing environment

Multiple learning contexts result in increased complexity and various disciplines of working knowledge are necessary for organisations to be competitive within a globally-changing work milieu (Farrell, 2001). However, it is often the case that women’s knowledges are not considered in these circumstances (Farrell, 2001; Howell, Carter, & Schied, 2002). This raises the issue of how to assist female learners to build on their learning skills and working knowledge to cope with new learning and working situations. From a constructivist perspective, knowledge is basically a reflection of what an individual makes of the world. The challenge for practice managers within the legal workplace is how to provide employees with an understanding of fundamental levels of knowledge, prior knowledge and transfer knowledge, so they can make sense of their various worlds. This, of course, assumes they want this learning to occur, and that the learners are interested in learning what employers and others are making accessible to them.

Senge et al. (1999) drew upon the work of Argyris to argue that, at the outset, mental models are the basis for an individual to believe in learning how to acquire knowledge. Fundamentally, when individuals believe they can acquire learning, the experience is more likely to be positive. However, it is also important to understand what this knowledge means to the individual. Lindeman (1989) posits that most adults want to gain knowledge because they have the desire to improve themselves and their lives. Thus, the knowledge they acquire gives them the power to make a difference for their future development. One reason workplaces may seek to inhibit learning (or restrict it to the kinds of learning the workplace requires) is that power is also associated with learning. From a Foucaudlian perspective, knowledge is also perceived as power (Newton, 1998); it represents a force that is fundamentally both productive and lucrative (Gordon, 1980). An individual’s knowledge of self and the global environment is shaped by the use of various forms of knowledge. Consequently, it is important for individuals to develop an understanding of the various forms of knowledge.
The specific types of knowledge necessary within the workplace are not elaborated here but, in brief, they incorporate declarative knowledge to establish facts and details (Farnaham-Diggory, 1994), procedural knowledge of ‘knowing how’ to carry out specific legal procedures (Gagne, 1985), structural knowledge to link ideas and concepts (Jonassen, Beissner, & Yacci, 1993) and embedded knowledge to interrelate established procedures with organisational relationships (Lam, 1997).

Workplace knowledge is by no means homogeneous, and the environment within which such knowledge is best developed is often complex. A problem for management would be how to equip organisations with the tools to expand workplace knowledge bases, and yet still retain control of the workplace. At the outset, learners must be responsive to the various forms of knowledge, from declarative through to the deep conceptual knowledge they need to interact with others as part of a system of changing environmental behaviours. That is, to do their work and resist redundancy, workers need to continue learning through and for their work.

The literature indicates that knowledge applied to realistic settings is crucial to members of organisations for learning how to deal with new problems and the demands of changing workplace conditions. Within everyday legal practice it is important the abovementioned categories of knowledge interact to empower employees to manage new and diverse social conditions. Understanding an individual’s epistemological beliefs may well illuminate how auxiliary workers acquire knowledge through their work.

### 3.3.2 Personal epistemology

The concept of personal epistemology is mostly situated within cognitive understandings. Personal epistemology is about one’s belief about knowledge and the ways in which knowledge is managed (Hofer, 2002). Research indicates individuals progress through developmental stages of personal understandings about knowledge. For instance, Perry (1981) found in a study of Harvard students that individuals start with dualistic understandings of what is right and wrong and then reorder understandings through phases of multiplism (acknowledging other views exist), through to relativism where they recognise that some views are more authentic than others. The concept of personal epistemology emerged as a foundation from which to better understand what individuals know about their work and how they go about learning through their work.
Most learning is deliberate and it is important to understand the degree to which it is intentional (Scribner, 1997). The intentionality and personal agentic actions of individuals are critical to developing epistemologies that support workplace learning (Billett, 2006c). Moreover, examining the personal and social interactions of workers contributes to better understandings of how personal epistemologies are developed (Valsiner, 2000). Individuals with a deep understanding of personal epistemology are more likely to reflect on the knowledge relevant to their practice and to make changes to enhance practice (including how they learn). In the case of legal auxiliary workers, personal epistemological beliefs would be made up of the knowledge they have acquired (over time) and how that knowledge is organised in the legal setting. Their beliefs may influence how they go about changing their ways of learning (Qian & Alvermann, 2000).

In investigating beliefs about knowledge and learning, Ryan (1984) found there was an interconnectedness between students’ epistemological understandings and their knowledge processing abilities. In a more recent study Brownlee (2001) found that pre-service teachers who engaged in reflective practice were able to change epistemological beliefs and bring about positive changes in their practice. For example, those teachers who developed mature epistemological understandings could better support children to construct their own meaning. This is evidence that reflective practice can bring about positive change.

Even though epistemological understandings have been found to shape positive workplace (and other) behaviours (Chan & Elliott, 2000), Reybold (2002) argue there is no certainty in the kinds or consistency of behaviours being played out in workplaces. That is, in the case of auxiliary workers it would be unlikely that two workers given the same circumstances would perform in the same way. Further, Reybold argues that cultural perspectives support everyday levels of epistemological acquisition frequently viewed (by management) as superfluous; and typical of some of the everyday work and knowledge practices of legal auxiliary workers.

Reybold (2002) conducted in-depth interviews with fourteen women from a diverse range of ethnic and educational backgrounds (in Malaysia). He examined their personal epistemological beliefs about knowledge and cultural influences on their ways of developing knowledge. Patterns of pragmatic epistemologies through the women’s everyday decision-making processes emerged from the data. Decisions were made with consideration related to culture. However, the women abandoned cultural
norms if certain decisions adversely affected their plans. For instance, one Indian woman broke with tradition of an arranged marriage to marry for love. Gender and common experiences connected the women and they shared strong views about discrimination and women’s rights. The women’s personal epistemological beliefs shed light on the influences that hindered their decision-making and also those that made them determined as a community of women to seek their rights. So, this exemplifies an alliance when women feel strongly that cultural influences hinder their development.

Nevertheless, we need to increase our understandings about how individuals apply their epistemological ideas in the work setting and how and what they change to enhance their practice (Billett & Smith, 2006). Without these understandings it is unlikely workers such as legal auxiliary women would seek to augment their current practice. Therefore, it is argued auxiliary workers’ perceptions of their personal epistemologies could possibly provide an interpretive lens to better understand the knowledge auxiliary workers need to learn how to learn and gain recognition for their performance at work. Workers could also consider the concept of reflexivity to engage with their perceptions.

### 3.3.3 Reflexivity in practice

Reflexivity is about “self and social questioning that people are able to engage with and (en)counter – be affected by but also affect – contemporary uncertainties” (Edwards, Ranson, & Strain, 2002, p.527). It is through these kinds of personal and community levels of questioning that individuals are able to make changes that develop their work and learning practices. Therefore, if individuals seek to improve their work and learning practices they need to be more reflexive.

In a qualitative study examining their own experiences as researchers, Bryman and Cassell (2006) analysed the researcher’s interview process and through reflexive insights were able to draw out information that might otherwise have been ignored. That is, they added another dimension to their research, thereby adding new meaning to their interviews. In another study (within an accounting practice), Komori (2004) found reflexive practices allowed her to develop an affinity with the participants of the study. She was also able to build trust and learn more about the participants through reflexive practice. These studies are evidence that reflexive practice potentially takes qualitative research to a deeper level. In the present study,
how auxiliary workers perform at work and how they learn may well be improved through reflexivity and new thinking behaviours.

Nevertheless, Edwards (1998) argues there needs to be more emphasis on reflective and reflexive practice motivated by workplace change and supported by management. Individuals need to be critically reflexive about how they develop knowledge and how they learn at work. Hence, this study seeks to examine how auxiliary (and professional) workers develop their practice. However, the concept of transfer of knowledge becomes an issue because of different perceptions of what knowledge is to be transferred and how it is to be transferred. The degree by which knowledge is transferable, and the best means for knowledge development, stand as key goals for organising learning arrangements for auxiliary legal workers.

### 3.3.4 The phenomenon of transfer

Conceptually and empirically, the transfer of knowledge has been challenged by constructivist theorists for many years. The concern for many is how to develop workplace knowledge that promotes transfer skills through various situations within a given practice. According to Singley and Anderson (1989), transfer is concerned with “how knowledge acquired in one situation applies (or fails to apply) in other situations” (p.1). They argue that the single most important factor of an individual’s workplace knowledge acquisition is transfer; linking prior knowledge with new. Other scholars, such as Detterman and Sternberg (1993), posit that transfer takes place as infrequently as a volcanic eruption. Transfer of learning studies are mainly found in the disciplines of psychology, management and education. Most quantitative and experimental studies have focussed on formal training and the procedures and strategies for transferring skills in formal training. Thorndike (1922) challenged the practice of formal disciplines in the first half of the twentieth century. More recently, Holton (1996) reports several research projects have found that participation in training programs is not necessarily the best method for promoting the transfer of learning from one area to another. This is because what happens in practice has many influences pertinent to specific situations that cannot be anticipated and covered in formal training. Therefore, organisations need to consider the perspectives of employees if they want to enhance transfer practices.

Transfer of learning is about the application of knowledge, skills and attitudes to a new set of circumstances thereby improving performance (Singley & Anderson,
1989). It is the consequence of acquisition, application and maintenance of new information (Baldwin & Ford, 1988). Simons (1999) postulates transfer of knowledge usually takes place under three sets of circumstances: Firstly, from prior knowledge to new learning situations; secondly, from new knowledge to new learning situations; and thirdly, from new knowledge to application in practice. An example of the first category within the legal environment is when a legal secretary uses prior knowledge of conveyancing procedures to apply a new procedure for conducting title searches. The second is when a legal secretary adopts a new procedure to a new conveyancing practice. The third is when a legal secretary implements a new procedure and is required to use that knowledge to reply to a client’s enquiry about a conveyancing matter.

Simons (1999) highlights six problems learners may experience when attempting to engage in transfer. Firstly, learners experience problems finding prior knowledge that could be important in new learning situations. Secondly, it is problematic for learners who instinctively use tacit knowledge to know whether that knowledge is correct, partially correct or incorrect. Thirdly, some learners choose not to apply prior knowledge, and some do not know when to use prior knowledge or when not to use prior knowledge in practice. For others, the problem is when to select prior knowledge that is relevant within a particular context. Fourthly, some learners have difficulties recognising circumstances that are conducive to transfer. Fifthly, learners do not know whether to use near transfer (which is linked closely to their prior knowledge) or far transfer, that is distanced and different from their prior knowledge. Sixthly, learners have difficulties when required to apply new ways of learning to new situations. The quandary for legal workers and learners may be when to experiment with new knowledge in new situations and balance new concepts with abstract notions.

Similarly, Schunn and Dunbar (1996) argue that many learners do not understand the association between the two divergent entities. For example, in certain circumstances legal auxiliary workers may not understand the analogical interpretation needed to compare specific legal ideas to technology. Detterman and Sternberg (1993) drew an analogy to volcanic eruptions when explaining the analogical process and claimed transfer does not happen. One problem for learners is engaging in the conceptual transfer of familiar concepts through abstract means. If learners do not comprehend the similarities between abstract situations and familiar conditions, they are highly unlikely to be proficient in this kind of transfer process,
and even less likely to engage in the successful transfer of knowledge within a community of work practice, for instance.

Transfer of knowledge from one set of circumstances to another presents problems for many learners; problems associated with not knowing ‘what’, not knowing ‘when’, or not knowing ‘if’ to apply prior and/or new knowledge. Many learners also have difficulties in conceptualising familiar ideas in terms of abstract problems. For these reasons, it is important that this study asks auxiliary staff members how they apply past knowledge to adapt to everyday changes in the workplace. It is also vital that legal practice managers and scholars consider transfer of learning from the perspective of learners.

Contemporary theorists appear to be largely in agreement that the transfer of various levels of knowledge needs to be considered as more than a cognitive process. Scholars suggest that transfer from one set of circumstances to another presents problems for many learners who struggle with knowing ‘what’ and ‘when’ to bring knowledge into play. What is deficient in these perspectives is an appreciation of the learner’s multiple worlds. Within legal practices, significant funds are channelled to the further education of professional staff, while the training and re-training of their auxiliary staff remains sparse. Implications from these perspectives indicate that the promotion and acquisition of workplace knowledge and skills is an important issue. These perspectives motivate us to seek better understandings from the women’s perspectives because it will be their ways of learning that will provide a basis from which to augment workplace learning and discover more about social agency at work.

3.4 Agentic approaches to learning

Social-cognitive views of agency provide meanings for the social actions of workers (Billett, 2006b; Billett & Pavlova, 2005). It is suggested that socio-cognitive views focus on describing physical conditions (and fails to interpret written or spoken language), and that learning through work is better understood through studies of workers’ approaches to learning; that is their agentic behaviours.

The leading contemporary sociological theorists Giddens (1979b) went so far as to thrust aside Durkheim’s theory of sociological positivism, with its focus on the functioning ways of society as a whole, to focus on individuals. He had also previously questioned Webber’s philosophy of interpretive sociology in developing
understandings of agency and motive (Giddens, 1972). Giddens (1979b) argues for a holistic view of social behaviour where both structure and individual agency shape social practice. He advocates the very structure that prohibits individuals from participating in learning is what makes their learning possible; for instance, the confines of legal policies and workplace norms that also act as a basis from which female auxiliary workers instigate their learning. Giddens (2006) accounts for any inequalities in these situations through understandings of social stratification. Auxiliary workers in legal practices understand the divisions between themselves and their professional counterparts. Nevertheless, even though cultural factors and workplace practices influence what and how female auxiliary workers learn it is ultimately the individual worker who exercises agency in making changes in their everyday practice, learning and para-legal type work.

An individual’s agency is most consistently applied through their routine work practices and their identity and subjectivity is shaped by their intentionality and agentic actions in completing work activities (Billett & Somerville, 2004). Billett (2006b) argues it is critical to elaborate the practices of learning and pedagogical practices if we are to advance understandings of the requirements of work. Social agency and an individual’s agentic actions can best be understood by developing understandings of how an individual engages in learning at work and the interrelationships between their identity and different subjectivities (Billett & Pavlova, 2005). How the individual’s decision making is shaped by their agentic actions depends on their level of participation in work practices and how they expand upon their workplace knowledges. In this study there needs to be a focus to consider whether individuals reach personal autonomy because without self-determination it would appear that they might be bound by mediated conditions and prohibited from reaching their potential.

Billett and Pavlova (2005) conducted a study with five participants (both male and female) from diverse workplaces to determine their subjectivities and decision-making processes and how they changed over a twelve month period. The study found that the participants carried out their work in ways that were adequate enough to realise their goals, albeit with some drawbacks. However, overall they achieved connections with their sense of self when negotiating the many changes in workplace requirements. An earlier study of working women from diverse work environments conducted by Fenwick (1998b) found that the basis of agentic action was connected to how secure women felt in their jobs. For the women of this study, work activities
illuminated the intentional ways in which these women achieved their work goals. On this basis alone, further investigation of agentic orientations warrants obtaining more diagnostic data to better represent changing degrees of growth and contemplative preferences. In particular those demonstrated by social actors in connection with facilitating, slowing down or even impeding an individual’s workplace actions (Emirbayer & Mische, 1998). Billett and Pavlova (2005) argue that we need to know more about how individuals engage in learning through work, their motivation to learn and in what ways they adjust to change in the workplace.

Therefore, the intentionalities of legal secretaries and how they negotiate between workplace affordances and what they are able to do at work need to be investigated. Without this knowledge we cannot be certain about the various expectations placed by management on their employees. Hence, it is important to better understand how women engage in learning, how they change to improve their everyday practice and how they grow to become someone new at work. This area under discussion also brings to the fore the question of how women are defined and how they define themselves at work because how they see themselves will determine their relationships with others at work (both professional and auxiliary).

### 3.5 Shaping a woman’s identity at work

According to Gilligan (1982), ‘self’ is made up of multiple components that can be explicited in terms of connections and role relationships within social settings such as workplaces. Therefore, it is important to consider the self-identity and social identity of women to more accurately characterise women at work within the legal industry. With this information, female auxiliary level employees and organisational and human resources managers within the legal offices may be better informed about ‘self’ identity and the many complex workplace influences that impact on women’s identity.

#### 3.5.1 Theories of self

Numerous theories of ‘self’ have emerged from the social sciences. Research and empirical studies have concentrated on issues such as feminism (Butler, 1990; Meyers, 1999); postmodernity (Benhabib, 1992); and the effects of technology (R. Smith & Wexler, 1995). These and other authors have produced a multitude of facets
to women’s stereotypical cultural standing; for example, portraying women in relation to the interplay of gender identities (particularly male identities and associated female prejudices). Notwithstanding the many theories of ‘self’ embedded in extensive research, this section specifically addresses the formation of women’s identity within the workplace. Dominating the literature are two theories that provide a basis for the process of constructing ‘self’, namely, Stryker’s Identity Theory; and the Social Identity Theory developed by Tajfel and Turner.

According to Stryker (1980), Identity Theory focuses on the ‘self’ (for example, employee, lawyer, and secretary) within social structures. The ‘self’ embraces a collection of identities each of which is based on a particular role and the interactions taking place within a social setting such as a legal workplace. Each role (identity) influences behaviour within that role because it has a set of meanings and expectations of ‘self’. Meanings within an identity mirror an individual's conception of ‘self’ as an occupant of a particular position or ‘self-in-role’. Each ‘self’ is expected to know what is right and accordingly to determine a direction. Identity must be conceptualised as a variable to explain differential social participation (Stryker, 2000). For instance, while the role of a female lawyer at work is to interpret and engage in the multi-faceted and changing practice of the law, that same lawyer might have several other salient identities such as mother, wife and sportsperson. If we view vocations as those activities consonant with an individual’s direction in life (i.e. their sense of self), then as Dewey (1960) proposes individuals are not restricted to one vocation. Auxiliary level women workers will possibly share the latter identities, but generally their prime role at work is to assist the solicitor/s; a role that may be multi-faceted due to the nature of the practice and demands of the lawyer. How an individual such an auxiliary level woman working for a legal practice defines ‘self” may shape her identity and subsequent behaviour, including how she is motivated to engage in learning new tasks.

Tajfel and Turner (1979) developed Social Identity Theory to epitomise the social, motivational and psychological development of the collective ‘self” through inter-group processes and social group relations. An individual’s self-concept is derived mainly from group memberships where individuals may identify with same gender groups. To begin with, they claim, we categorise ourselves in social groups such as office workers, solicitors, Australians, and so on. Each category tells us things about the individual within a group, and we can define certain behaviour that should or should not happen within such a group. For instance, we know a solicitor is
responsible for interpreting the law, while a legal secretary is prohibited from that practice because the secretary does not generally hold a law degree. In this way, they see identity as being very much shaped by societal and cultural subjectivities.

Our identification is also evident when we refer to our unique selves as ‘I’ or ‘me’, or as part of a group by using ‘us’ and ‘we’, or not part of a group when we refer to others as ‘them’ (Tajfel & Turner, 1986). Our feelings, assumptions and understandings, as well as our past ‘self’ and/or our future ‘self’, may determine whom or what we want to become. This develops into a powerful force that affects present behaviour and associations. In short, we determine who we want to be according to situations and circumstances, and we draw on the notion of comparison to place ourselves within groups we perceive as reflecting positive qualities. To evaluate ourselves we then compare ourselves with similar others within a social group to feel good or bad about ourselves.

Research within the area of social identity indicates that, as well as memberships that cultivate co-operative group relations, members also have a propensity to build hostile relations towards outsiders (Brewer, 1993; Tajfel & Turner, 1986). Group members tend to defend what they believe to be appropriate practices within their group and reject the influence of negative others. They argue that threats to ‘self’ occur within groups where intergroup conflict and discrimination exists, mainly due to minimal in-group affiliation, anonymity of group membership, and conflict of interest. It is in the presence of such conflict that individual values are likely to be stimulated and individuals make decisions for the benefit of themselves and their group.

In the interest of such benefit, human relations and organisational practices are mediated by modalities of structuration: resources, interpretive schema and norms (Giddens, 1976, 1979a, 1984). Resources provide the means through which intentions are realised, goals accomplished and power exercised. Giddens (1987) also proposes that individuals have the power to change their social status. He sees relationships as negotiated between the individual and society. When individuals repeat certain acts they effectively reproduce structure. They also utilise resources to engage in meanings that are justifiable within their social systems, and monitor and intentionally manipulate their actions in accordance with new information and knowledge. Whereas Gordon cites Foucault (1980) as arguing that such reflexivity is embedded in historical disciplinary processes, Giddens (1991) sees a more co-
operative concept of identity, arguing that individuals are knowledgeable agents who make conscious decisions based on situational experiences to form and re-form the 'self'. These kinds of relations are played out in the workplace.

3.6 Social relations at work

Belenky, Clinchy, Goldberger and Tarule (1986), and Gilligan (1982) argue that social relations and gender identity influence psychosocial development. Social forces tend to have an interminable effect on the development of women’s sense of who they are, how they know what they know, and importantly, the depth of their workplace knowledge (Belenky et al., 1986). Fundamentally, women’s social environment (such as working within a legal practice) and the discourse that describes and defines them has an impact on their experiences and who they are.

From Gilligan’s (1982) self-in-relation theoretical perspective, relationships precede identity development amongst women, and those relationships are important factors when considering one's self-definition within a social setting. The way a woman builds a sense of ‘self’ is drawn from the interactions with others, and her self-representations reflected within a community of practice (such as a workplace setting). Even when describing one’s ‘self’ as female, a structure is created to explain certain role and behavioural expectancies. That description may then influence a woman’s approach to social challenges and situations; that is, the identity of a woman may be impeded or enhanced, depending on the role within which she is depicted.

Belenky et al. (1986) interviewed 135 women of various ages from diverse ethnic, economic and educational backgrounds, from a mixture of learning institutions, and traced their struggles to conquer the power of mind in society. Even though these participants were not in workplaces, the findings of this study contribute to the field because they highlight women’s knowledge of ‘self’. The study explored what women’s views on their gender, their relationships, their ways of knowing, and their moral dilemmas. The study found that women’s perceptions of who they were and how they approached their social worlds fell into five main categories. For many women, being silent, accepting labels, and blindly following authority may have held them back from defining who they are. Those who listened to the voices of others were said to be equipped with received knowledge, and those who listened to themselves but also felt obliged to follow others were equipped with subjective
knowledge. Women with procedural knowledge believed in relying upon grounded personal experiences and a segregation of feelings to depend upon fundamental principles. Those with constructed knowledge were able to integrate a sense of ‘self’ to form opinions based on social surroundings. From this, it could be construed that it was mostly those women who were knowledgeable who were capable of assimilating within a social setting.

The participants’ feminist perspectives indicated that women’s knowledge of ‘self’ and their activities are influenced by successive and ever-changing social and politically-driven verbal communications and meanings. Social constructivists such as Vygotsky (1978) and Rogoff (1990) concur that meaning is internally constructed, and shared meanings are essential for communications within social settings. Belenky et al. (1986) found some of the women they interviewed doubted certain communications from work colleagues. An example occurred when male teachers offered women praise; the women reported feeling there were veiled motives behind the praise. As Piaget (1975) noted, most individuals process information and experiences to either accept meanings or distort the meanings and reject them completely. That is, humans will negotiate, interrogate and construe distinct meanings from social suggestion. Those meanings are likely to be, in part, a product of their sense of self. The women rejected the praise for self-doubt. Belenky et al. (1986) almost portray women as being passive and accepting. Therefore, it is important to establish how auxiliary women perceive their relationships (particularly with professional workers) through their work.

However, Weick (2001) believes that socialisation can fundamentally activate an incapacitating process of disempowerment for many women. Children are systematically taught from when they are quite young to rely upon external authority to interpret their experiences. The concept of a self-fulfilling prophecy, as explained by Merton (1948), accounts for how many women consider themselves as unjustifiably ‘dumb’. Basically, situations evoke behaviours that result in the false conceptions of more powerful others to come true. A sense of learned helplessness then takes over, when individuals accept labels (such as ‘dumb’), and have to verify everything with others (Peterson, Maier, & Seligman, 1993). The words and actions of powerful others basically shape their environment, their individual thoughts, actions and reactions. Rotter, Chance and Phares (1972) suggest women are particularly affected by this apparent lack of control. Some women may develop a tendency to expect others to essentially take care and guide them. In these
circumstances women’s subjectivity and identity is basically shaped by the guidance they receive from their interactions with others, and their broader social experiences.

In this section, an understanding of ‘self’ in relation to others within a social setting has been emphasised. Although the literature indicates various theories of ‘self’ and identity, two theories provide a basis to understand the interconnection between the individual, such as a legal secretary; and social environments, such as legal offices: Firstly, Identity Theory for the formation of ‘self’ and various social identities; and secondly, Social Identity Theory to illuminate the social relations of those identities that are influenced by complex systems and environments. Individuals possess as many identities as determined by their social associations, which is evident in an individual who holds a position and attaches meanings that reflect behavioural expectations of that role. If ‘self’ is created and perpetually changing according to everyday experiences and organisational influences, it would appear that a complex ‘self’ is central to any individual who carries multiple identities within a complex work environment. Whilst social self-definition provides women with a sense of who they are in relation to other members of a group or community, it appears a lack of social power leads many women to self-doubt, self-fulfilling prophecies, and learned helplessness (Peterson et al., 1993). Some women even tend to rely upon others to direct their activities. Within such environments, as Byrne (1998) suggests, a familiar network of systems regulated by rules usually exists. How the individual legal secretary is defined within each identity may then influence their behaviour and social reputation associated with each identity; and within the multi-faceted environment within which they work. It seems, how women who work within the legal industry depict themselves could have a powerful influence on how others perceive them, and on how they perceive themselves. Within these arenas of constant flux, the following questions need to be answered – Are the conditions of work conducive to women’s learning and working knowledge? How does an individual learn at work? This study is important because it is situated within the workplace and it examines what women know about their learning opportunities and affordances for participation in learning at work.
3.7 Summary

Within a dynamic and competitive business world, constant drive exists for managers (including those within the legal industry) to find ways – both new practices and ways to supplementing existing practices – that enhance workplace learning experiences for employees. The underlying motivation is essentially to meet client demand and economic targets. Managers and practitioners within legal practices would not expect new employees to be fully conversant with their positions or office policies and procedures, but they do expect employees to adapt quickly to complex workplace environments. Therefore, this chapter has considered both theoretical and empirical literature related to workplace learning for the increasing numbers of women who enter and re-enter the Australian workforce each year. How women acquire new knowledge at work and how they apply that knowledge at work is vital to their survival at work. However, much of the learning literature tends to be prescriptive, and fails to allow for differences in learners’ needs, levels of engagement in learning, or different levels in comprehension or commitment; and basically open-ended outcomes are rare. Scholars point out that one of the greatest challenges is to involve and engage employees in the kinds of workplace activities that serve their personal and vocational goals. Because of the hierarchical structure of legal offices, different arrangements for professional and auxiliary staff may be needed. Staff views could also be limited by the strategic direction of the firm, and by financial constraints. The partners’/practitioners’ fears of losing power to employees may also exist because while partners/managers might consider giving staff some power, this might well diminish their own levels of power. Where the cultural resonance of a legal practice may once have considered auxiliary staff the property of the practice, today practitioners firstly need to recognise employees as individuals.

The notions of conscious negotiation with management and supported participation do not appear to be part of the learning experience for many auxiliary level women. What is deficient is an environment where all parties are involved in expressing views, making decisions together, acknowledging differences, and finding common ground by means of power that is negotiated and shared. It is also reasonable to expect that personal epistemological beliefs and reflexive practices of legal auxiliary workers would influence their work and learning performance. Legal practice managers might be asked how learning and participation influence organisational culture. How does learning and participation in learning connect with
business results? And, how do individuals such as legal auxiliary staff grow and think at work? Working individuals may also need to know they add an intrinsic value to the practice. If they (the employees) choose to and are involved in decision-making (with levels of accountability for the decisions they make), they may be more likely to experience a sense of connectedness to the practice. If employees desire and are involved in skill development with adequate resources and have increased knowledge of policies (in practice), they may even develop a deep sense of really belonging.

There must also be consequences – if the practice pays for a staff member to, say, complete a course and that staff member does not meet the requirements, then the practice may not continue that type of support. Finally, if women (auxiliary and all other women) within the legal industry can strive to attain a more positive self-concept, they may be able to remove the internal barriers inhibiting them to embrace external strategies that enhance ‘self’ and induce self-actualisation. To achieve this we must listen to what really goes on within the workplace from the women’s perspective. This led to the articulation of key questions foreshadowed in Chapter 1 that need to be addressed through inquiry. These include:

1. How does the occupational practice of law distribute work opportunities for professional and auxiliary legal workers?
2. In what ways are women within the workplace allowed to participate in and self-direct their own learning experiences?
3. What kinds of organisational support for learning either help or hinder a woman's learning experiences in legal workplaces?
4. How do work practices in legal workplaces shape the opportunities for female auxiliary workers’ learning?

An examination of the first question will be underpinned by both the views of practice managers and auxiliary level staff to establish what must be learned, and how staff learn in the workplace. The second question will necessitate examining women’s views about what they have to learn, and how they participate in learning episodes at work. The third question will be addressed through establishing what practice managers and auxiliary women workers know about any support for learning (formal and informal) existing within the practice. The fourth question will require an examination of how the workplace provides opportunities that shape the learning experiences of auxiliary workers. The approach will involve bringing together the responses to these questions (and sub-questions) to be in a position to make
recommendations that might make a difference to women’s work and learning experiences at work. Such recommendations call for practice managers to find ways to improve these women’s workplace learning through practices, policies and research. The questions also involve an examination of women’s profiles, how they describe whom they represent at work, and how others (such as practice managers), epitomise them. In current and future workplaces (including the legal environment), managers and the auxiliary level staff who work for them will continue to face various and continuous challenges to improve productivity and practice. Not only will learning and workplace knowledge continue to be vital during tenure, but it may also be important for womens’ many other social lives. Then learning will possibly become an improved experience for the participants of this study and may also influence the experiences of other women within the legal milieu.
Chapter 4

Investigating women’s learning and work

4.1 Orientation

4.1.1 Introduction

Malinowski (1884-1942), known as the father of social anthropology, once beset with uncertainty about modern human beings, challenged traditional research methods of observation to interpret social organisation on a deeper level. He added meaning and gave voice to the participants of his studies (J. W. Burton & Thompson, 2002). ‘The final goal…is to grasp the native’s point of view, his relation to life, to realise his vision of his world’ [sic] (Malinowski, 1922, p.25). This present study gives voice to a cohort of experienced auxiliary level women (specifically women who have worked in the legal industry for eight years or more) by examining their learning experiences at work. It is concerned with workplace affordances for these women’s learning and their level of engagement in workplace learning experiences at work. This study represents one way of looking at an instance of the broader social phenomena of increased numbers of women in the workforce. For the purpose of the study, a critical methodological framework was considered the most suitable approach and the least intrusive means to find out ‘what was really going on’ for the participants of this study (Lofland, 2006). The study also borrowed from autoethnographic research traditions to weave in a history of some of the researcher’s own workplace experiences.

The word ‘ethnography’ is derived from ‘ethos’ meaning a cultural group of people and ‘graphia’, meaning recording in a specific way about a specific field (Ellis, 2004). This study recounts the work practices of individuals through methods of interview, reflection and observation. This methodology appeared to be the most appropriate, as the fundamental premise underpinning a critical paradigm is to make explicit the ways, though often subtle and coercive, in which subordination and exclusion are realised (Fraenkel & Wallen, 1993). This was central to my project. The chapter commences with a description and justification of the critical ethnographic approach, drawing upon the philosophy of autoethnography. The methods of interview, reflection and observation are expanded so the reader can gain an
understanding of how women’s learning at work within general legal practice was investigated in the study.

4.1.2 A critical ethnographic approach

From a qualitative perspective, social research has predominantly been carried out through constructivist, post-modern and post-positivist studies, as well as critical approaches. According to Denzin and Lincoln (1994), constructivist approaches emerged thirty years ago to impart an open-ended perspective of reality using validity procedures such as trustworthiness and authenticity. Postmodern approaches are entrenched in levels of uncertainty, while the post-positivist move is a philosophical perspective of social science that looks for the quantitative equivalence of validity. All the aforementioned approaches vary in their methodologies and definitions of realism, knowledge and what is truth. These approaches are primarily descriptive, and do not provide the same framework for recognising power structures and inequities within social research that an ethnographic approach offers.

Perhaps the most important consideration was that selecting a methodology was equally important as deciding on the research focus. The methods of choice are fundamental not only to my motivation but critical to the effectiveness of the research. Carspecken (1996) points out that a critical ethnography will allow me, as the researcher, to pursue “objects of social inquiry more directly” (p.26). Most conventional ethnographic studies involve in-depth anthropological description, but may lack theoretical connections with political socio-cultural practice. A critical ethnography seeks to emancipate its participants and offers the researcher the ability to enter into the world of others - to engage in realistic activities of day-to-day life (Mariampolski, 1999). Critical ethnography is also concerned about various levels of social discrimination, and is used by critical researchers to explore the proposition that society and culture are discriminatory in many ways (Carspecken, 1996, 2001). This is useful for understanding the experiences of women located in work of relative disempowerment. The focus of such research is to bring about social change. Therefore, the critical ethnographic approach has provided me with the most appropriate framework for this study. As a researcher, it provided a framework to examine the sources and features of inequality and the subtleties of structural factors, and to use research to expose, challenge and work towards transforming social practices and all forms of subjugation (Carspecken, 1996, 2001). Recent research on women and work indicates there are many women who experience varying levels of
discrimination within the workforce, particularly in male-dominated professions (Higgins & Koucky, 2000). This discrimination may affect the levels of learning and participation women experience at work (Fenwick, 2001a). It was with this in mind that I chose critical methodologies to depict those factors that provide affordances for women’s participation in learning and may have an affect on women’s engagement in learning within the legal environment.

It was Carspecken (1996) who postulated that critical methodologies are based on critical epistemology (acknowledging the realities and boundaries of knowledge) even though findings may not always be what one expects to find. Therefore, as a researcher, it was important for me to enter the study aware that my own value orientations should not determine the course or conclusions of this study. I also had to acknowledge that whilst my experience as a practice manager and consultant within the legal industry has been significant, I had to be prepared throughout the study to perceive the views and identify behaviours of the participants, and recognise matters that may not be what I anticipated.

Ethnographic research endeavours to describe and interpret what is happening within the context of a particular group of individuals or culture (Fraenkel & Wallen, 1993). Hardie (1997) advocates that this is best achieved through qualitative research methodologies carried out when investigating a specific scene and its inhabitants. Qualitative researchers typically collect their data, which is extracted from interviews, field notes, audiotapes, diaries, official records and other correspondence from a specified site (Neuman, 1991). They are concerned with the process of what information emerges, how and why events happen, and how they can inductively analyse such information. Qualitative research should always be carried out with discretion and in consideration of ethics (further ethical considerations covered in section 4.2.14). Whilst involved in the various forms of data collection, I initially established informed consent (to be expanded in section 4.2.4) and agreed to provide draft copies of my representations of the data to the informants for each of them to peruse and confirm my interpretations. A commitment was made to the informants to conduct the research with the utmost consideration of their privacy and confidentiality at all times. Critical ethnography recognises social and cultural discrimination and through the application of research methods such as case studies, incorporating interviews and observations, works towards change. A critical ethnography ultimately provides an understanding of social inequalities and powers, and a direction for positive social change central to the research problem. It also
offers a means of weaving into this study selected personal workplace learning experiences that pertain to the issues in this paper. The characteristics of an autoethnography are clarified in the following section.

4.1.3 Embracing an autoethnography

According to Hayano (1979), an autoethnography is an ethnographic mode of self-representation that involves the researcher implicating themselves into writing that usually expands the main focus of the study. Many evocative writings can be found within the realms of autoethnographic practice but it is important to find a balance between who you are and what you are writing about because your audience has expectations about certain areas of practice (Reed-Danahay, 1997). This study is situated within the legal industry, a historically conservative, professional practice and more suited to conformist genres. It concentrates on bringing together some personal experiences (Denzin, 1997), accumulated over many years of working within the legal industry, that places self within the social context to illuminate the writer’s culture (Ellis & Bochner, 2000) and the learning practices within this milieu. For over twenty years, I have maintained a reflective work diary and I have selectively extracted reflective pieces of my writing to illuminate specific events within the legal environment.

Wolcott (1999) explains autoethnography as “the study of one’s own group” (p.172) wherein the ethnographer is present as a participant of such cultural groups (Hayano, 1979). Denzin (1997; 2003) elucidates the autoethnographic process as research that culminates in a form of text that allows the researcher to write about one’s own life experiences whilst researching and reporting about others. A sense of self emerges in the form of grounded knowledge. The latter explains the intention of this study which was, in some measure, to illuminate the researcher as ‘self’ through a series of reflective journals that have been maintained over twenty years of tenure within the legal industry. These journals narrate the social interactions between me, as a female legal practice manager, the management structures within which I have been and continue to be employed (as a consultant), professional staff and the many women who have worked with and for me. They provided me with data of the legal culture.

This intersects well with what Pratt (1992) attributes to the autoethnographic account of one’s own culture as an approach to writing about marginalised subjects.
An autoethnographic genre of writing allows researchers to confront hierarchical forms of power, and to challenge those structures that create silence (Tierney, 1998) by interweaving the stories of a particular cultural group with narratives that feature themselves (Pratt, 1992). Even so the very nature of this genre of writing has the effect of silencing those events that may implicate others. For Tierney (1998) the biggest challenge was to contemplate the powers of culture and come to identify certain practices that enable individuals to act and/or not act in specific ways. Ellis (2004) suggests that when writing an autoethnographic study there is a need for introspection, whilst at the same time being mindful of moral and ethical issues. As the researcher, I was able to draw on a reflective framework to evoke representations that Ellis and Flaherty (1992) argue should not only be probable, but should also be represented as authentic and credible.

This section has proposed and justified the methodology that emerged inductively to commence this study. What has been significant about integrating an autoethnography into the study is that it has allowed me to consult with my own history of personal reflections to confront my work ‘self’, and through these relations add to the rich data of this research. Overall, this and the previous section have established a rationale for the methodology selected that can best illuminate women’s learning experiences at work, and their continued survival within the legal industry and beyond. At the outset, this study commenced with a focus group.

4.1.4 Focus group to inform the study

To explore the topic of auxiliary womens’ learning in the legal workplace a focus group was organised. Thirty four participants including female auxiliary workers, practice managers (both male and female) and two female solicitors from various legal practices came together for a one hour focus group meeting. When I made contact with prospective participants for the focus group, I outlined the purpose of the research and assured each of the legal representatives this was a voluntary exercise (Schensul, 1999). Legal representatives were informed that the purpose of conducting the focus group was to guide the formulation of interview questions for a qualitative study of auxiliary women’s learning within the legal workplace. Participants were asked to bring with them any formal office policies related to women and learning at work. The decision to participate in the focus group was entirely voluntary, and participants were advised they could exit at any point during the focus group discussion.
Jackson (1997) advocates that qualitative research should be an efficient investigation, well-designed and submitted to self and public criticism. As the moderator of the group, my knowledge of the subject matter was beneficial, because I was sufficiently skilled to draw vital information from the participants (Greenbaum, 2000). I aimed to collect three kinds of data: responses to specific questions that I (as moderator and researcher) asked; information volunteered by participants; and policy documents relative to learning in the legal workplace.

As moderator, I was aware of Krueger and Casey’s (2000) advice to draw information from the participants without inflicting any of my own biases on them, even though Fraenkel and Wallen (1993) pointed out it is almost impossible not to do so. Karger (1987) suggests:

The best facilitator …gently draws consumers into the process; deftly encourages them to interact with one another for optimum synergy; lets the intercourse flow naturally with the minimum of intervention; listens openly and deeply; uses silence well; plays back consumer statements in a distilling way which brings out more refined thoughts or explanations; and remains completely nonauthoritarian and non-judgmental (p.54).

Taking these suggestions forward I aimed to guide discussion by preparing focus group questions (Schensul, 1999). The objectives were to:

1. Establish the working roles of women at the auxiliary level within legal practice
2. Establish womens’ skill levels within the legal workplace
3. Explore womens’ learning needs at work
4. Establish the opportunities for womens’ participation in learning at work
5. Explore the levels of womens’ engagement in learning at work
6. Examine the conditions of employment for participants
7. Explore obstacles participants may experience within the workplace
8. Explore the support systems available to women at work

During the course of the focus group meeting, participants were asked questions based on each of the abovementioned objectives. The opening question stimulated discussion on the role of the auxiliary staff worker (Appendix E). The participants indicated a need to explore women and their work, women’s participation in work and identify the ways in which auxiliary workers learn to perform their work. The
participants also highlighted the need to consider practices, norms and policies that govern workplace learning for all staff (professional and auxiliary) and workplace affordances for auxiliary women’s learning. It was considered important to find out how auxiliary women adapt to working in a professional environment when many of them do not have formal qualifications.

A number of the participants provided me with copies of learning policies and some made available Affirmative Action policies. Two legal office policy documents, fundamental to workplace practice and indicative of the broader policies within general legal practice, were analysed within a sociological framework (Silverman, 1970, 2000).

4.1.5 Policy analysis

The two legal office texts comprised an Affirmative Action Policy (AAP) statement (Appendix F) and a Further Education/Training Policy (FETP) statement (Appendix G). The AAP has been written in an attempt to manage the effects of any prejudices against women in the workplace. The FETP ensures the continuing education of professional level staff within legal practices. According to Fraenkel and Wallen (1993), the values and beliefs of those who write policies are often revealed within the words of such policies. As a researcher, I set out to explore what legal practice managers wrote in office policies, and to establish how these words might impact on auxiliary-level staff. The focus group data and policy data provided an appropriate starting point for developing interview questions for this study.

The analyses were carried out using membership categorisation devices (MCD) (Silverman, 1993, 2000). In this context the approach was about identifying categories such as ‘solicitors’ and ‘secretaries’ and attributes (of those individuals) and cause and effect (of each attribute) to illuminate workplace practices (Hester & Eglin, 1997). The essence of carrying out the analyses was, as Fraenkel and Wallen (1993) suggest, to define possible aspects of the policies that affect women’s learning in the workplace. The analyses provided information about the fundamental processes used by legal staff to seek learning opportunities within the workplace, and also identified the strengths and weaknesses of legal office policies.

The documents represented human resource management policies that provide guidelines for the protection and education of employees within the legal environment. However, the AAP and the FETP appeared to be conflicting in their
values. On the one hand, the AAP advocated equality for women and protection against all levels of discrimination. On the other, the FETP offered all professional staff with opportunities for further education/training while failing to make provision for male and/or female auxiliary level employees’ learning; it basically excluded all employees (male and female) below professional status.

The focus group findings and policy analysis questions were developed to inform this study. It was important to find out how office policies, practices and norms support or impede women’s workplace learning experiences. Ethnographic case studies provided the framework for this study.

4.1.6 Case studies

According to Denzin and Lincoln (1994), case studies are attractive to researchers for use as an instrument for their research to ultimately portray field-based knowledge. They argue that case studies involve the diagnosis of: “things in their natural settings, attempting to make sense of, or interpret phenomena in terms of the meanings people bring to them” (p.2). As the researcher, case studies presented an opportunity to secure information about other individuals in a specific setting (Fraenkel & Wallen, 1993). In addition, it was important to develop a theoretical approach before activating the studies with a myriad of inquiring questions (Denzin & Lincoln, 1994, 2000). The procedures frequently result in paradigms of interpretation that produce both comparable and contrasting data - data that is often inimitable. When engaged in ethnographic research, this method leads to the collection of information regarding attitudes, approaches and behaviours in anticipation of finding out what is going on within legal workplaces. Consequently, in this study the aim was to gain valuable insights that might lead to positive change in the curriculum and prospects for auxiliary legal workers. Therefore, adoptive techniques were critical to the insights gained, analysed and reported (Denzin & Lincoln, 2000). The following table encapsulates the various methods of data collection:
Once the focus group data were analysed and interview questions developed, data were gathered through the more traditional forms of interviews, observations and reflective journals (Fraenkel & Wallen, 1993). Interviews and reflective journals were selected to secure in-depth information; observations were carried out to detect evident models of behaviour; and to compare what should be happening with what actually happens within the workplace. (The methods will be discussed in greater detail throughout Section 4.2).

Overall, data collection at the three legal offices involved three practice managers and nine auxiliary workers. Initially, data collection involved a series of one-hour interviews with practice/human resources managers. Additionally over a four month period, a series of four one-hour interviews, observations and reflective diaries were collected from an auxiliary staff member at each site. Finally, one-hour interviews with the first three auxiliary workers and another six auxiliary workers occurred after twelve months from the commencement of the study. Through the process of conducting the case studies valuable insights were gained into the world of auxiliary level women who work within the legal industry, and members of legal practice management. Because social inequality is at the heart of most case studies carried out in critical ethnography, this qualitative methodological approach sought to understand the bases of enactment of powers within legal workplaces, workplace affordances and influences on women’s learning at work. In consideration of conducting the case studies, it was important to explore the culture and knowledge of the participants because their views will perhaps influence future social change.
4.1.7 Culture, knowledge, language and mediation

In view of the fact that I had an extensive working life in legal practice management, the legal context and work language was familiar to me but I was aware that language was vital to the study. I sought to gain richly informed perspectives about my participants and their workplace experiences. Language is a way to access cultural knowledge, which may have had a profound effect on my interactions with the participants because we shared a common understanding of the language (Werner & Schoepfle, 1987). It was important that the process of interviewing correlated the concepts of culture and knowledge, and in effect made it possible for us to enhance our common understanding of the legal workplace culture (Duranti, 1997). In this section, consideration is given to the use of language during the interviews. This includes how language provided the means for cultural transmission and how the employment of cultural mediation facilitated the interpretation of cultural behaviour and cultural knowledge of the informants.

Culture organises the application of tools, material and/or ideational objects to assist individuals to communicate with one another (Werner & Schoepfle, 1987). Buildings, religion, sport, occupations and many other factors can also represent culture. Culture is also a form of modern knowledge. It could not be separated from the knowledge sought in the study, because as Spradley (1972) suggests: “essentially a society’s culture consists of whatever it is one has to know or believe in order to operate in a manner which is acceptable to its members” (p.6). Duranti (1997) postulates if culture is learned, it can be interpreted as knowledge. He further postulates, through a cognitive view of culture, that knowledge falls into two categories: the first being propositional knowledge, which involves the values and beliefs of an individual or group; the second representing the “know how” or survival information an individual has within his/her cultural environment. In this study, I was searching for what my informants knew about their culture, values and practice and how this shapes the goals for and processes of their learning. Throughout the ethnographic interviews, I aimed to extract rich cultural knowledge from my informants, and to achieve this through appropriate language skills.

Language was critical to the study of the legal work culture as it represents a tool to probe into the many systems of knowledge, practices and negotiations (Mariampolski, 1999). It was, therefore, considered throughout the study as an intermediary conductor between the interviewee and related activities. Language can
be further explained as the mediating system that provides linguistic expression for the conceptualisation and reflection of events and the exchange of thoughts and ideas (Rossi-Landi, 1973). As a mediating activity in the interview process, languages equated to an instrument for me, as the interviewer, to develop relationships, source information and eventually solve problems. Witherell and Noddings (1991) suggest that language also serves as the crucible for a deeper understanding of 'self'. From the beginning of this study, it was envisaged that language would provide me with an instrument to gain a deeper understanding of my informants, a means of mediating certain issues raised by the informants and of developing my own sensitivity of cultural issues.

Cultural mediation remains undeveloped in areas where it does not clarify the internal organisation of relationships between individuals (Rossi-Landi, 1973). In these circumstances, methodological issues exist between information sought and how such information should be analysed. Cultural mediation also assumes an experiential dimension of natural relationships between individuals within a particular environment. It was therefore considered that individuals might execute acts in culturally defined ways, and think and represent themselves in conscious thought through certain forms of cultural socialisation (Mariampolski, 1999). It was important for me to remain sensitive to the culture of my informants throughout the entire study.

Culture organised the tools of knowledge and language to assist me to communicate with the participants of the study. It was the process of mediation (or interposing between two or more individuals and their culture) that enriched the communication process. Cultural mediation then represented a neutral concept where neither interviewee nor interviewer had prominence, albeit with some corollary regarding the level of the relationship between us. Throughout the study, it was imperative for me as an ethnographer to be concerned with these cultural considerations. To add another dimension to the interview process, I explored readings on the development of relationships.

4.1.8 Relationships – rapport, self identity and trust

In the pursuit of data embedded with deep cultural knowledge, it was imperative that the study establish a level of respect and ‘naturalness’ between the interviewee and interviewer (Fraenkel & Wallen, 1993). It was important as an ethnographer to build wholesome interpersonal relations with the informants, examine my own identity in
the development of the research, and ensure trust between me as researcher and the informants (Neuman, 1991). It was also crucial to the potential long-term influence of the study that relationships with participants were developed and maintained.

Indeed, it may not be until an interviewer has built a rapport with an informant that the person begins to relax and offers in-depth and personal information (Jackson, 1997). Second and subsequent interviews usually result in the informant divulging intricate details of their daily problems. Disclosure of personal thoughts and some personal problems experienced outside the work milieu are generally disclosed in subsequent interviews as participants begin to trust and feel comfortable with the interviewer (Fraenkel & Wallen, 1993). Going into the data collection phase, I expected that if I was sensitive to the fragile bonds of social and communicative exchange I would build a relationship with my informants, and, in doing so, learn a little more about myself.

Coffey (1999) challenges all ethnographers to examine their own identity, selfhood and emotionality as they approach their research. She argues that the process is such an intensely personal experience, and as researchers face ‘real’ people with ‘real’ issues they often forget to regard personal attachments and boundaries. She proposes that researchers reflect on how they feel, and ensure these reflections are included in their research. This provided me with an approach to conducting ethnographic research that was commensurate with an understanding of the subjects and their work situation. It was with this in mind that I gave consideration to trust.

In order to establish satisfactory criteria for specialist practice, the ethnographer must ensure trustworthiness (Duncan, 2000). Developing trust in ethnography is a practice that happens over time between two or more individuals when they share personal experiences, and know the other party respects their confidences (Neuman, 1991). Levels of trust will shape the levels of accuracy and truth divulged. Trust is not always assured in every line of inquiry, and may even have to be re-established from time to time. It was vital for me as an ethnographer to re-affirm levels of trust with my informants at regular intervals throughout the research in order for them to feel comfortable talking with me. This occurred at times when the informants discussed sensitive issues and stopped or hesitated, and I was able to reassure them of anonymity, and only discuss such issues in my thesis with pseudonyms.
It follows that developing relationships was imperative to this ethnographic study. It required me as the researcher to be insightful to social interactions, and involved my examining my own self-identity in the process. As I conducted the case studies, I was able to develop rapport and trust with the participants over a sustained period of time. Guaranteeing the participants’ trust was also essential to obtaining rich accounts. At this point identifying and approaching certain legal offices was paramount. To this end, I scrutinised the methodology literature firstly to look for strategies on how to establish such connections.

4.2 Procedures for data gathering

4.2.1 Selecting the research settings

An important consideration in selecting the legal offices involved in the study was that the partners of each of the practices knew of me as a member of this area of practice. Having established professional relationships with certain solicitors over the years, meant they might be more willing for the research to be undertaken and allow me to conduct research actively within their offices. The research settings revealed throughout this study are general legal practices, of medium size and considered professional offices within southeast Queensland. Those legal offices that participated in the study are described throughout in ways that mask identity, and have been afforded certain coded information to ensure complete anonymity. Attention will now be given to access to the research sites.

4.2.2 Gatekeeper access

To get started I had to orchestrate permission to conduct the proposed research. Finding support and gaining access to each site was organised by a ‘gatekeeper’ who had the recognised authority to introduce me to prospective participants (Neuman, 1991). As the researcher I made the initial contact, so an immediate relationship was established between the gatekeeper and me as researcher (Seidman, 1991). The process was initiated with definite considerations and gaining entry to each of the sites was predominantly through pre-existing relations of trust (Lofland, 2006). I then considered notional distance and the maintenance of a sense of moral balance to ensure research integrity (Neuman, 1991). By declaring these preliminary guidelines, I was able to gain the trust of the gatekeepers. Then as contact was made with the
informants and the gatekeeper was assured of their full understanding of the research, further trust was developed (Lofland, 2006). As time went on and new levels of research were explored, I was in a better position to negotiate unrestricted access.

Interestingly, gaining entry and permission to conduct research with female legal office workers was organised through legal practice manager “gatekeepers”, two of whom were also participants. I had been involved in a legal practice manager’s group for some years, and had a professional relationship with each of the practice managers contacted. On initial telephone contact, I provided a verbal description of the study, and assured each of the practice managers the research would be conducted with confidentiality and integrity. Once the managers had been assured, I was in a position to arrange times with them to conduct a one-hour interview and to contact proposed informants and present them with a brief oral presentation of the study. In the next section characteristics of each of the legal sites are described.

4.2.3 Contextual information – the legal sites and management

It has already been established that three legal sites were selected for the study. For the purpose of anonymity each of the offices and each of the managers were afforded a pseudonym – the practice of Gilston Law (GL) is managed by Matthew, Boyd Law (BL) is under the administration of Rose and Macarthur Law’s (ML) manager is Maria. A description of each of the offices and some of the salient characteristics of each of the sites sets the scene.

Gilston Law

The first office I visited was Gilston Law (GL) where I had an appointment with Matthew. The building could possibly be thirty years old and only four stories; it was situated in the commercial district on a very busy street. The lift opened to the throng of competing voices. The interior belied the outside of the building; the reception area was of modern design and the use of timber and definitive lines gave the office a professional appearance, but the space was relatively confined. It was obvious this was a very busy and challenging day for all concerned. A man in a dark suit stood to the left of the reception desk with familiar legal files under his arm and I imagined he was attending a conveyancing settlement, the office junior was rushing to get into the lift and two senior secretaries were calling for her to wait, the receptionist was trying to listen to someone on the phone (perhaps a client needing her utmost attention), a middle aged couple stood together to the right and appeared to be waiting for a legal
appointment, and then there was me. A look of exasperation told me the receptionist had had a busy day.

I was ushered to Matthew’s room and the almost silent sound of professional ambience took over. Matthew’s room was well appointed in the building and everything in the room was masculine and rich. He complimented his room; he was dressed in a crisp white shirt, black tie and pants and looked as though he had just stepped out of a legal advertisement. His desk was so large that two people could have shared it and a very modern computer held pride of place in the center of the desk. Leather bound legal books were strategically placed on a sideboard with a few professional photos of Matthew’s family; there was no sign of any ‘legal clutter’. The internal walls were made of glass so everyone who passed by could see what was taking place in Matthew’s room. I had full view of the professional offices that formed the perimeter of the floor and the secretarial work stations well appointed in view of the solicitors. I could see that this was an office of systems because everything had a place and it was neat and tidy. From my experience in legal offices I quickly formed the opinion that this was a very professional and well-run practice.

Boyd Law

When I entered the building to find the offices of Boyd Law (BL) it seemed out of place because this was an area of upmarket designer clothing stores and alfresco dining. I was a little confused because the sign indicated BL occupied two floors and I was just on time to meet Rose. I chose the first floor listed and exited the lift into a narrow hall that lead to a reception area. I was in the right place but there was no one in attendance at the reception desk. Fresh smelling flowers adorned the reception counter and I noticed another small table in the corner with a vase overspilling with plastic flowers. There were enough chairs for six clients and plenty of current reading material. I could hear familiar legal terms being used in the background and could see through the doorway to a group of secretaries huddled over a file. I sat down to wait for Rose and positioned myself to see through into the boardroom and the very powerful looking black boardroom table and commanding grey leather chairs.

Eventually the receptionist returned to her position and welcomed me. Some legal offices radiate a professional tenseness, but this office appeared to emanate a friendly, family-type atmosphere. The receptionist was well informed about my appointment and my experience in the legal industry so she asked me to take a seat, assuring me Rose would be out shortly, then she asked me about a couple of
secretaries we both knew in common. Immediately I felt comfortable and I was ready to meet with Rose. She entered the room; dressed in a black pant suit, diminutive and self-assured, and I knew immediately that my contact with her would be very professional. We sat in the boardroom and organised when we would conduct our interview; it would be a place of her choosing whether it be this same boardroom, her office or anywhere convenient to her.

**Macarthur Law**

The building stood majestic, overlooking the Broadwater with hundreds of lavish yachts, houseboats and other water vessels ready for the many water sports and holiday kind of activities that take place every day. I pushed open the big heavy glass door and stepped into the legal offices of Macarthur Law (ML) for an appointment with Maria. The first thing that struck me was that this office had a very clinical ‘feel’ and everything echoed; my every step sounded louder as I walked on the tiled floor towards the reception desk. I felt apprehensive and concerned that if I dropped anything on the floor it would probably be ear-splitting. An orderly row of business cards were set on the reception counter and a very neat and tidy receptionist greeted me with much formality. She asked me to take a seat and told me that Maria would see me in a few minutes. The room was very spacious and I sat on a very comfortable lounge. I could see through to a very commanding boardroom with a long timber table and counted twelve leather chairs that seemed to stretch out to meet the Broadwater. A whiteboard stood ready for one of the solicitors to demonstrate a point to his next client. Maria appeared within two minutes and after an exchange of greetings she guided me through to a room adjacent to the boardroom.

The interview room was equally as impressive as the boardroom. Maria, who had worked in the legal industry for over twenty years, sat at the head of the table and looked very comfortable in these surroundings. Physically she appeared sporty in a blue skirt and white tailored blouse. She merged well with the setting; the walls were a very subtle tone of blue that blended with the sky and the Broadwater beyond. There was no need for art in this office; the view provided a panorama of colour and activity. This would be where we would conduct our interview.

Each of the three offices and their respective managers were different but as soon as I stepped through the doors of their practices I entered the very familiar world of legal practice. I had attended the sites, made appointments with the practice
managers to commence the study and then, in search of ongoing co-operation, I set about organising the full consent of the participants.

4.2.4 Informed consent

Gaining informed consent from the participants was an important consideration before the study could commence. Informed consent was essential because participants would be providing direct responses to me as the researcher (Glesne & Peshkin, 1992). Such consent was in the form of an agreement. As the researcher I was also aware of the possibly that discussion of sensitive topics might put the research participants at risk (Burns, 2000). For this reason, participants needed to be fully aware of potential risks and were supplied with the following:

1. Written information about the nature of the research
2. A clear depiction of their role within the research
3. Confirmation that they could withdraw from the research at any time they decided without explanation or obligation
4. Assurance that they were at liberty to refuse to answer any line of inquiry throughout the research
5. Assurance of confidentiality (to be discussed in more detail under ethical considerations in Section 4.2.13)

The participants were provided with a letter to management (Appendix B), a letter to auxiliary staff (Appendix C) and a consent form (Appendix D), affording consideration to the abovementioned criteria. The participants were advised to peruse and approve the conditions by signing a copy of the consent form and returning it to me. Once informed consent had been secured from the participants, I was able to commence data collection. The next section considers the first of the qualitative analytic methods being observation by a participant.

4.2.5 Observation by a participant

When researchers identify themselves as researchers and make no attempt to become a member of a group, they take on the role of observer-as-participant (Fraenkel & Wallen, 1993). The degree of observation may vary greatly, but on the whole the intention is to gather information through observing how people act and how they interact with others and vice versa.
Moreover, observations have limitations, and it is often difficult to predict the spontaneous occurrence of an event, or to be present to observe it (Burns, 2000). Four expansive questions should be considered:

1. What should the researcher observe?
2. How should the researcher record the observations?
3. How can the researcher attempt to achieve accuracy of observations?
4. How and what level of relationship should the observer and the observed have?

Observations were carried out to enable me as a researcher to examine situated activity; that is, to gain first-hand insight into the interactions of staff in context. It was important to observe because that kind of scrutiny enabled me to look at situated activity, and gain first-hand insight into the communications of women with their peers and superiors, within a legal practice. Observations took place each time I entered the practices to meet with the participants; the length of time varied from one and half hours to five minutes. During this process I had to continually ask myself what and how I would observe, and give consideration to accuracy (Lofland, 1971) whilst remaining sensitive (Seidman, 1991) to my relationship with the participants. This process was enhanced through the maintenance of field notes and reflective journals.

4.2.6 Note taking and reflective journals for a critical ethnography

During the research the nine auxiliary legal worker informants were asked to maintain reflective journals (Fraenkel & Wallen, 1993), and as the researcher I maintained field notes and was able to draw upon a history of reflective journals that enabled me to reflect upon and eventually extract data. Because I have worked within the legal industry for many years, I continually had to step back in my thoughts to maintain a level of detachment.

4.2.7 Note taking and reflections of the researcher

Being involved in qualitative research meant that many different forms of data, from field notes to reflective journals would need to be collected (Fraenkel & Wallen, 1993). Therefore, this section considers the field notes, personal diary (including reflections), maps and diagrams that provided me with tools to record what was going on in the field.
According to Loftland (1971), it is general practice amongst ethnographers to take as many field notes as inconspicuously and succinctly as possible within the field. Most field notes consist of describing a physical setting, the individual/s encountered and their communications. Loftland also postulates it is important that the researcher does not hope to fully know what is really going on. Subsequent visits to the site should also record changes to the physical location and/or the individuals. After exiting the field each time, I was able to elaborate on the field notes taken to ensure the capture of as many details as possible. Lofland (2006) suggests that this task be undertaken at least within twenty-four hours; I was aware that if I did not complete these writings promptly I might run the risk of forgetting some of the finer points.

When conducting ethnographic kinds of research it is important for a researcher to record and analyse their personal thoughts, feelings and perceptions in relation to the contacts made during research (Fraenkel & Wallen, 1993). These recordings add depth to the data and are best achieved by maintaining a personal diary; a private place where the researcher can write without fear of censor. These notes enable researchers to describe what really happens in the field, and reflect on their frame of mind during the research (including any possible dilemmas). The exercise of writing a diary alone provides a vehicle to reflect on sometimes passionate and emotionally challenging experiences.

Many field researchers also rely on a selection of maps and diagrams to place order within the field and to disclose the field to others (Neuman, 1991). Neuman recommends developing spatial maps to place individuals within a geographic location; social maps to describe those individuals, their relationships and the order of authority within the field; and temporal maps to demonstrate the flow of communications and interchange. The use of maps and diagrams helped me to represent relationships and associations at the three legal practices in the study. The following is a table encapsulating a hybrid of strategies I was able to employ to begin my research. Each section was colour coded and maintained within a manual (at or close to the field) and later transcribed onto computer.
Table 4.2 - Note taking

<table>
<thead>
<tr>
<th>Field Notes (white)</th>
<th>Personal Diary (blue)</th>
<th>Maps/Diagrams (green)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describe site/setting, individuals and communications</td>
<td>Record personal thoughts, feelings, reflections and perceptions</td>
<td>Spatial – to place individuals, equipment and activities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Social – to identify differences and divisions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Temporal – to demonstrate movements and communications</td>
</tr>
</tbody>
</table>

The quality of notes taken ensured that when I entered the writing phase of my study I was in a strategically strong position. At such a point the researcher requires a time of meditation and interim writing (Lofland & Lofland, 1984); the process of working out what to write and what to exclude commences to ensure the achievement of coherence and organisation. But, from my detailed notes and reflection, I developed a general representation made up of small sections of analysis that eventually provided me with an outline to work with. Enriched data also evolved through encouraging participants to complete reflective journals.

4.2.8 Participants’ reflective journals

Reflective journals can capture events, feelings and thoughts within qualitative research (Fraenkel & Wallen, 1993). Although such journals are often advocated for the researcher, they also offered the first three auxiliary-level participants a place to journey to that was safe and free from censure. I initially proposed to provide the three auxiliary-level participants with audio tape recorders to use as their private journal throughout the research. However, each participant preferred to provide their thoughts by way of emails. Private reflective journals offered the participants a form of writing in which personal experiences were recorded in connection with the research problem (Fraenkel & Wallen, 1993). It was more convenient for the participants to spontaneously add their thoughts into an email throughout the working day.

Maintaining a reflective diary was an activity wherein each writer’s personal voice provided a perspective of social life and a level of communication which perhaps would not have otherwise been made available to the researcher. The participants wrote about what they did and how they felt about learning experiences in the workplace. Although I had to constantly seek clarification (whilst at all times ensuring confidentiality) to obtain even a glimpse of what was going on. This lens into
the world of another, often featuring serendipity, was a valuable source of data for the researcher because it often revealed the innermost thoughts of the participants about issues and lost learning opportunities at work. The interpretations of these writings became critical to the study (Neuman, 1991) because they provided contributions to the field of workplace learning.

Considering my field notes and the reflective journals kept by the participants, I had to establish a system of elucidation. I had to recognise that I saw matters differently from others, and to recognise the limitations and advantages this position afforded me. Despite any empathetic projections I might possess I could not hope to fully enter the mind or world of another. However, I could set out to describe what was seen and read; believe what was heard; and critically reflect on each experience as it happened. The interview process provided me with the rich data I had to work with.

4.2.9 Interviewing the participants

Lofland and Lofland (1984) suggest that interviews advance the validity of findings in social sciences. Therefore, interviews were considered to be the most important method of data collection during the case studies. Interviews with management-level participants were conducted during a one-hour meeting, and four one-hour interviews were carried out with each auxiliary staff member. Interviews were audio taped to enable me as the researcher to focus on every word, and be able to interpret a level of consciousness through the use of certain words as accurately as possible (Seidman, 1991). I had to be mindful that individuals who are interviewed are likely to want to give a good impression of themselves. This is because, as Jackson (1997) points out, personal interviews often provoke the person being interviewed to provide answers which are desirable, but not necessarily accurate. In an attempt to deal with this I conducted a focus group of legal representatives to provide the basis for the interview questions and then developed one set of interview questions for legal management representative and four separate sets of interview questions for auxiliary staff participants. As well, throughout the auxiliary staff interview questions there were a number of questions that were interrelated. The development of interview questions follows.
4.2.10 Interview questions

From the focus group (already discussed in section 4.1.4) and policy analyses data interview questions were formulated for practice managers (Appendix H) and auxiliary staff participants (Appendix I & Appendix J). Prior to commencing the interview process I gathered information about the auxiliary level interviewees. I had attended meetings with the practice managers and knew these participants professionally. Practice managers had then provided me with generic information about the auxiliary level participants; these participants were mature aged female employees with many years legal experience. Having some background knowledge of the interviewees enabled me to maximise the results of the qualitative research (Lincoln & Guba, 1985).

Qualitative research should engage in social interactions with participants (Neuman, 1991), but not interfere with the day-to-day routine of those being researched (Lofland & Lofland, 1984). Therefore, the participants nominated meeting arrangements that best suited their schedules. The interview process then took place at a mutually agreed location, and as the interviewer I ensured they were carried out at a time suitable to the respondents (Hardie, 1997) and that each participant was given a brief verbal description of the study. Lincoln and Guba (1985) suggest that interviewees will respond positively if they know why they are being interviewed. One-hour interviews were carried out with three management-level participants (Appendix H) at a place of their choice in order to establish what legal practice managers had to say about auxiliary level staff, their learning at work and how it should occur. Data were also collected from the female auxiliary staff in a series of three one-hour interviews (Appendix I) over a period of four months, with a further interview with the first three participants and another six auxiliary women at twelve months (Appendix J). On all occasions, I ensured that the participants were aware of the purpose of the research (Fraenkel & Wallen, 1993); and had given their informed consent to the interview (Glesne & Peshkin, 1992).

Interview questions formulated for the study connected with the conceptual issues identified in Chapter 2 and Chapter 3. Sample questions related to learning in the legal workplace are contained in the following table:
Table 4.3 - Interview questions linked to theories

### Section one – Practice managers

<table>
<thead>
<tr>
<th>Interview 1 - Sample Interview Questions</th>
<th>Connected Theories</th>
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<tbody>
<tr>
<td><strong>What are the differences in the work performed by professional and auxiliary level staffs?</strong></td>
<td>- Changing conditions of work (Fenwick, 2001a; Schon, 1973)</td>
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<tr>
<td><strong>Do you have supporting policies for learning in the workplace? If so for whom (professional and/or auxiliary staff)?</strong></td>
<td>- Power relations (Bierema, 2001; Bouchard &amp; Simon, 1977; Fenwick, 2001a; Yolles, 1999)</td>
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<tr>
<td><strong>In what ways are auxiliary and professional staff members encouraged to participate and engage in learning?</strong></td>
<td>- Participation and engagement (Billett, 2000, 2001a; Davis &amp; Sumara, 1997; Lave &amp; Wenger, 1991)</td>
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### Section two – Auxiliary workers

<table>
<thead>
<tr>
<th>Interview 1 - Sample Interview Questions</th>
<th>Connected Theories</th>
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</thead>
<tbody>
<tr>
<td><strong>Would you briefly tell me about your personal history and educational background?</strong></td>
<td>- Self identity (Dewey, 1960; Stryker, 1980, 2000; Tajfel &amp; Turner, 1986; Tajfel &amp; Turner, 1979)</td>
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<tr>
<td><strong>What is your role within the legal practice?</strong></td>
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<tr>
<td><strong>Have there been any changes in the bases of your interest in and/or commitment to your work practice since our last meeting?</strong></td>
<td>- Self identity (Dewey, 1960; Stryker, 1980, 2000; Tajfel &amp; Turner, 1986; Tajfel &amp; Turner, 1979)</td>
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<tr>
<td><strong>What is the range of tasks you are expected to conduct at work?</strong></td>
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<tr>
<td><strong>Of these tasks which would be the most difficult to learn? Why is that?</strong></td>
<td>- Working knowledge (Farnaham-Diggory, 1994; Gagne, 1985; Jonassen et al., 1993; Lam, 1997; Livingstone, 2001)</td>
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<table>
<thead>
<tr>
<th>Interview 2 - Sample Interview Questions</th>
<th>Connected Theories</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Describe a recent change within the practice. What past knowledge did you use to adapt to that change. Did you have to learn a new</strong></td>
<td>- Transfer of Learning (Baldwin &amp; Ford, 1988; Schunn &amp; Dunbar, 1996; Simons, 1999)</td>
</tr>
</tbody>
</table>
Interview 3 - Sample Interview Questions

What, if any, changes have occurred to the work activities you have engaged in since the last interview?

Skills?

Participation and engagement (Billett, 2000, 2001a; Davis & Sumara, 1997; Lave & Wenger, 1991)

Validation of Findings and Assertions – sample from one auxiliary staff member

The fourth assertion is that you are dealing with complex staffing situations within the workplace on a fairly regular basis.

Communities of practice (Lave & Wenger, 1991; Rogoff, 1990)

Social identity (Belenky et al., 1986)


Self-in-relation (Gilligan, 1982)

Research questions were designed to gather information about the interaction among individuals, their ways of learning, and how they understand the interactions between themselves and other workers (Neuman, 1991). To continually remind myself of the questions that might be explored, I gave consideration to Patton’s (1990) six fundamental types of questions. Those incorporate: (1) demographic questions; (2) knowledge questions; (3) behavioural questions; (4) motivational questions; (5) feelings questions, and (6) sensory questions.

Demographic questions are routine questions that establish a respondent’s background knowledge. Questions in this category integrated data about education, work history, and other similar information. Knowledge questions seek to establish factual information. In the area of employment, these questions could establish work policies and procedures. Behavioural questions are designed to find out what a respondent has completed or is currently completing. The intent here is to draw out descriptions of experiences and actions. Motivational questions are set up to find out what individuals think about a particular concern or subject matter. Feelings questions are intended to elicit emotional responses and find out what a respondent really feels about an issue, as opposed to their opinion on an issue. With these questions it is imperative that the ethnographer knows how to distinguish the differences. Sensory questions cover what a respondent hears, sees, tastes, smells or touches (Patton, 1990).

Whilst interviewers need a memory device in the form a list of questions to ask they should use it only as a guide (Lofland & Lofland, 1984). The natural approach to interviews should begin by asking ‘grand tour’ questions that generate
ease of answers, then progressing to structural and attribute questions. Grand tour questions are expansive questions, for example ‘what is your role within the legal practice?’; structural questions are continuations of the broad questions that lead to specific information such as ‘what type of work do you mainly perform’ and ‘how would you best describe how you learn in the workplace?’; and attribute questions develop from a natural flow of conversation to discover quality of information such as ‘have there been any changes in the bases of your interest in and/or commitment to your work practice since our last meeting?’ (Appendix I). Within qualitative methodology it is customary that initial interviewing takes place in a conversational and climatically informal setting, with questions that are a natural extension of the social relationship established by the researcher and the interviewee (Burns, 2000). Most interviewees will usually feel comfortable in interviews when questions are initially asked on an abstract level because they require straightforward answers such as ‘what is the range of tasks you are expected to conduct at work?’ It is only once rapport has been established the interviewer can advance to incorporate questions that require illustration from ‘real life’ experiences such as ‘over the last six months, how have changes outside the workplace influenced your commitment and interest in your work?’

Interviews were the principal source of data collection throughout this study. By asking demographic through to expansive questions, meaningful data were collected. In concert with this approach the subtle technique of asking expansive-type questions through to more structural questioning was useful because with each level of questioning the participants provided new and further details of how they learn at work. It was only when the interviews developed to the juncture where personal experiences were explored that I was able to elicit enriched information based on these approaches. Listening to my informants was the key to hearing what was really going on.

4.2.11 Listening and asking

To listen carefully to another individual is a definite art form that must be acquired because the meaning of what is being said has to be gained (Neuman, 1991). As a researcher I needed to be careful to listen to what was being said, how it was expressed, and the implications of the communications. Clarification was often found in the technique of asking (Lofland, 1971; Lofland & Lofland, 1984). As I listened
vigilantly to the managers and, in particular, to the auxiliary level women (because this study seeks social change for these women) significant themes emerged.

In the beginning, listening to what was being said in the field was extremely difficult. As a field researcher, I had to listen carefully to phrases, words and pick up on nuances (Lofland, 1971, 2006) because often what researchers think they hear and understand is not necessarily what is being communicated (Lofland & Lofland, 1984; Neuman, 1991). Throughout the research, I had to often query myself about what a participant meant. To improve this level of understanding I developed the skill of knowing what and when to ask for richer analytical purposes (Lofland & Lofland, 1984). Asking then enabled me to obtain enlightenment on the topics, opinions and feelings being conveyed. It is attention to detail that eventually provided me with rich data. Therefore, I commenced the research on the premise that what I was about to hear and believe to understand might be entirely different from what was being communicated. I had to listen with awareness, and continually ask each of my informants and myself what does my informant mean? And what is going on here? The next section discusses reliability and validity as it applied to the study.

4.2.12 Reliability and validity

In this section, the reliability and validity procedures most appropriate to the study are explored. Triangulation was the most effective means for the chosen methods and critical to this study. Triangulation involved searching for the convergence of different sources of information to form themes or categories within research materials (Creswell & Miller, 2000). Triangulation of such data as obtained in this study – interviews, reflective diaries and observations, as well as from written documents – has been approached by many researchers as a systematic process of searching through the data in the hope of revealing negative evidence (Miles & Huberman, 1994). Moreover, Miles and Huberman suggest a search for destructive facts often proves quite a challenging task, because most researchers tend to find more confirming evidence, which is valuable information. The interviews were commenced on the basis that the participants’ views were valuable and these views would be quoted and/or paraphrased with the participants’ authorisation. In particular, when delving for rich data during interviews it was important to ensure each individual understood the nature of the inquiry (Silverman, 1993). As far as possible, questions were asked in the same manner and any part/s of the question/s not understood by the participants was/were explicating. Interview questions also provided
opportunities for the exploration of interesting leads in an attempt to decrease pre-existing categories. Once the data were collected and transcribed, they were presented back to the informants for examination and approval. I was then in a position to draw on reliable data.

The case study data was triangulated within this study through the methods of observer as participant, analysis of reflective diaries and interview transcripts. Providing transcripts back to participants for perusal and validation also assisted me in my interpretations. Further support was attained throughout by giving consideration to ethical care.

4.2.13 Ethical considerations of the participants

As the researcher I was often privy to confidential information, therefore, I had a moral obligation to keep certain intimate information from others (Neuman, 1991). During the course of gathering research materials it was vital confidentiality was maintained. It was with this in mind that I ensured the following:

1. All participants were assured of complete anonymity.
2. Pseudonyms were selected for each individual for exclusive use throughout the research.
3. Participants were advised they were under no obligation to answer any question they chose not to answer.
4. Copies of transcripts were made available to each individual participant for verification and modification.
5. Participants were advised the information they provided would be incorporated in an EdD dissertation for Griffith University.
6. Participants were provided with a final draft of results for their approval before the dissertation was complete.
7. Each participant was advised that they would authorise any future publication of the contents of research pertaining to them.
8. Participants were advised that all original data would be securely stored in a locked cupboard for the duration of the project and for a period of five years after which time it would be destroyed.

Deliberation was afforded to participant security from the beginning process to the completion of my dissertation, and will continue to be a consideration in the future. Participant anonymity was ensured through the use of pseudonyms and confidentiality secured by the safe keeping of data. Participants were regularly advised of progress of the tentative findings of this study, how it had been analysed, and how it would be reported.
4.3 Procedures for data analysis

4.3.1 Analysis methods

As already outlined, the research involved the collection of many different forms of data from field notes to tape recordings, reflective journals and documents. There appears to be much debate in the literature about what to analyse and the correct techniques for analysis of such data. However, here the most appropriate method to find out “what was going on” (Lofland, 1971) for women in the workplace was provided within a framework that integrated a holistic approach. Firstly, from the focus group data I conducted a policy analysis of two general policy documents; an affirmative action policy statement, and a further education and training policy statement by means of membership categorisation devices (Silverman, 1993). It was important to find out whether office policies have an effect on auxiliary women’s learning at work. The findings of this analysis guided the study. Secondly, the analysis of interview data, reflective diaries, note taking and observations were carried out by open coding (Glaser & Strauss, 1967). The purpose was to triangulate the data and validate the findings.

4.3.2 Approach to data analysis

The analysis of this study was activated at the research settings and determined emergent theories arising from the data relevant to each of the settings (Glaser, 1992, 1998; Glaser & Strauss, 1967). During the course of the study, open coding was sourced through the following closely fused phases:

Figure 4.1

![Diagram showing the process of data analysis](Image)

The foundation of analysis was the raw data, which was then integrated with a second stage process to conceptualise the data into categories (Glaser, 1998). Any mix of data (and particularly qualitative data) can be systematically analysed to generate inductive theory about a significant area (Glaser, 1992). A sensitivity to the
interconnections between the data and theoretical underpinnings is essential to allow concepts and categories to emerge, and be able then to illuminate the categories, their properties and the resulting correlations between them. As a researcher I searched for emergent concepts and conceptualisation of contributions to the field that might also be of benefit to the many women working within legal practices. Tesch (1990) writes that those theorists who support grounded theory encourage the researcher to interrelate the process of data collection and data analysis by persistently moving between the raw data and coded text to identify concepts and themes.

Probably the most important and difficult task of the study was deciphering human experience; discovering the meaning behind behaviour; and understanding feelings and intentions in the search for implications that underpin considered decisions (Mariampolski, 1999). Through means of ‘constant comparison’, as the researcher I was able to combine inductive coding with simultaneous comparison of collected data to discover certain relationships, categories and characteristics (Lecompte & Goetz, 1984). For instance, this revealed a form of thematic analysis of the data that I was able to attain by delving deep into the human dimensions of the informants to unveil their personal values, successes, struggles, coping strategies, and ultimately, their dreams (Anzul, Evans, King, & Tellier-Robinson, 2001).

Lofland and Lofland (1984) recommended a balance of description and analysis. Approximately half of the report was devoted to graphic data comprising accounts of events and communications; the remainder of the report then conceptualised the connotations and implications of the data. Difficulties to be mindful of are under-elaboration (where data is not clearly explained) and over-elaboration (in a design with too many divisions). A picture of what women experience at work was best obtained through analysing human behaviour and reporting it in a way that provided both descriptive and significant data. This means of data analysis enhanced the quality of conceptualisation and theoretical development in researching auxiliary womens’ learning within legal practices, even though there were some restrictions associated with the study.

4.3.3 Presentation of the data

In writing up the data I had to provide enough detail to illuminate the participants’ perspectives. The main aim of applying narrative writing was to speak directly from participants’ viewpoints; to concede their visions and the realities of their lives
(Krizek, 2003). As I wrote the analysis, from the interview and reflective journal data, the participants were provided with draft copies so that they could add, amend or delete data. This phase of data presentation was intended to empower the participants (both managers and auxiliary level female staff) so they could reveal workplace affordances for women’s learning and women’s level of engagement in learning practices at work. Therefore, throughout the next two chapters the method of integrating raw data and direct talk is intended to provide the reader with a means of adding depth to further validate the research data.

4.4 Strengths and limitations of the study

It has already been established that this study required workplace managers and auxiliary-level women to participate in an ethnographic study incorporating interviews, observations and reflective diaries. The study is limited to three legal office sites but it strength lies in the immersion of the experiences of nine auxiliary level workers, and their managers. Ethnographic methods allowed me, as the researcher, to collect interview data and observe behaviours, and to probe for clarification when answers were obscure. Since the researcher was instrumental in gathering data from these methods, it was a continuous struggle to remain open-minded and politically neutral Herndl and Nahrwold (2000). It was also necessary from time to time to keep a participant from diverging from the original questions, or from simply providing answers to questions that the researcher wanted to hear. Another consideration was that the literature indicates that qualitative research often silences the voices of marginal groups such as women (Carspecken, 1996). For example, Higgins and Koucky (2000) have pointed out in male-dominated professions women often have their suggestions ignored, receive less feedback than men and are characterised as aggressive. In contrast, this study focussed on giving women in these groups a voice.

It is also acknowledged that the results may have been different had the study been completed:

1. at a different time with different participants
2. with additional participants in specific age and/or with specific skill sets
3. within divergent socio-cultural dynamics
4. within diverse economic structures where systems and information technologies are at the opposite ends of the spectrum, or
5. with diverse time and management opportunities

However, since research within legal workplaces is sparse, it was necessary to establish a foundation from which to examine women’s learning experiences. The need for replication studies and further research based on the findings of this study is detailed in Chapter 8.

4.5 Summary

This chapter has provided the framework and procedures for obtaining the crucial data to illuminate auxiliary-level women’s learning experiences within the legal workplace. It has recognised critical ethnographic research as the most appropriate means to examine what really goes on within the legal environment. Case studies within three legal practices provided the researcher with the means to find out what should happen and what does happen within the workplace. This was undertaken, firstly, with the practice managers who determine office practices and authorise procedures and secondly, with the auxiliary level staff who work for them. Data were triangulated within the study through the methods of observer as participant, analysis of reflective diaries (of researcher and participants), and interview transcripts. The collection of data involved gathering information about the interactions between management and staff to be able to understand and interpret this information in the following chapters. Interview, reflective diary and observation data were then considered from multiple perspectives to identifying themes and relationships amid those themes. The focus of the study was on management who have power over others’ learning within the workplace and the power of the employees to participate and engage in learning at work. The next chapter (Chapter 5) commences writing up the findings of this data, with a narrative of practice managers’ perspectives. This chapter is followed by Chapter 6, which begins by introducing profiles of the participant auxiliary level women, their positionality at work, and examines data collected from these women.
Chapter 5

Analysis of management practice

5.1 Introduction

This chapter presents the three practice managers’ perspectives of the conditions of work that underpin auxiliary womens’ learning experiences within legal workplaces. Extracts from my personal journal are interlaced with the managers’ contributions to elaborate my renderings of their perspectives. As foreshadowed, the study took place within three legal workplaces and focussed on the experiences of nine female auxiliary level workers. From the interview data that furnished the managers’ perspectives, themes emerged to provide informed understandings of management practice in these legal workplaces. One of the most predictable themes illuminates the boundaries of practice (between professional and auxiliary workers) that shape work and learning (opportunities). Following on from this finding, the work most valued further emphasises the division of labour and workplace opportunities within these work environments. This is evidenced in the differences between professional and auxiliary staff education and the status of professional staff development, and the opportunities afforded professional workers in the workplaces. Practice managers perceived staff engagement in learning as an intrinsic preference and Continuing Legal Education as the main means of learning and professional development. Yet, change governed the learning in each of the three workplaces and provided the stimulus to promote current and future learning for all categories of workers.

Fenwick (2002) argues that, to best understand the conditions and outcomes of workplace learning, informed inquiry should comprise 1) multiple perspectives of the conditions for work-based learning, 2) the choices available to workers and 3) what really happens to individuals when they learn at work. Without such perspectives and a comprehensive account of what affordances the workplace offers and an understanding of the engagement of workers the processes of that learning cannot be properly appraised. Taking these concerns forward, this chapter concentrates on elaborating the conditions for auxiliary staff and their learning. It must firstly be stated however, that it is not surprising that professional legal practice is bound up in traditions that distinguish between different kinds of work. Further, as professional legal work involves extensive tertiary education, preparation and
induction, this establishes boundaries between the work done by legal professionals and auxiliary workers. It is where these boundaries are contravened that provides a basis to explore the divisions and barriers that exist within legal practice work. Here, in Chapter 5, the focus is on understanding the conditions for the learning of auxiliary workers. Chapter 6 considers women’s perspectives of workplace affordances and their engagement in learning through their work. This chapter presents an analysis of interview data collected from three legal practice management representatives (from three separate offices). Pseudonyms were used for each of the offices and managers – the offices of Gilston Law (GL) with manager Matthew, a tall, dark and fine-looking solicitor, Boyd Law (BL) with manager Rose, a petite and dynamic woman in her mid-thirties and Macarthur (ML) with manager Maria, a very smartly dressed and self-confident woman in her early forties. So, two of the three practice managers are women. The issue is not gender per se but how ancillary rules that are gendered may marginalise some women.

This section illuminates what practice managers say should be happening within the workplace for auxiliary level workers. These contributions can be thought of as a set of intentions for workplace practices that may or may not be enacted with fidelity. They can be seen as the ‘intended’ workplace curriculum (Billett, 2006a). In this way the chapter provides a more comprehensive account of the conditions for learning by auxiliary workers in the three legal workplaces which are likely to explicate the intended work curriculum and lead to positive change. Throughout this and in the following two analysis chapters, I have also woven through reflections drawn from my work diaries that illuminate some of my personal experiences working within the legal environment.

5.2 Developing an understanding of management practice

My work diaries revealed many entries about management practice; this extract highlights ongoing nuances of frustration:

Legal secretaries often ask me – ‘why can’t we be taken seriously?’ I hear the frustration in their voices and share their feelings of despondency. For years, I have been advocating structured learning programs that would enhance their performance but, to no avail. Then, finally, there came a proclamation - on the partners’ authority there is to be a weekly secretarial group meeting for the purpose of discussing the learning needs of the auxiliary staff. The partners’ solution is to allow the girls to organise
learning for themselves; it will be up to them to identify what they don’t know, work out how to overcome what they don’t know and establish a manual for future training and development. It is no surprise to me, but once again I am disappointed and disillusioned because without some direction and guidance it won’t happen.

(Journal entry, 18 August 1998 – Appendix K)

It was these kinds of episodes between legal staff and management that, in the first place, persuaded me to investigate managers’ perspectives of auxiliary workers and how they learn through their work.

5.2.1 Practice managers’ perspectives of workplace learning

Modern business practice must compete on various levels to meet the ongoing challenges of change required for work performance (Davis & Sumara, 2001; DiFazio, 1998; Fenwick, 2001a; Livingstone, 2001). Within this constant flux of change, legal practices are no exception. Practice managers have to exercise professional responsibilities in managing workplace change and the ongoing development of auxiliary and professional staff. Both auxiliary and professional legal workers rely on practice managers to provide them with apposite legal, financial, technological, administrative, and human resource management advice. Even though there may be legal offices where formal policies are not in place to underpin practices of management, every legal practice in Australia is bound by employment regulations and legislation. Yet, how these regulations and legislative arrangements are enacted is likely to be different across legal workplaces, because of their particular norms and practices. Therefore, in order to be aware of the conditions of workplace experiences in the current study, the expectations and intensity of what is to be enacted in each of the three workplaces need to be understood. This section presents and discusses what three managers say about their legal practice workplace affordances for non-legally qualified staff (in some cases compared with professional staff). It begins with a discussion on accepted practices. The purpose is to establish whether practices within the work environment are conducive to auxiliary womens’ learning at work, by considering the intended and enacted workplace curriculum.

5.2.2 Work distributions across the boundaries of practice

In each of the three legal practices the principal/practice manager shaped the distribution of work tasks. That is, the allocation of specific tasks (e.g. cases, briefs and contracts etc) was conducted by the norms and practices adopted by each practice
manager. Therefore, understanding the bases of this distribution, such as the preferences and norms for these decisions, might say much about both the intentions and the enactment of conditions for learning in these three workplaces. However, in relation to work responsibilities, managers understood two distinct levels of a working social structure – “professional staff are responsible for legal issues” – (Maria), they are “principally fee producers” and “have the responsibility of client control…all legal files and effectively the dealings with clients” – (Matthew). Whereas, “support staff take care of the mechanics” – (Matthew), which in effect is “the administration of legal matters” – (Maria). That is, managers made a clear distinction between what was expected of professional and auxiliary staff in terms of income generation and conduct of work. These views suggest that the very nature of employment status creates a dividing line between the work performed by professional and auxiliary staff employed within the legal sector. As noted, this is perhaps hardly surprising given the delineation of legal practice work that is premised on the long periods of specific training and process of induction that professional legal staff pass through. There are also cost factors, with professional staff needing to engage in activities that best develop their professional expertise.

However, beyond the mandatory formal qualifications of professional staff, the differences between the responsibilities of professional staff and auxiliary staff in day-to-day practice may not be so wide or difficult to transcend. “In some other practices you may find that the professional staff are the only staff who ‘time record’ whereas in this office the support staff also ‘time record’” (Maria). That is, auxiliary staff also record the time they have spent performing specific legal work; a practice generally performed by professional staff. Consistent with this view, Rose, the legal practice manager at Boyd Law acknowledged that there are para-legals who have full carriage of legal files and only “need to consult with a solicitor if they have a legal problem”. These practices propose that although distinctions exist between professional and auxiliary work practices, based on legal expertise and procedural matters, some auxiliary staff are considered professional and engage in professional legal work. So, auxiliary staff may be treated like professional staff in the monitoring of their costs and the degree of legal expertise they are expected to use, but because they do not hold a law degree, there is little else to indicate that their status is comparable in some procedural ways. However, there were norms and practices that delineate work, and although these were different, the common feature across the three practices was the key delineation between professional and auxiliary work.
5.2.3 Work most valued in the legal office

In the early phases of the interviews, my aim was to identify the kinds of work most valued by managers in each of the legal practices. I reflected on a time when I first consulted with the partners to discuss the importance of human resource management:

If we are to keep up with current trends it is vital we consider change management. I’ve thought about for a long time and I’m passionate about change. I approached the partners and requested my role of practice manager be re-designed. Two of the partners would listen to my proposal. I argued for strategic financial management and the appointment of a qualified accountant; changing technology and the need for an information technology manager; and the strategic direction for human resource management. They appeared to listen, but I know they didn’t hear me. Their concerns were clear – fees rendered and nothing else mattered. The partners’ argument was that the computers are new - there is no need to be concerned about IT and as far as human resources is concerned – nothing but rubbish! Their attitude to matters critical to improving the management of the practice throws me off balance – I feel as though I’m almost forbidden to convince them.

(Journal entry, 12 March 1995)

The interviews were designed to establish how practice managers value work and they began with a simple question - What work is most valued in the practice? The meaning of value for Matthew had different connotations to that of the other two managers:

Everyone’s work is important and, therefore, every individual within the practice is valued. From the legal practitioner who generates fees, to the office administrator who takes care of the day-to-day management of the office, to the office junior who answers the phone, takes the mail to the post office, and attends the bank. With each of these employees doing what they do, the office is able to function well.

The message was obvious; every individual within the practice, from the most junior to the most senior, was considered necessary otherwise it would not be possible to run a practice efficiently. However, they were paid differently and afforded different opportunities. Value for Rose from Boyd Law and Maria from Macarthur Law was knowingly associated with the kinds of work performed within the practice.

“Securities work is most valued because, due to the volume of work we receive from our clients, it is more profitable” – (Rose); and “commercial transactions are most valued because they are fee producing” – (Maria). Interestingly, in GL the work carried out by employees across all work boundaries was claimed to be highly valued
whereas in BL and ML value was perceived as being associated with the commercial value of work. So, whereas at the offices of GL, value was placed on process, at the other two practices it was on outcomes.

It is easy to relate to the commercial realities of any business; but as Kincheloe (1999) points out, when values relate to practices, what is advocated frequently differs from practice. That is, there are likely to be gaps between intent and enactment. It is commonplace and not surprisingly to find that support level staff are not appreciated to the same level as professional staff. The opposite would be most noteworthy in a sector that is characterised by workplace hierarchies. From my observations and field notes, not surprisingly given each of the three organisation’s norms and practices that different norms and practices were evident. For instance, professional staff members occupied more space than auxiliary staff and had larger offices with larger desks. Additionally, professional staff did not wear a uniform, whereas in all three legal practices the auxiliary staff did wear a uniform. The fact that non-legally qualified workers occupied less space than professional staff, whilst management claimed they were equally valued, also reflected the norms and practices of the workplaces. So, across the three legal practices this study examined intended practice to establish whether it was different from enacted practice.

The literature on work and gender draws attention to other instances that may affect auxiliary level employees. For example, when women’s suggestions were ignored (Higgins & Koucky, 2000) their views were devalued (Cox, 1996); and when they were subjected to negative attitudes and oppression on a daily basis (Heaven, 1999) it would appear they were not valued to the same degree as professional workers. This appeared to be the case for the cohort of auxiliary workers of this study. From this, it could be construed that the meaning of ‘value’ needs to be further qualified, and values in action need to be further examined, on the basis of how they are used. Indeed, such valuing perpetuated a division of labour and exercise of opportunities based on the perceived value of workers (as premised on assumptions about personal or professional potentialities), rather than on the complexity or importance of their work to the legal practice. The levels of importance practice managers attributed to staff education are explored next through a consideration for opportunities for further development for auxiliary workers. This includes the diverse values exercised for different kinds of legal workers.
5.2.4 Differences between professional and auxiliary staff education

There is consistent evidence internationally that enterprises expend funds on staff development in differential ways depending upon the level of education, age and the status of the workers (Marchington, Grimshaw, Rubery, & Willmott, 2004; Spencer, 2001). Australian employers cite the preservation of professional status as the foremost purpose for work related training (Australian Bureau of Statistics, 2003). Typically, studies also report that older, less skilled, female workers will be the subject of lower levels of expenditure on their development than those who are younger, professional and male (Renaud, Lakhdari, & Morin, 2004). So, there is evidence that auxiliary workers in legal workplaces receive less attention and expenditure in their ongoing development, than their more educated professional counterparts.

Continuing education within the legal profession (and often in the workplace) is offered by the Queensland Law Society under a program called Continuing Legal Education (CLE) and offered exclusively to its members. That membership is restricted to solicitors with current practising certificates (i.e. professional legal workers). As well, the Law Society has a mandatory Continuing Professional Development (CPD) Scheme where all professional practitioners are required to complete ten credit point units over every twelve month period. Legal education at the practice level is usually based on new legislation and/or related legal issues.

Matthew from Gilston Law clarified the differences between professional and auxiliary staff education: “The Queensland Law Society offers Continuing Legal Education (CLE) and Continuing Professional Development (CPD) for the professional staff, but legal education is not made available for auxiliary level staff”. Whereas in Maria’s office, exclusion of auxiliary staff was not obvious “these (CLE) seminars are organised around legislative matters and the professional staff would be expected to attend, but auxiliary staff are not excluded….if they chose to attend.” This is evidence that, even though the Queensland Law Society’s focus is on professional legal education, there are some offices that do not exclude auxiliary workers’ participation.

Overall, from these managers’ perspectives it was apparent that expectations and privileging of ongoing development lay with the professional staff; the raison d'être being that professional staff were responsible for practising the law, and as they were legally qualified to practice their learning must keep abreast with any changes to
the law. Auxiliary work also changes and even though auxiliary staff in one of the offices were not prohibited from attending CLEs, it was doubtful whether they were actively encouraged by management to attend. At one level, none of this privileging is surprising. At another, it would appear that because of a growing expectation for many auxiliary level staff to perform professional work that is constantly being transformed it might benefit the overall practice if they were encouraged and supported to attend CLEs. Persisting assumptions elaborate the differences between opportunities for professional and auxiliary workers’ access to organisational and professional development activities. Yet, changing work requirements questions these arrangements in the shadow of ongoing professional development and one should note the marked differences in the standard of these workers.

The interviews then sought to establish how practice managers would describe the learning process for every individual staff member in the workplace.

5.2.5 Staff learning practices

My work diary took me back many years to when my passion for reading human resources journals was born and I made the decision to return to study. It still amazes me that in the face of much resistance that my passion could not be destroyed:

How obtuse of me to expect a lawyer to support my aspirations. His words echo in my head….and my head aches…. ‘Why aren’t you studying law? Or accounting? Who has ever heard of Human Resources? It’s just a trend in the US and it will phase out before it hits here (Australia). You must be joking! Why waste your time? You have worked in legal for such a long time…you know legal accounting inside and out…it is only logical you should study accounting or law.’ His words aggravate me and to make it worse I am irritated with myself because I am too controlled – I should have argued and supported my case but instead, I was left to shrink back to my room.

(Journal entry, 22 October 1990)

Practice managers’ understandings of how auxiliary and professional legal workers learn at work emphasised the divide between professional and auxiliary staff in their practices. There were unambiguous pictures of professional staff being provided with professional guidance, while auxiliary staff directed their own learning. Matthew described the differences at Gilston Law:

As the principal of the practice, I provide guidance in legal education. Files are given to professional staff and I mentor them through total file management. I sign all of the letters, jointly with the other practitioners, and, therefore, read everything. If there is anything that the solicitors need to
learn then it is on an ad-hoc basic as issues arise in the correspondence or documentation. The auxiliary level staff learn through the work they perform and they work well with others. They exchange ideas.

It was evident here that support for participation in auxiliary learning was shaped by workplace hierarchies, with professional staff being afforded support and guidance by management. Co-workers were expected to engage in tasks appropriate for their level of development. Conversely, for auxiliary workers here learning was less structured and guided. Rose provided a more comprehensive account to reveal other differences at Boyd Law:

The auxiliary staff members usually learn by teaching themselves, teaching each other or making enquiries of external authorities or institutions that may be able to assist. For example, if an authority or institution changes a form or procedure then the affected staff member would try to learn the new work practices that are required, to cater for the change. If any one member of staff attempts to learn something, but has trouble understanding what is required then she would usually call upon other staff members for assistance. If after the involvement of other staff members she is still unsure of how to perform a task, she would approach the relevant institution for guidance. Therefore, there is an unwritten procedure – step 1 attempt the task as an individual; step 2 involve other staff members in the learning process and see if collectively the task can be completed successfully and step 3 make enquires of the relevant authority or institution.

Interestingly here, the articulation of the learning practice as a workplace procedure or norm was based on what makes the difference between professional and auxiliary workers. From these accounts, there appeared to be two distinctly different learning practices within the legal workplace. Professional practice was underpinned by legislation and closely supported by the partners, whilst auxiliary level learning was almost left to chance and the auxiliary workers’ own agency as learners. This is evidence that auxiliary workers were expected to engage in pedagogies of necessity to perform their jobs. However, if auxiliary level staff were expected to provide a range of activities to support legal practitioners in the carriage of the law, then surely their work-based learning should be of greater priority than was portrayed here. So from the limited range of workplace learning opportunities provided, it seems that auxiliary work is of a much lower status than professional work.

The interviews then progressed to establish how auxiliary and professional staff members were encouraged to participate and engage in learning.
5.2.6 Engagement in learning across the workplaces

Current research has highlighted the need to engage workers in learning (Billett, 2000, 2001a; Fenwick, 2001a, 2002; Livingstone, 2001) in order to maintain their workplace currency. Billett (2001a) argues that as well as intentional learning episodes, opportunities for learning through everyday work activities need to be considered if the full potential of workplace learning is to be understood. That is, the process of engaging in everyday tasks in the workplace has a cognitive legacy for those who conduct that work. Engagement in goal directed activity, such as those undertaken at work, necessarily extends beyond the mere deployment of individuals’ knowledge and includes changes in individuals’ knowledge through its deployment. The task of understanding what is required, selecting a solution strategy and enacting that strategy are all processes that leave a legacy in the form of cognitive change (i.e. learning) (Popper & Lipshitz, 2000). Yet, engagement in work and learning is closely linked to individual performance and other outcomes, such as shaping an individual’s work and expanding their working knowledge. Given the constructive nature of human learning, engaged workers in the learning process may also provide a better measure of an organisation’s quality, in terms of individuals learning and the outcomes for a legal practice. Therefore, from a management perspective, auxiliary workers’ engagement in work-related learning can be related to effective work practices and employee development.

Such development includes opportunities afforded to auxiliary staff workers. Matthew relayed a recent set of circumstances where an auxiliary staff member was encouraged to become a professional staff member. As a result of the sudden departure of a solicitor, the auxiliary staff member, who had been a legal secretary for many years, was offered the opportunity to study law. The principal encouraged the secretary “to learn” by providing her with her own office space. Providing a separate office “contributes” to the staff member’s “independence” and to her “contribution to the practice” – (Matthew). Private space was perceived to be a contributing factor to greater independence, contribution and learning. Space can also be important for individuals and their personal interactions from which much of everyday learning occurs. It may also indicate the relative standing of individuals within the workplace. However, the proximal relations between auxiliary workers in shared spaces may well support particular kinds of learning and assist the development of their capacities in auxiliary forms of work. This constitutes the process of close guidance, but also
indirect guidance realised through observations and imitation (Billett, 2001a). However, space also, in these three workplaces, represented something else: that some kinds of work required discrete and spacious offices for their conduct.

The three managers all agreed that all staff members (professional and auxiliary) were encouraged to learn at work. Though, in practice, engagement in learning “always gets back to individuals and their desire to learn” – (Maria).

Engagement….well, that varies. We have a couple of staff members who have very high standards and capabilities. They would never “half do” anything and always give nothing less than 100%. There are other staff members who will always give of their best, however just do not have the ability to perform at the same level as those who have very high standards and capabilities. There are a couple who would never put in the full effort - Rose.

Rose and Maria considered it was ultimately up to the individual to aspire to engage in learning. However, it was not obvious whether managers promoted engagement in learning for auxiliary workers in the same ways they did for professional workers. It would appear that the three principals/managers perceived engagement (in learning) to ultimately be an individual option, a fixed personal trait, that could not be transformed. However, the invitation to learn provided by the workplace was significantly weaker for auxiliary staff than that afforded professional staff. Yet, both categories of workers were required to constantly learn in order to maintain their workplace competency.

5.2.7 Support for auxiliary and professional staff learning

The kinds of organisational support systems available to workers shape their learning experiences (Billett, 2006a). Data revealed that support for professional and auxiliary staff learning differed across the three offices. At Gilston Law support at the professional level was immediate and ongoing, whilst auxiliary staff received support at a different level; a level perceived to be suitable for non-legally qualified individuals.

The professional staff are guided by myself - I oversee all of their work. The support staff is guided by the office administrator. She provides the junior staff with guidance that not only encourages them for the good work they are doing but it also helps them to avoid making mistakes. If any of their work is inaccurate then they are given the help they need to fix it - Matthew.
It was evident that this manager perceived professional workers as needing professional guidance whereas auxiliary workers were expected to rely upon guidance from a subsidiary non-professional level. However, in the offices of Boyd Law Rose encouraged workplace learning for every member of staff principally by engaging in learning herself. “I continually increase my own skills and knowledge…. to prompt them to further develop their own” – (Rose). In Macarthur Law Maria reported that support for auxiliary and professional staff learning involved continuing legal education “CLE’s are provided and there are no lines drawn”. Thus, it was apparent any member of staff would be welcome to attend CLE seminars in this office. The managers’ perceptions of support for learning were at variance across the legal workplaces and emphasised how organisational opportunities shape the prospects for auxiliary workers’ development.

From the above, it was evident that there was a clear distinction between the professional and auxiliary staff in GL, which suggests a hierarchical system. However, in the other two offices, despite a general understanding that learning was supported, support in BL was claimed to be more inclusive (i.e. for both professional and auxiliary staff), but restricted in ML. In the latter, it could be construed that CLEs are the principal means of learning within the legal environment. There was acknowledgement that learning took place through work activities, but this was seen as being a less important kind of learning that did not receive support through direct guidance. It was unclear however, whether other learning took place within the legal workplace. It was also unclear as to what the extent of that learning was and how staff members adapted to constant change within the legal environment.

5.2.8 Change within the workplace

Workplaces are generally seen as environments of constant change (Fenwick, 2001a; Livingstone, 2001; Wood, 2004) as work tasks, technologies, customer requirements and, in the case of legal practice, legislation changes. These changes include specialisation, new skills and new ways of working. Twenty years ago many legal practices and individual legal practitioners provided legal advice and services for almost all areas of the law. Auxiliary level staff at that time were required to be multiskilled in accordance with practice and practitioner needs. But today, many solicitors have had to adapt to practice exclusively within one area of the law. This requires providing expert advice and professional services in areas of the law such as criminal law, employment law, company law, family law, personal injuries law and
sports law because of client demands for specialisation and speed of service. In concert with these changes to practice, many auxiliary level staff now concentrate their work on complementary specialist legal areas, because that is what their practice focuses upon. These changes have meant legal practices and the individuals who work within them have had to adapt to new ways of practice to remain competitive and auxiliary workers have developed specialisations. Given the changes to work, how workers adapt to these changes is important for team performance (Goleman, 1999). It also suggests that the kinds of learning experiences that auxiliary staff will encounter in their work activities are likely to become more differentiated. This may serve the needs of professional staff who can build a career on specialisation. However, the benefits may not be so clearly that for auxiliary legal workers. It may even restrict their opportunities for employment and development.

Indeed, change was an accepted phenomenon for each of the practice managers. I was keen to find out how change happens in the workplace and how it affects auxiliary level workers. The responses enabled me to understand more about the interrelationship between managers and auxiliary staff. Change for Matthew was tangible and related to the re-design of the office, and had resulted in a reduction of space for the auxiliary staff. It was their new and pristine premises I had witnessed on my visit. The priority was on providing more space for fee-producing professional staff, rather than on considering how auxiliary staff might adapt to losing space and yet still conduct their work effectively. Staff adapted because they were “kept informed about how, why and when the changes were taking place” – (Matthew). In BL and ML recent kinds of change were linked to administration and technology respectively. Their stories also revealed management confidence in thorough planning and good communications. First, Rose from BL relayed a recent change that appeared to be uncomplicated, but in fact was quite complex. It involved a prominent client changing the name of their business. “Our office had to arrange for all (computer) precedents, documents, forms and correspondence that were set up under the original name to be changed” – (Rose). The way it was managed was “with a structured plan to minimise any disruption”. Auxiliary staff were provided with “instruction and guidance” and because they were advised about the impact of the change and how it would be managed “staff generally adapted quite well”. Rose considered adequate training and clear communication as important factors in the change process.

However, Maria faced an even greater challenge - a complete software conversion. ML not only upgraded their computer equipment, over a twelve month
period, but also converted their software from Corel WordPerfect to Microsoft Word. The process involved “communicating with all of the staff” to advise them “exactly what was happening” – (Maria). Staff were constantly asked if they had any “concerns’ which would inhibit their engagement in the process…..and then in-house IT supported the change”. Maria was satisfied that that the project had minimal impact on auxiliary workers and their work. So there was evidence across the three practices that whatever change to the physical conditions of work, the kind of administrative work that was undertaken was understood by the auxiliary staff. Overall, the process of change in each of the three offices was viewed from the practice managers as being well orchestrated and successful. The workers’ accounts of these changes are discussed in Chapter 6.

Technology and continuous updating of accounting packages happen regularly for most offices in the legal sector (and the wider workplace). The intentions of the managers indicated they considered planning and clear communications to be the key to successful change and to staff adaptability to change. Interestingly, support for change appeared to be contained within each of the practices. Whether any of the managers had considered outside expert advice during any of the change processes was not apparent. It was also not clear whether auxiliary level staff had been consulted or been part of the decision-making process that ultimately affected their everyday activities. The next part of the interviews considered the more formal aspect of office policies. The purpose was to establish what legal practice managers said that might constitute intended curriculum for auxiliary workers.

5.2.9 Guidelines to promote learning at work

In reflecting on the learning experiences of the nine auxiliary workers, I was taken back to my earlier struggle to make a difference:

I walked into the boardroom and quickly sat away from the head of the table. The meeting began with a series of financial issues. It had been conveyed to me this office runs by the rules of ‘Robinson Crusoe’ (maybe because when marooned on an island Crusoe had pets he treated as subjects – so, who are the pets in this office?). The topic I added to the agenda was the introduction of a policy manual for all staff. It was the last entry on the agenda. I was nervous, but presented my case with lawful support and hoped they could not ignore the underlying principles. The partners decided I could bring to the next table some draft policies for them to peruse and approve – but only policies for professional staff. Policies for auxiliary staff could follow at a later date! I am determined to continue my struggle for all-
inclusive policies but for now I am grateful they accepted the notion of 
formal policies at all – albeit in essence a discriminatory decision.  
(Journal entry, 20 June 1987)

Within organisations, such as workplaces, it is often evident across role positions that 
professional workers have more power than other workers (Yolles, 1999), and the 
power relations between professional and auxiliary level workers is often manifest in 
office practices (Fenwick, 2001a). It is likely that policies in law firms are written by 
those in power (e.g. partners/solicitors) to ensure education and training for 
professional staff, even though this practice may well work against the needs of 
 auxiliary workers. A perhaps unintended effect would be that auxiliary staff members 
are excluded from the same educational opportunities as professional staff.

The practices that underpin work and learning in their workplaces were 
acknowledged and clearly valued by the three practice managers. “Our office 
administrator is gradually introducing policies now….policies that cover general 
offices issues such as a professional development policy for professional staff, a sex 
discrimination and harassment policy and an affirmative action policy” – (Matthew). 
Similar kinds of planning and the development of policies were also happening in 
Rose’s office. In the interim, where issues arise Rose considered she handled 
situations fairly with the staff and only “relied on legislation” in extreme cases. 
However, Maria had not reached the juncture where she felt policy was important, 
“we don’t have any official policies….we don’t have a learning policy. We have an 
open door policy for any issues within the office. Staff know they can approach me if 
they have a problem.” Such comments indicate employees were expected to initiate 
contact with management to solve problems rather be guided by formal policies.

So, whilst policies had not been mandatory in these offices, each of the 
practice managers acknowledged their legal and moral responsibilities to all staff. 
Nevertheless, it seemed policies have predominantly been enacted through 
convention rather than based on legislated or regulated edicts. It appeared that some 
of the managers had only recently realised that organisational policies might be of 
assistance to their staff and their work practices, if only to resolve difficult problems. 
Whether the three managers had considered change in potential affordances for 
 auxiliary level learning was cautiously explored next.
5.2.10 Future expectations for auxiliary women’s learning

The purpose of this section was to understand whether practice managers had contemplated any plans to change what they offered auxiliary workers in terms of future learning support and guidance. The learning of female auxiliary employees within the three workplaces was a significant issue for each of the practice managers. They each acknowledged the importance and consequences of improved workplace learning. “It is important that there is improvement in learning in the workplace; particularly for those who do not attend training, such as is offered by CLEs…. I see the co-ordination of more in-house training” - Matthew. In fact, “it should be a priority, with the focus being on providing a ‘hands-on’ learning experience” – (Rose). And, although auxiliary workers may never be subject to disciplined kinds of learning “they should be continually encouraged to learn” – (Maria). However, each of the managers admitted that whilst their intentions were directed by these concerns that often the pressures of work took precedence over the learning that could take place. Here, it was noted that the kind of provision available to the auxiliary workers was that which could be secured through everyday activities while engaged in productive work.

In the three legal workplaces, professional staff workers were mainly responsible for legal work, and auxiliary staff workers were held responsible for completing administrative duties associated with the practice of the law as well as procedural legal work (e.g. conveyancing). As noted, practice managers clearly acknowledged the importance of non-legally qualified women’s learning within the workplace even though professional staff learning was sourced mainly through CLEs and CPDs and auxiliary staff workers learned principally by doing the job. Managers professed to value learning for all and encourage every member of staff to engage in learning. Such perspectives enable us to better understand practice managers’ views of the future for auxiliary women’s learning and the practices and norms at work. They also provide bases for recommending a workplace curriculum.

5.3 Summary

This chapter analysed three legal practice managers’ perspectives on the work-based learning practices and norms that underpinned learning within their legal workplaces. Most learning within the legal workplace was held to be accomplished through
Continuing Legal Education (CLE), with an emphasis on professional staff participation. Auxiliary staff learning processes were essentially realised through the work they performed, that is in a less intended and supported way. However, such an approach denied all the learning that takes place as part of everyday work activities in those practices and did not seek to maximise experience. It was the distribution of tasks, premised upon the perceptions, norms and values of the practice managers which forced auxiliary workers to engage in pedagogies of necessity and in many ways shaped the learning experiences for them. Practice managers claimed they encouraged all staff members to learn, even though support levels and expectations differed. Professional staff warranted professional guidance, whilst auxiliary staff support came from administration and/or peers, and were largely self-managed in shared spaces. Managers also confirmed that supporting policies and/or practices in accordance with legislation were in place for learning within the workplace; that is, learning was highly valued by managers in the legal workplace. It would appear that employees (both men and women) at all levels were not involved in generating ideas and offering opinions on the office policies that safeguarded workplace experiences for all. With the intention of illuminating issues for consideration of all-inclusive learning policies and practices, the next chapter examines the perspectives of a cohort of women who work at the auxiliary level in the legal sector.
Chapter 6

Analysis of auxiliary staff perspectives

6.1 Introduction

The workplace has gained much attention from scholars, workplace educators and researchers as a rich environment for the provision of education and for learning the knowledge required for work performance (Billett, 1996, 2004; Fenwick, 2001b). To expand on an awareness of ‘what really happens’ in terms of learning opportunities and experiences for non-legally qualified women at work, this chapter considers nine auxiliary women’s perspectives of their learning experiences within the legal workplace. As before, reflections on observations from my own work diaries are introduced in concert with these perspectives. It is through the flexible lenses of two central concepts of workplace affordances and individuals’ participation that the chapter identifies the learning-related and identity-forming experiences of auxiliary legal workers at and through their work. This occurs, firstly, by considering workplace affordances for learning and women’s understanding of how such philosophies interrelate with everyday practice; and secondly, by examining how women’s participation in learning at work influences their professional and personal development at work. In telling their stories, the women’s learning experiences illuminate how they learn (and how this is different from professional workers); how they engage in learning practices; and how they identify, question and change ‘self’ through workplace learning practices. The women’s perspectives enable a better understanding of how women learn at work (within the legal arena) and provide insights into how work practices may be improved to enhance future workplace learning. However, as I read my work diary there was a powerful reminder of the fragile nature of auxiliary women’s employment:

There was an incident between a solicitor and secretary. The solicitor had physically pushed a secretary during an altercation over a work issue and there was compelling evidence that the solicitor was at fault. My intention was to counsel both solicitor and secretary and then make an assessment as to whether they could continue to work together – how could this happen in a legal office? Surely the solicitor was aware of the severe (legal) consequences. I was confident the partners were convinced of the severity of the offending solicitor’s behaviour until one of them stunned me with his reaction. Very bluntly he informed me that no matter what the episode the solicitor would always be supported over the secretary and if anyone had to
leave it would always be the secretary. What about equity? What about the law? What about Human Resource management? I am bewildered by his transparent intolerance to the needs and safety of support staff. I am even more bemused by the blatant support for the person responsible for such an act. This is a legal office and if they don’t get it who does?

(Journal entry, 10 October 1991)

The above occurrence was uncommon, but nevertheless it highlights the need to investigate auxiliary women’s experiences of learning through and for work. Ethnographic data were collected from a cohort of nine female auxiliary workers from the three legal offices that were the focus of this research – Gilston Law (GL), Boyd Law (BL) and Macarthur Law (ML). A series of three one-hour interviews, observations, and reflective diaries were used with three auxiliary level women over a six month period and one-hour reflective interviews with the same three women after twelve months. My visits to each of the offices generated discussion amongst the staff and, eventually, I was approached by two senior legal secretaries from GL who voiced their interest in my study. I enquired at all three offices and four auxiliary women from GL and two from ML volunteered to be participants. Further data were then gathered from one-hour interviews with the six additional auxiliary workers within general legal practice. As well, field notes and reflective diaries were maintained by the researcher for the duration of the study. To reiterate, the main purpose of this investigation was to examine the learning experiences of auxiliary level women, the opportunities for learning afforded to these same women, and women’s engagement in learning activities within the legal environment. This chapter presents what female auxiliary workers reported knowing and experiencing about legal workplace conditions that impacted on their learning experiences at, through and for work; women’s positionality and identity at work, women’s questioning and transformation of the work self; and women’s future aspirations. Brief profiles of the women who participated in the study provide a preamble to the analysis.

6.2 Profiles of the female participants

Non-legally qualified persons who work within the legal profession are generally referred to as secretaries, but there are those who are recognised as legal/law clerks or para-legals. Each of the female participants in this study had extensive careers (in excess of eight years experience) in the legal sector, attaining the level of senior
The narrative voices of these senior auxiliary workers enriched this study (for further description of the participants see Appendix L). Choosing employment within the legal workplace seemed to be a natural progression for all of the participants who shared very similar backgrounds. Working within the legal environment seemed to hold a strong, but in some ways common, meaning for each of the women. They used words such as ‘challenging’, ‘motivating’ and ‘exciting’ to describe “a professional area of employment” – (Anna) where they “provide a good sound legal service” – (Tina). For the women in this study, work and learning were necessarily intertwined and it was the workplace norms and practices that determined how they went about learning at work. To understand more about these women, the following section considers the women’s perspectives on individual learning experiences at work, and on learning practices sanctioned by practice managers that influenced their learning at work. These perspectives may influence other women’s experiences and help them to reflect on their own circumstances which might lead to positive change within legal and broader workplaces.

6.3 Work and learning supported in the legal environment

On my first day as practice manager (for a legal practice) I crossed the threshold of a ‘secret’ room (behind the accounts department) and discovered a work challenge that would concern me for many months to come:
The room was dark; reminiscent of a bygone era; the floor sheathed in layer upon layer of aged linoleum, floral and other bright squares of competing colours. Peeking through the cracks were newspapers; headlines from World War II distinct from the Holden, Vincent’s and Vegemite advertisements. Draped from the ceiling on all four walls were floral curtains, frayed at the edges, hanging, but only held together with years of dust. Behind the mask were files dating back to the 1950’s. I was hesitant but almost reverently selected one file and carefully untied the faded legal pink ribbon. It was a conveyance and cosseted at the back of the file a title deed to the property. I was struck by apprehension because it is not going to be an easy job. The age-old system has to be bought into line with modern practice. Then my determination kicked in and I made a silent oath to find and secure every deed contained within these files – no matter how long it takes! I am encouraged by the challenge even though the learning curve will be arduous for the staff.

(Journal entry, 22 October 1987)

It is two years later, the job is done and I have learned so much about the clients and legal files. I’ve also learned a lot about the solicitors who tried to block me and cover up their appalling mismanagement of deeds. I am in high spirits but I know there is little time to indulge – there is much more to do. My personal commitment from this day is to continue the struggle to make even more effective changes within this legal practice.

(Journal entry, 12 November 1989)

At the beginning of each interview, I asked the female participants what kinds of work they carried out. As the interviews progressed they began to describe what support they received in learning new tasks to be able to better perform their work. As anticipated, all of the nine women described various levels of legal support work, such as secretarial duties (for professional staff), file management and client liaison within various areas of the law. There was nothing unexpected about the legal work these highly experienced women performed. However, what was interesting was their responses and reflections on issues of support within the workplace.

There was awareness amongst all of the women of the “obvious line that divides the professional staff from the auxiliary staff within most legal offices” – (Anna). The women told me that workplace policies (if there are any) are generally only written for the benefit of professional staff. In the event of policies not being available then statutory laws always apply. The participants repeatedly revealed that practices and management values associated with work and learning are entwined across this periphery; the consequences being that “auxiliary staff are definitely treated as lower class” - (Anna). Anna from ML rhetorically asked “why is it that non-legally qualified staff members receive less pay than professional staff members if they are equally supported or equally valued in the workplace?” She answered her own question “it’s because our work is less appreciated”. This is evidenced by “the
work most valued in the practice which is the work that immediately gets fees” – (Tina). It is for this reason and because “legal fees keep the doors of a practice open” that professional work “is valued over and above support work”- (Mia). It would seem that “the historical hierarchical systems in place (within law) will always value the work and learning of professional staff first” – (Anna). Not surprisingly, this is evidence that workplace affordances support learning in favour of the direct fee generating capacities and professional staff.

The word ‘solicitor’ would often elicit a reaction that touched on deference to difference– “solicitors are different…they’re highly valued” – (Mia) and they “expect to be valued more and earn more” – (Louise). “Even though I believe my work is valued… certainly a lot more is expected of the professional staff I guess because they have law degrees” – (Anna). After that statement, Anna sounded almost hesitant, but haunted by past experiences - “but if values are an indicator of attitudes and behaviours then generally there are diverse levels of values in legal practices”. With confident voice she told me that anyone with a law degree is “superior”, junior auxiliary workers elicit “no thought” and articled clerks “well, they are the least valued of the professional staff”. Mia also told me “articled clerks are not valued the same as solicitors”. In much of their talk, the women explained the different levels of experience amongst auxiliary workers but it was apparent the divisions were between professional and support staffs. Even though most of the women recognised their work was valued to a degree, they associated greater value with professional (legal) kinds of work. It was evident that management’s value of staff was also, not surprisingly, determined by the individual’s position; a secretary was less valued than a solicitor, and at the professional level an articled clerk was less valued than a solicitor. So then hierarchies were expressed in the privileging of remuneration, space, discretion and opportunities for structured learning. It was this unspoken set of values which discriminated against workers lower down the hierarchy, and ignored the possibility that their work was complex, demanding and as worthwhile as the work of those further up the hierarchy.

There were more working examples of this phenomenon played out in different ways, and time and again the women were crying out that they were treated differently. Mia mentioned in any office she worked in if there were a solicitor and a female secretary employed to commence work on the same day, the solicitor “would be taken out to lunch” where the secretary would not. In Sarah’s first job she was not able to enquire about how to go about her work because she would constantly be
asked “why haven’t you learned that yet?” She compared the support extended to articulated clerks and told me the feelings of “inadequacy” had not left her. Once, on return from holidays, Louise found that partners’ secretaries had received a pay increase. There was an embedded assumption that because she carried on the work of a retired partner she would also receive an increase in her remuneration, but she was overlooked. “I was more or less doing one partner’s work, but not entitled to a pay rise.....I don’t agree with remuneration being given for who you work for” – (Louise). “Often decisions are made without the (auxiliary) staff having any knowledge” which means “support for the office staff is not really there” – (Tina). Tina explained:

There is no process of support for learning for the non-professional staff. The professional staff...well, there are policies that encourage and support their learning...there are always choices coming through for them to be learning but they are not always taken up; but at least the information is coming through all the time. Whereas for the office staff, there is not really even the knowledge coming through of what is out there or what is available to them, and there is really no encouragement for them to do any formal learning apart from learning on the job. Workplace norms and values...to a degree, no, they are not really consistent with my interests and values, because I would be doing more I think to help the staff to learn as they go, and I would certainly be supporting them more with any sort of information or help that they needed to get them to do their job more effectively, and I would certainly...if it was all up to me, be supporting them more with learning.

The women’s views were consistent in that they did not believe auxiliary staff were supported to the same degree as professional staff. They also indicated that the values of a legal practice were not always consistent with their own values. This included their perceptions about the value and worth of their work. Tina volunteered that “there are great chasms to be filled” before auxiliary staff would be fully appreciated. For auxiliary women to feel supported the gap between the work and learning support afforded to professional workers and auxiliary needs to be less. The participants described the differences between professional and auxiliary staff work and learning as being diametrically opposed. However, even though many of the women acknowledged a level of value less than that enjoyed by the professional staff, it appeared to be sufficient for them to feel their contributions were valued in their present jobs. This indicates the complex relationship between workers and their workplaces, learning and sense of identity and self. Billet (2006b) suggests the two are relational; as an interdependence and negotiation between what the workplace affords these auxiliary workers, and how their identity is interwoven with their participation in work and learning. So, despite being afforded lower levels of support,
these workplaces afforded an opportunity to engage, learn and form identities associated with being legal workers that was a part of each of these women’s identity and sense of self. However, it seemed the promotion of a sense of self and identities at work were driven more by individual agency rather than by support afforded by the culturally derived values that disseminated from work.

It was evident that the participants experienced inadequacies within the legal workplace; each of the women wanted and needed to work for a practice that shared the same values and standards as themselves. Fenwick (2001b) amongst others, has noted that systems of power within organisations clearly support some employees over others. Not surprisingly, it is evident by the policies that exist within organisations (Kincheloe, 1999) that most will support and budget for professional staff education at the expense of support-level employees (Spencer, 2001). The primary focus of having policies in force within the workplace is to ensure arrangements are put in place to try and secure equity, but at a time when women are entering the workforce in increased numbers, their views are still being devalued, and support for them remains inadequate (Cox, 1996). Divisions between professional staff and auxiliary staff learning are made obvious through the opportunities provided by management, which are premised on a set of assumptions which are embedded in legal work and unlikely to be easily questioned or overturned.

6.4 Workplace affordances for women’s learning

The epistemological platform or bases for the ongoing learning for most professional staff within the legal sector is through individual research, and principally underpinned by what is provided by the state’s Law Society. Regular programs are offered through Continuing Legal Education (CLE) and Continuing Professional Development (CPD) programs designed to resolve the scope and validity of what the law will allow. Because the majority of ongoing programs are based on current and changing legislation, personal skills programs and guidance in the area of practice management most legal practices support these programs. However, quite predictably, in facilitating learning for all within the workplace, distinct differences appear to exist between affordances for professional and auxiliary staffs. Importantly, while it is understood that they engage in different work, and may require particular kinds of developmental opportunities, habits of practice, rather than pedagogical
imperatives seem to drive the differences in the learning experiences afforded to these two groups of workers.

The women in this study recognised the differences in the ways staff were afforded learning opportunities. They accepted that professional staff members received more support because they had greater responsibilities linked directly to clients and fee production. These auxiliary women workers also understood an unwritten edict that acted as a deterrent for them to ever request permission to attend seminars. Yet, in their accounts of the workplace experiences there was constant mention of the “disillusionment” and the lack of “encouragement” the women had experienced over the years. There were memories of past experiences when “things were pretty bad” and extracurricular learning was “never considered important for auxiliary staff” – (Kate). Even now, Kate would not ask to go on a seminar because of her fear of refusal. When Mia needed “training to help her deal with difficult clients” there were always “excuses” why she could not attend seminars. Past experiences dictated the reluctance these women have to seek particular kinds of learning experiences other than what they achieved through their own and collective efforts in the workplace. That is, past refusal of their requests to attend such experiences lead to reluctance to apply for them.

It was evident that auxiliary workers experience obstacles when it comes to learning beyond the workplace. Anna from ML told me “it is still very difficult to get the approval from the powers that be to attend a CLE when you are a support person and not a professional staff member”. The ways in which staff are treated are bound by this division.

Professional staff (solicitors) are encouraged to go to seminars that apply to the (legal) work that they are involved in…but conversely, the auxiliary staff are really not encouraged…any money budgeted for training/learning is generally for the professional staff. I don’t get a great deal of support. I often request to go to seminars and it’s more often said to me that I don’t really need to learn that …that I already know it…but I’m aware of the fact that I could learn a lot more by going to seminars, such as learning how to deal with conflict and that sort of thing..and I really get discouraged (by management) from spending that money and going to the seminars - Tina.

These words echo disparity, disappointment and despair; they also illuminate the overall lack of expectation experienced by many auxiliary workers. Nevertheless, what was evident was “when support staff learn new tasks at work” they “rely upon each other to a great extent” – (Anna). “Basically you teach yourself…. supported by prior experience…..you’re not pushed forward (by management)….it’s up to you if
you want to do (learn) something” – (Louise). The difference between auxiliary and professional staff affordances for learning became more obvious and women’s purpose for workplace learning surfaced as the interviews proceeded. So there was evidence here of a collaborative and shared set of pedagogic practices, premised on the necessity to learn in order to effectively support the work of the professional staff members.

As noted, professional staff’s learning was mainly sought and supported by management through CLE and CPD programs, whereas auxiliary staff learning happened more on an ad hoc basis, and in a way and through means which were developed, directed and enacted by the auxiliary workers themselves as part of their work practice. Management may be well-intentioned, but because of this disparity staff perceived that auxiliary staff learning was not well-supported by management. Even though the expectations of auxiliary staff members appeared to be less than those of professional staff, it was apparent that auxiliary staff recognised the social differences and the fact they had to guide their own learning. Although within the work setting and through work-based learning processes (and innumerable other work and non-work situations) the external world basically says women should not be disadvantaged in any form, inequities continue to manifest in many ways and within many workplaces (Cox, 1996; Scutt, 2000). In order to understand further the ways in which management in each of the offices supports and sustains inclusive cultures of learning, then a study to establish how women learn is needed, because this will provide contributions that may improve future learning opportunities.

6.4.1 Women respond and find ways to learn

When the women in this study articulated experiences of their workplace affordances for learning, some discomfort was evident in their answers. Anna’s words first alerted me, and thereafter rang in my mind: “I have to be careful of everything I say because it may end up in your thesis”. I had to be mindful that the women felt secure in what they were revealing to me. Even so, each participant demonstrated finding ways to learn through their practice in spite of the limited affordances provided through the workplaces’ practice and, regardless of any obstacles put in their path.

There was evidence that the women often fluctuated between discouragement and despair and a strong motivating force that compelled them to find ways to learn. “When I’m not allowed, by the principal, to attend seminars I know will benefit the
way I do my work and carry out my job, it’s fairly discouraging”- (Tina). Tina appeared almost powerless, but then she added “so, I then have to get more determined and more positive and learn in other ways than going off to specific seminars”. Anna reflected on her many experiences across different legal offices:

There are so many legal offices that don’t support auxiliary level learning. But most women at that level share a common purpose to learn, not only to get the job done, but also to prove that they can do it, especially for the benefit of those who support only professional staff development.

A theme of common determination was characteristic of these women’s approach to learning. What they each understood to be ‘learning’ constituted what they needed to know to be able to perform work tasks. It was also evident that much of the learning was autonomous - “it’s up to you if you want to learn” – (Louise). “We deal with the learning by ourselves…by asking questions….and we confront the boundaries” – (Kate) even though “most of the time we don’t realise we’re learning” – (Mia). We learn by “being thrown in the deep end”- (Amy, Sarah); by “doing the job” – (Sarah, Mia, Tina); by “mastering…one part of a job before moving on to more difficult sections” – (Karla); and “for some of us it’s because we can’t stand not understanding”- (Chloe). Interestingly, learning for these women was critical to their every day working lives and characteristic of their resolve to do their work and do it well. The learning they do is evidence of double-loop learning (Argyris, 1999) – i.e. these women continuously challenge the learning frameworks to get the job done. Here, they also provided evidence of a pedagogy of necessity, rather than something provided intentionally by their workplace. Yet, it was this very necessity to remain confident and to provide effective support that was central to the workplaces’ continuity.

However, what auxiliary level women said about the relationship between management and auxiliary staff at work suggests they perceived two levels of understanding and encouragement when it came to learning at work. Firstly, that professional staff were expected to learn and were categorically encouraged by management to learn; and secondly, that auxiliary level staff did not necessarily need to learn and were not always directly encouraged to learn, although they nevertheless found a way to learn. Goleman (1999) reminds us that workers need to be emotionally intelligent and adaptable to cope with workplace demands that are the basis for their learning, because of the changing demands and the requirements of
their work. Flexibility and transferability were also necessary for these women to make decisions to help them to adapt to the best of their ability (Marshall & Tucker, 1992). Notwithstanding any barriers the women experienced, their voices reflected the ways in which they perceived themselves; that is, as determined and capable employees with a professional approach to what they had to learn, even though much of that learning was not driven by management. For the women of this study, it was necessary for them to learn to get their work done. There was strong evidence of personal epistemology and personal agency involving women as learners (Billett, 2006b). This being the case for auxiliary workers and what they are required to learn to do their jobs, then surely what is missing is an organisational culture of learning that embraces everything they do at work. Nevertheless, auxiliary women appeared to make every effort to engage in significant work. The women’s determination and hard work appeared to be a panacea for any deficiency in formal learning. Yet, this underlined the fundamental inequity of their pedagogy of necessity, compared with the ordered, organised and sponsored experiences of professional legal workers. It would be easier to accept the sector circumstances if these auxiliary workers’ roles and tasks were not subject to constant change. However, they are. Just like the professional workers they must also learn to perform effectively in a changing work environment. Moreover, it seems that distinctions between the tasks of these two categories of workers may not be as distinct as the workplace norms and practices assume.

6.4.2 Striving towards purposeful and meaningful work

My work diaries have always been places to record challenging events, failures and some successes but foremost they remind me that I have never given up on improving the work situation for auxiliary workers:

Preparations are underway for a meeting to discuss current and future finance and marketing. I have been provided with a brief to prepare financial spreadsheets (last three years), a list of what we do (regards marketing), and a proposal for next year’s financial and marketing plans. My plea for accounting staff and senior secretaries to be allowed to contribute has fallen on deaf ears. I can consult with professional staff and it will be compulsory for them to attend the meeting. I will not be in attendance nor will any of the administration staff. I am frustrated because I don’t know why they involve me sporadically and why we can’t all contribute. The support staff do have something to contribute and one day they will be acknowledged.

(Journal entry, 22 September 1996)
Chloe made it clear that in many legal practices “secretaries do the work of a solicitor” and “we are every bit as experienced, if not more so, than the professional staff” – (Anna) “but without the recognition” – (Chloe). Karla talked about preparing an ‘off the plan’ contract recently, and Kate held that she regularly works on matters that should be performed by solicitors. As well, Louise and Sarah told me they manage their own files from initial client contact through to closure - “I might as well be a solicitor” – (Louise). These views were representative of a theme through many of my talks with the participants. Time and again, the women alluded to performing tasks equal to that expected of professional workers, with the demarcation being clearly represented by the law degree professional staff hold exercised more in remuneration and conditions, than the actual work performed. The fact that a law degree differentiated professional staff from auxiliary staff is not unexpected, but reminders of that fact indicated the women held profound grievances, typically when they were performing this kind of work. However, the set of assumptions that enact this divide denies the richness and complexity of auxiliary workers skills, their need for learning support and the highly agentic way they go about their work and learning.

Despite that, the women shared a common desire to be and to be perceived as capable and competent workers, just like their professional counterparts. They were often frustrated in search of recognition for their work. “In my effort to perform my job in a professional manner, I have not been given any credit for having that expertise” – (Anna). The issue for Anna and for most of the other women is that they recognise their work is not treated with the same deference as professional staff. “With my cries for help, I feel I have exposed myself to the bone” – (Tina). Tina was discouraged because she felt no-one was appreciating or even noticing her efforts. When “I’m not coping….and I request help” what happens is “from time to time the matter is resolved” and then “the person is taken away from me”. Tina was embarrassed and in an almost astringent way admitted: “I am left to do all the junior-type work. This would never happen to a professional staff member” – (Tina). It is evident from these comments that even though workplace affordances for auxiliary staff support were less than professional staff, the women of this study still aspired to being professional in their work.

However, when the women accessed the opportunities to participate in meaningful work they eventually reached a point when they made changes to create better conditions for themselves. Anna wrote in her reflective diary that she had
worked for three legal practices in recent years, and during that time she “yearned for some level of respect”. She had become distressed working under disorganised conditions, and when she found no opportunity to engage in meaningful work, she was eventually forced to leave that employment. In her new job “they keep telling me how good I am, and they want me to do more…almost every week they are appreciating me more”. As part of the job Anna was drafting documents and correspondence that would generally be the responsibility of a solicitor. Anna was finally considered a loyal and professional employee. Sarah had struggled to learn in a volatile and unsystematic environment until “a major disagreement between the partners” lead to the closure of the firm. She became determined to work for a firm where she could find the “support”, where “knowledge is shared” and where “everyone’s work is noticed”. It is important for women to have a sense of performing meaningful work and to be appreciated at work.

When auxiliary women find legal practices that connect with who they are they have a greater sense of purpose in their work. They can be more assertive and make those changes through her own initiative. Working to their aspired standards appeared to be one and the same with purposeful and meaningful work. The participants then described specific activities that often impinge on their work lives.

6.5 Participation in workplace activities

My reflective work diary has many recordings about work activities but one reminded me of the wonderful experience of working with highly skilled auxiliary workers who stretched the boundaries:

So much for our team and the incessant hours of research into Corel WordPerfect 8 and Microsoft Word. The girls have worked hard for twelve months and we have all learned so much about these two solutions. I am proud of them and the work we have done together but exhausted from the work we have put into producing a comprehensive report on these two products and their application to the legal environment. If we can finish this project we will be in a strong position to identify and justify the program that will be best for the girls (auxiliary staff) and most conducive for the office. The partners don’t appear to be concerned with what the staff need……A huge setback because the main word processing girl has just been sacked!

(Journal entry, 22 August 1997)
In the legal workplace, work activities are endemic, and such wide-range learning is “on a needs basis – a need to know” – (Kate). But, the need to know can be initiated and directed by individuals to fulfil work needs regardless of their employment status. The women exemplified numerous examples, such as “setting up databases…developing precedents and macros” – (Anna); “the preparation of documents” – (Louise, Kate, Sarah); “file management” – (Chloe, Amy) “computer solutions” and “solving client and staff issues.” – (Tina). It was evident these activities required workers “to come together to solve a problem” – (Mia). These kinds of activities were entrenched in the legal environment and the adeptness of how auxiliary workers learned through everyday activities was discernible in their stories. The activities demanded strategic thinking and planning, interpersonal skills and from the workers a firm determination to get the job done. Two situations that illuminate the process and the consequences of workplace activities were established in Tina and Louise’s talk and supported in their reflective diaries. Notably, each woman’s account involved computer technology.

Word processing is central to the everyday practices of legal secretaries and Tina from GL indicated her office had recently installed a new word processing system. She explained there had been “great difficulties” when the new computer system was first introduced. Staff were divided in their support of the change, some “grumbled and groaned and became very impatient”; whilst others “were prepared to work together through the difficulties to try and resolve things”. Paradoxically, Louise from BL reflected in detail a situation related to activities involving the conversion of computer software:

One day we are working happily with Word Perfect - a system that did exactly what we required with few problems - then we are told we are changing to Microsoft Word...a wonderful new system! I am not sure what research was done or who was consulted (maybe our then WP section had input) but certainly not the (secretarial) staff who were going to use it – Louise

This complex situated learning activity was thrust upon auxiliary staff without consideration or consultation, whereas an equivalent task in professional work would likely have warranted considered professional development opportunities. “I believe this (word processing application) was introduced to make our work (dealing with clients) easier”, but there was no alternative, and “when I raised a few matters I was told ‘we have paid for it, so you have to use it now’”. Louise pointed out that basic training had been provided by management of BL “but not nearly enough in my
opinion”. Louise and the other secretaries worked together in a collaborative group to learn the new program: “it meant the secretaries analysing each job together, and then working out collectively what the program would do to work”. Louise described how the previous word processing program had worked “perfectly well”, particularly on “a document with forty variables”; but the new program “took some working out….but between us we worked it out”. The solidarity here is evidence of an assemblage of agentic behaviours. Again, here is another example of a pedagogy of necessity being exercised by these auxiliary legal workers.

Both cases had direct impact on Tina and Louise (and most probably other auxiliary staff members), because computer technology affects most legal activities. For Tina, the main issue was dealing with certain staff who were “very very impatient”, and not prepared to “work together to solve the problem”. Where Tina was able to “discuss the issues” to “find, plan and execute solutions” with one group, with the other she had to “coerce” and “cajole” to get them to adapt to the change. Tina had to switch strategies to work with each of these groups and in doing so demonstrated highly agentic skills in effecting the change. However, Louise knew her voice had not been heard and she and the other auxiliary staff were basically left to adapt to something new by “teaching themselves” with little direction. Again, necessity was an imperative rather than a virtue. This workplace learning situation was difficult because there had been no consultation and little orientation for the very workers who had to implement and use the program. The conditions were made more complex because Louise (and the other secretaries) had not been afforded the opportunity to even complete a word processing course. So, despite the production of documents being at the very heart of the legal practice, and consideration of a new word processing system being seen to be necessary by the practice, this imperative did not extend to a considered and a properly supported learning experience for those most directly affected by it and who would have to become competent at this operation. And, the change had happened “at a time when the workload was increasing and we did not need to implement a system that took longer to produce documents” – (Louise). In this case, management took a top-down approach; in doing so, they also failed to draw on the rich resources available to them through the experienced staff they employed. Louise (and perhaps the other secretaries) knew that had she been consulted, the application may have been considered in accordance with the needs of the staff as well as the practice. Although success had been hindered by management not allowing the staff to be part of the decision making process there
was great achievement in the ways the women adapted to the new software solution through necessity, rather than organisational support.

Despite the lack of conference and the mounting staff issues in these two cases, this section provides a rich example of the interrelationship between individual agency and performances within the workplace. Situated learning perspectives recognise the learner as developing through engagement in culturally and socially mediated activities (Wenger, 1998). However, the experiences of Tina and Louise here have elaborated in detail what constitutes socially mediated activities and the relationship between individuals and that mediation (Billett, 2006b). Yet, in particular with the advent of knowledge which does not have an expected outcome based within the workplace, it is necessary to engage with expertise outside the workplace: for instance in an externally provided training program. This, is a very kind provision afforded the professional workers, yet denied auxiliary workers in this instant. It also elaborates what epitomises social practice as a dynamic, interactive, relational entity, in which those who are engaged in practice have to. Women’s perspectives of how they participate at work are now discussed.

6.5.1 Learning embedded in participatory practices

As I reflected on the interview questions I wanted to become more aware of how auxiliary workers participate in work and learning practices. I opened my work diary and thought about a secretary who once worked for me and desperately wanted to learn:

One of the girls told me today she feels her para-legal work allows her to contribute more to the practice – I agreed. She then hedged her way around telling me what she really wanted me to know— that she wants to know more, to learn more. She said she wants to share and compare practices with other offices; she wants to attend training visits to those offices, in-house tutorials and seminars. I know it would be beneficial but I can’t make promises I know I can’t keep. I will put a case forward even though I know the partners have made no allowance in the budget.

(Journal entry, 4 September 2002)

One of my purposes in gathering data was to identify a method that could possibly be successful in improving workplace participation factors. Much of the women’s conversation focussed on the negative influences of their levels of participation but, what was more significant was how these women strategically developed ways to
participate in work and learning. Hence, I adopted questions to understand what constituted effective learning practice on their part.

Initially, Tina was aggravated and threw up her hands in an almost fatalistic gesture - “I am not really encouraged to do those things…I am not able to participate in learning programs…in the learning I need to do”. It was difficult for Tina because she was cognisant of her own untapped potential. Yet, at the same time was in denial of her own self-directed and managed learning processes, which while taken for granted by practice managers, stand as a significant developmental goal on their own terms. The other women had different reasons: Karla told me the fact she is “not a lawyer” prevents her from participating in the learning she would like to do; and Sarah complained about delays, “sometimes it’s the work that inhibits us…and we have to wait”. Waiting meant that Sarah’s learning was not considered important by management. Mia felt that her participation was affected by another secretary who “was a dominant personality…and she just stopped the meetings where we were learning”. Kate admitted to personal barriers that inhibit her: “The thing that inhibits my participation in learning is my own confidence”. Kate left school at the age of fifteen and even though she was positive about her work, anything outside her routine was daunting. Whether the reason was a lack of support, the pressure of work or personal factors, women were concerned about their levels of participation in work and learning. Again, these workers saw learning as being similar to participation in school-like procedures of training programs, rather than their own self-directed pedagogic activities.

Nevertheless, as noted, it was important for all of the women to know as much as possible about their jobs, and to participate in learning that would continually enhance their ability to perform. “I don’t think that there is anything that inhibits certainly the support staff…we do as much as we can do at work” – (Anna). “Anything new that comes into the office relating to Conveyancing or anything else, we all get together and learn about it” – (Sarah). For some of these women, the very limitations that appeared to inhibit their participation in learning stimulated them to find ways to get involved. “If I’m told I can’t….I do things that will increase my learning capacity…and bit by bit I increase my scope of participation” – (Tina). Tina talked about how she strives to “really know” every aspect of her job. Generally, amongst the auxiliary staff there was little evidence they are inhibited within the boundaries of auxiliary work because together they participate well in the kinds of work and learning created by themselves.
As the women engaged in the challenge of learning new work tasks, they were not only stimulated but proud of their own achievements. Anna told me, “there is always a learning curve happening to take on new information and new knowledge” which creates a “valuable level of learning”. Participation gave Anna the self-assurance she craved: “I know I do a good job”. When Amy forced herself to learn she felt she had expanded her scope of experience. “What works for me is when I make myself learn new tasks” – (Amy). In this way, she emphasised her own self-directed approach to learning: a personal epistemology no less. Louise noted the importance of the agentic learning of all auxiliary women: “When we work problems out for ourselves we do fairly well amongst ourselves”. And even though Kate told me earlier she was not positive about anything outside her practice she said: “I’m confident in what I’m doing every day” and she explained this was “because participation is supported by the girls in the practice”. Overall, the women were self-assured in their own abilities particularly when they participated in work and learning that embodied individual boundaries of practice. Ironically, in their self-directed learning activities and through the exercise of their personal epistemologies, these auxiliary workers exercised the very qualities expected of professional workers; that is, the capacity to enact and maintain their own capacity to be effective, and not be reliant on others to tell them what to do.

This section provides a rich account of the enactment of individual agency and how engagement in socially mediated activities is shaped by that agency. Many authors conceptualise workplace learning in the context of communities of practice and participation in learning at work (Billett, 2001a; Lave & Wenger, 1991; McLellan, 1995; Rogoff, 1990; Wenger, 1998; Wenger et al., 2002). Even though the participants of this study indicated that they gained rich learning and benefits from participating in workplace activities, they were also aware that this was in the wake of being excluded from potentially richer experiences. Billett (2001a) argues that learning communities are characterised by greater levels of engagement. However, in this study it was evident there were differences between how legal workers achieve levels of engagement relying upon their own initiatives and agency (i.e. their personal epistemologies), and what they might achieve if they received more support from management to learn outside the workplace. This again elaborates the relationship between the individual and situated activity as being richly contextualised, but construed and constructed through an individual’s engagement. The point here is that auxiliary women’s learning and formation of identity is directly associated with how
they engage in work. In my reflective diary I wrote about three aspects to give further consideration to: firstly, a definition of the boundaries of legal workplace communities of practice; secondly, whether secretaries declare to management the knowledge of how their communities of practice work and what impacts on their experiences; and thirdly, whether legal secretaries share what they know with neighbouring communities, for example other legal offices that may be considering similar changes.

6.6 Approaches to learning practices

My work diary reveals that my learning has been premised on the belief that learning is continuous:

Perhaps the most important thing for me to do is to continue my studies. I have to guide my own learning, believe in the power of learning and in myself.

(Journal entry, 12 November 1998)

Each of the women in this study reflected two dominant themes in their approach to workplace learning. Firstly, the women spoke of the challenges of continuous learning within the workplace. Secondly, they referred to how they transferred knowledge and skills through the changing boundaries of practice. These clear patterns emerged as the women described their experiences when engaged in learning practices. Tina aptly gave a précis of what happens for her: “well the learning that I do is continuous – it just happens all the time. There are continuous changes with all government agencies. The way they do things”. This constructivist view about learning is a process of meaning making through everyday thinking and acting. Importantly, it is enacted in ways which are consonant with that expected of professional workers.

6.6.1 Women as continuous learners

There were common themes of continuous learning resonating throughout the participants’ answers to the question: “How do you see yourself as a learner?” Most of the women began by reflecting on their early days working in the legal environment and told stories about how they first learned how to learn; concurrent with how they learned without guidance or support. “It was difficult and stressful….there was no one willing to teach you” – (Sarah) but “you had to learn by
doing things…as you were doing it” – (Louise) and “you learned to learn by yourself first” – (Karla). Mia also described how it is a common occurrence for herself and the girls she has always worked with to “just go over things until you know what you are doing”. Whilst much of these women’s focus appeared to be on what was not happening they were unknowingly giving accounts about how they find alternate, but powerful, ways to learn. The women’s accounts portrayed auxiliary workers as persistent, self-directed, competent, and continuous learners, just as is required of professional workers.

When each of the women articulated how they learn new procedures or practices, what emerged from an analysis of their talk was an unwritten and unplanned strategy; the women gave similar versions of how they interpret a procedure or practice first, investigate every possible avenue of the requirement and draw upon past knowledges to solve the problem. The strategy then incorporated discussing possible solutions with their peers and contacting statutory institutions only if they were unable to solve the problem autonomously or within their work groups. Anna explained that most experienced legal support staff will attempt to solve the problem by themselves first and it is only if they “really can’t get it - they will eventually ask a professional”.

Moreover, it was often only through a mutual interest in a legal issue that an auxiliary staff worker and a professional would solve a problem together. For these women completion seemed to mean a new sense of success and ‘self’, and demonstrated the professional nature of their overall approach to learning and formation of identity. Essentially the women worked according to the priorities of completing different aspects of the legal work that makes up their job. In doing so they incrementally communicated with upward levels until they learned how to complete the job proficiently. Sociocultural perspectives of learning are in harmony with these kinds of effective communication and collaboration evident in the learning process (Fenwick, 1998a, 2001a; Livingstone, 2001). The women also talked about how they transferred their knowledge from what they already knew to the requirements of new workplace tasks or situations. This is the focus of the next section.
6.6.2 The transfer of skills across multiple boundaries

When auxiliary women face new learning situations they have a propensity to focus on prior knowledge and the transfer of skills. That is, like other kinds of workers, they draw upon their own set of understandings and procedures to address a novel requirement. Often the women described the process of learning, consistent with transferring pertinent knowledge and skills at work. Louise explained: “you transfer your skills and when you transfer skills, into another area it gives you more confidence to tackle something – if you have to learn something new”. Anna found herself having to work in an area of commercial law that she had not done for more than ten years. She recounted how she had to apply a lot of her “background knowledge” and she seemed almost determined to master the new procedures without too much assistance.

I have had to check a few things because obviously Real Property work has changed. There have been a lot of changes to forms. The way searches are done now. They do them all on Citec rather than everything used to be done manually. So it was really a matter of having to get back on track but it did come back to me amazingly easily – Anna

Here, such comments demonstrate how these women were undoubtedly capable and competent enough to fulfil the requirements of the job by modifying and applying past knowledges, as autonomous and self-directed learners. They even recognised how skilled they had become and how they had become more confident, because they were involved in practice they know and that worked for them.

When the women were specifically asked how they adapted to recent changes and unfamiliar situations within legal practice, they also referred to past knowledge. Louise explained how she had to “work out” for herself a method to complete a matter with no precedents, and without the assistance of a lawyer. This again provides an example of an individual engaged in a form of agentic learning shaped by their epistemological agency and directed towards securing both their learning and sense of self through these agentic activities. The matter was an existing loan where a client wanted to release a security property, add a different security property and allow for a further security property to be added; all provided for in one set of documents. There were no precedents: “you just had to work it out in your head yourself”, and by working out how she had taken each of the steps in the past, she was able to merge the steps together. It was similar for Anna when she described how she had to update some old skills:
I was given basically a brief of what the principal of the firm…of what he wanted and I’ve been drafting correspondence and documents so I just took my time once he gave me the brief I just took my time…read everything he had given me and sat down and thought about how I had done it in the past and how I was going to give him what he wanted because he wanted everything done urgently. I had to just get my head around it and eventually it worked out quite well.

In this way, the solitary epistemological adventures of Anna are emphasised (Billett & Smith, 2006). In contrast to what is afforded her professional co-workers, her learning was premised on individual activities, directed and initiated here by epistemological agency, rather than any supportive affordances of the workplace. Tina had been through a similar situation where she had to organise to transfer the New Zealand qualifications of a solicitor to Australia – “this was someone who wanted to qualify in another State and I drew on that past experience, which allowed me to facilitate getting the New Zealand solicitor up and running in the practice.” This demonstrates how determined experienced auxiliary staff members are to work out how to get the job done in the knowledge that it is basically up to them to work it out.

On the whole, these women claimed they engaged in the transfer of prior knowledge and skills to new circumstances, the reason being that in most circumstances this was their only option. But after exhausting their own abilities, if they found they could not solve a work-related problem, they would request the advice of their peers. Then, as a last resort, they would seek the advice of a lawyer. Notwithstanding what ‘really happens’, authors suggest there are problems with transferring skills. Simons (1999) argues employees often struggle with not knowing ‘what’, ‘when’, or ‘if’ to apply prior and/or new knowledge in work situations. A further complication could arise through attempting to engage the conceptual transfer of familiar concepts through abstract means (Detterman & Sternberg, 1993). The next section raises issues about deeper connections with learning practices.

6.7 Finding self in the learning process

My reflective work diary was a sanctuary where I interrogated why I accept less than professional consideration:

Who am I? Why am I here? Why am I doing this? I questioned myself as I waited to be allocated a room. My consultancy was contracted for three
months, surely that means I am entitled to a room, full access to all legal and financial records and staff. Three hours later a disgruntled conveyancing clerk threw her files into half a dozen boxes and vacated her room. Why didn’t I walk out? I asked myself over and over what it will take for me not to accept this lack of professionalism.

(Journal entry, 18 February 2000)

A major thread throughout the women’s interviews illuminated their individual levels of discovery and excitement in finding ‘self’. Fenwick (1998a) argues that a woman’s workplace learning influences and even shapes the work ‘self’. Therefore, this section analyses how the women of this study came to name self, how as individuals they began to question self and how women are able to transform self through their workplace experiences.

6.7.1 Positionality and awakening the power of self

Woven through the participants’ talk were consistent patterns of change in their voices as they began to identify ‘self’. Each described their involvement in learning at work over time, and reflected on their work practice. Through these processes the women defined their individual capabilities in chorus with whom each of them represented at work. Through these conversations, the concept of personal histories or ontogenies (Fenwick, 1998b) emerged as an important basis for the direction and intent of their learning. This included not only directing their agency in terms of work related learning, but the strategic and intentional considerations for directing their learning to activities beyond the workplace.

The women initiated the process of identifying ‘self’ by reflecting on who they once were when they began their careers in the legal industry; that is, patterns emerged out of their reflective diaries as well as in their talk. The women reminisced about who they were when they first commenced work. Sarah echoed the sentiments of most of the women when she contemplated her first legal job: “I was thrown into the deep end” and “felt totally inadequate as a person” because there was “no one” who was “willing to teach you”. “There was no support or guidance” – (Karla) and “you just couldn’t rely on other people….it was up to you” – (Amy). Kate’s experience was “so bad” she began “learning to learn (her job) by herself” oblivious of the fact “that other practices could be any different”. In the course of reconciling their histories and identifying with their past selves the women were almost surprised at discovering their own tenacity and capacities as effective self-directed learners, who were able to apply that knowledge to the changing requirements and
circumstances of their work. They appeared to be learning something about themselves for the first time as their current work selves began to emerge, and be sustained through these changes.

The women revealed different idiosyncratic ways of identifying their current work selves. Tina epitomised these ways when at one point in our interview she was scornful before being quite pompous “although I’m “non-legally qualified” I hold a number of roles – accounts clerk, secretary, para-legal and administrator - all rolled into one”. She spoke about the constant demands the job imposed, then identified her own “calm approach” when dealing with the frequency of “difficult staff and office politics”. “Me?....I’m a hard worker and I search for work when I’ve done what I have to do” – (Karla); “I’m proactive as a worker….I’m a very experienced, conscientious para-legal – (Anna); “I’m methodical and pedantic” – (Louise). Every one of the women talked about taking a very practical and positive approach to their work. It was obvious these women recognised their work selves as being highly confident capable women, perhaps reinforced by their success in organising the learning experiences.

However, some of the women associated certain barriers with their learning through work. Louise explained “there is no break to my work – there is no quiet period to catch up. It just seems to be getting busier all the time…and I need to think about myself and do something else”. Tina described how she was “often constrained by the fact” that she was “neither a partner of the practice nor a member of the professional staff”. She harboured “frustrations associated with not being able to make decisions”, and because of her dedication to work would spend hours well beyond the call of duty to “try to get the job done” often at the expense of personal time with family. In much of their talks, the women portrayed the ‘tough times’ they have had in previous positions, and how they have had to make sure they ‘get it right’ with their current positions. Whilst each participant confirmed strong levels of commitment to their work, they also revealed signs of wanting to reconcile work, home and self to change and become someone ‘new’.

6.7.2 Learning to questioning ‘self’ – a trigger for change

Significantly, most of the women appeared to have reached a point in their careers when they began to query their work and/or personal selves. “Louise asked “Who am I? What am I going to do with my life? Why am I working this hard? And, do I still
have to?” Karla and Mia pleaded with themselves for an answer to the same question “why do I put work before myself?” whilst Anna was questioning being “part of the equation at all”. Anna felt as though she had been ignored at work. “My conscientious work …was basically laughed at… it was quite a bit of a joke the fact that I was so conscientious and professional in my behaviour towards the clients of the firm”. Anna had been told she was giving clients far too much information when she was simply being the efficient secretary she had always been. “It is not good for the self-esteem, and I thought I couldn’t work for a firm like that because it was so against the grain”. Anna felt that her efforts were not appreciated and the more she questioned the organisation and her own values, the easier her decision to resign became. So here, she was struggling with a sense of self constrained by the workplace role.

Through being involved in this study Tina in particular recounted a deepening of self-awareness. She explained a new-found consciousness of her perceived limitations – “After our talks…and because we were defining some of the problems and looking at them I started to think about change”. Tina expressed past frustrations at being tied down because the sole practitioner made all of the major decisions, and she felt she was not allowed to use her own initiative. For instance, she had been “fighting for a second junior”. It was only due to “talking everything over I seemed to be more determined and focused in getting the second junior here”. Additionally, when Tina “struck IT problems” she would have to wait until the practitioner gave her permission to seek help, but now “I ring our IT guy straight away”. The types of constraints that had so recently de-motivated Tina and caused her to struggle were now in reach of resolution. Tina realised she could gradually find her voice and break down some workplace practices and hierarchical rules. The gradual realisation that she could make a difference seemed to allow her to believe in the potency of ‘self’. For Tina, the motivation for change had come about through a defining process of her job and a re-defining of her work self. Finally, she was not being held back to the same degree she had in the past.

Louise was also `engaging in reflexivity. She began questioning herself to make changes. Louise indicated that years of working in a full-time capacity had consumed her life, and she had finally reached a point where she chose to question herself. She found she was constantly re-assessing her work and personal situation:

I don’t want to work full-time any more….I have been too busy getting the job done, and haven’t thought enough about me….I don’t want to work five days a week, and I don’t want to work at the pace I was working earlier this
year, and I want to make changes. I just don’t want to do that any more. I don’t want to work like that any more. I want to have a bit more time to myself to pursue other interests.

Louise made up her mind to do something else – to be someone else. Louise was ready to make changes that would benefit her. Chloe had a health scare that “forced” her to contemplate her future, herself and her work and family lives. In the past she “couldn’t trust anyone to do anything” for her at work but she began asking herself “can I let go?” And “do I really want to work myself to death?” Chloe knew she could not sustain the way she once worked and the questions she asked herself were empowering her to change every aspect of her life. For Anna there was also the realisation that she needed to do more for herself and her family:

Changes outside the workplace in the last six months are also leading to me having a break from work for possibly ….six months or maybe a bit longer…. I may do some part-time work – just maybe a day or two a week before going back…..to perhaps three days per week.

In order to accommodate their needs, Anna and Chloe had also reflexively questioned their own needs as well as those of the workplace and their family. They were each then in a better position to make changes they felt comfortable with, and changes that harmonised with work and family demands.

This part of the study suggests that experienced female legal office workers who have worked for many years reach a point where they start to question themselves about their work and family lives. This reflexivity appears to go beyond instrumental reflections about the efficacy of work tasks. Instead, it goes to the heart of these individuals sense of self. The very questions the women asked demonstrate their struggle with personal and work identities. Once each of the women questioned ‘self’ they appeared in a better position to make changes within their work and family lives. Yet, again, we find that the reflexive practices which are honoured within the professions, are being exercised by workers denied the benefits and resources that professional workers are able to secure, premised on the exercise of such attributes.

6.7.3 Transforming self to become someone ‘new’

Most of these women became more aware of the power of ‘self” and they appeared to gain a much more intimate understanding of the limitations that once held their work selves back. Yet, through this reflection, they also engaged in reflexivity. Consequently, the women also recognised how workplace limitations had shaped
their present work selves. The women began to acknowledge transformations in the ways they were contemplating work and personal aspirations.

From the women’s stories emerged a strong sense of the need for making a difference through work, and there appeared to be exciting junctures when they recognised the knowledge of their own power to effect change. The women talked about how they had transformed and how they had new expectations. They used expressions that came out of a new found confidence: “I now expect more” – (Amy); “I negotiated new terms” – (Karla); “I once needed support now I support others” – (Sarah); “I didn’t know I could, now I know I can” – (Kate). Tina’s story epitomised the kind of changes for many auxiliary women; it all changed for her it was when she decided she could “make things happen”. Tina explained that the journey she had connected with through the interview process had helped her to make significant changes – “the chats with you have highlighted my plight in my mind, and increased my determination to make the changes permanent”. Tina had found her voice and learned from talking things through. Previously, she struggled with delegating to outside contractors, now she made quick decisions to get the job done. An important technique she learned to develop was how to be assertive and feel more comfortable delegating jobs to experts. “There are a lot of demands from professional and support staff as well as clients, and I have always tried to do everything myself to keep everyone happy”. Where once she felt she was “never able to do everything” she believed her job entailed: “I would have been reluctant to say anything to staff who always did it their way”. Tina found that when she made up her mind, she could be a little more assertive with the staff, and also with the principal of the practice. She discovered that her sense of ‘self’ was much stronger when she enforced office procedures. In this way, she confirmed that her agency and sense of self came together. This reiterates the complex interrelationship between the worker and the workplace and their learning and identity formation. Tina listened to her own needs and learned how to apply the skills she had suppressed for so long. For her, there was almost a newfound sense of purpose and belief in ‘self’, and a strong desire to bring a new level of professionalism to the practice. This indicates that beyond the affordances of the workplace, individual agency stands as a key premise that directs both learning and identity formation through engagement in work.

Most of these women had been richly engaged in their work over a long period of time. Yet, seemingly instinctively, but perhaps reflexively, there was a point in time when they knew it was important to make changes for themselves. The
transformation of ‘self’ was evidenced through changing roles, and the ways in which they approached their work and family lives. Anna had left her previous position because there had been “no opportunity to work professionally – no opportunity to think for yourself”. Anna sounded calm, but nevertheless frustrated because the change in employment was meant to provide her with the opportunities; she craved “to be proactive” and to be “acknowledged (by the solicitors) as a competent employee”. Anna needed to experience a sense of being in control in the way she organised files and executed her work. It was also important for her to be working more flexible hours, which gave her a sense of freedom and allowed her to find a better balance between her home life and her work life. Chloe was very clear in explaining the changes she made for herself. She told me: “I came to the realisation that I had to let go…so I did…and now my life is so easy”. Chloe had taken on an assistant and over time she developed enough trust in her helper to eventually hand over the full carriage of files. “I’m a new me and never again will I work like I used to…it is so good for me….I’m even more relaxed at home” – (Chloe). It was liberating for Chloe to have confidence in someone other than herself. These women made changes that provided them with a better balance between work and home a new sense of ‘self’.

However, some women were imagining how change would benefit them, and what it might be like for them beyond work. Mia’s commitment to work had not wavered but her commitment to herself was to “make changes”. She joined a book club and enrolled in craft classes where she could “learn new skills….make friends outside of work….develop a social life”. Mia had been disappointed in herself for not having put herself first over the years she had worked, but was now making plans for the future that gave her a new sense of ‘self’. Work had also developed into a big part of Louise’s life. With this understanding she came to the conclusion, “I want something to replace work, and I haven’t got anything to replace it”. Louise had decided that even if her workload did not diminish she would plan “to change the way I am doing things and have a bit more time off….I think I will eventually just work four days a week”. She mentioned her passion for art almost tentatively; she was not confident about her talent but it was something she was interested in. Louise was determined to make changes and that would mean planning for a future with more flexible work conditions. These women were planning for a future with more flexible work conditions and where they could develop skills outside the workplace. So, just
as the workplace had sought to compartmentalise them, these workers were now considering compartmentalising their life into work life and life outside of it.

Clearly, these women made important decisions as they identified, questioned and transformed their work selves. Some of them decided to be more assertive, whilst others found the courage and drive to change their relationships with work colleagues (who had the perceived power to inhibit them). An important change for some of the women was a better balance between work and home, and new stimulus outside the workplace. As each of the women described their personal journeys, the main theme was how they changed to become someone ‘new’. Tina’s words summed up all of the women’s sentiments:

The secret to survival within the legal industry is to embrace and adapt to change. There are times when you have to consider difficult situations and consider them as stepping-stones to personal growth and development (success) - Tina.

However, the survival, individual development and professional progress were premised on a complex negotiation between the affordances of the workplace and their agency. In contrast to their professional counterparts, these women had to rely more fully upon their sense of self, agency and reflexivity as exercised through their self-directed learning and personal epistemologies.

The identity of legal auxiliary workers (based on their individual work responsibilities) and the theory of Self Identity (Stryker, 1980) relates to their social, motivation and psychological development or Social Identity Theory (Tajfel & Turner, 1979). Auxiliary workers determine who they want to be in accordance with their individual work situations and circumstances. Giddens (1987) argues when individuals acquire new knowledge based on situational experiences they make conscious decisions to change their social status (Giddens, 1991) to become someone new. How women’s relations develop and change at work and how women identify, question and modify self may assist employees and management to develop enhanced understandings of the complexities of workplace influences. These understandings may then be important mediators for women’s experiences at work.

6.8 Summary

This chapter presented an analysis and discussion of ethnographic data significant to the learning experiences of auxiliary level female participants working within legal
environments. The main focus of this chapter was to identify what auxiliary level women know about conditions within the legal sector that facilitate or impede their learning practices, and how these same women engage with workplace learning. While managers and solicitors might be well-intentioned the majority of legal and associated learning for auxiliary level staff takes place on the job. The axiom that professional staff are expected to learn and auxiliary staff do not need to learn resonated from auxiliary staff participants. Even when policies and practices are in place, auxiliary level women remain disadvantaged when professional staff receive more consideration. However, the women presented themselves as competent workers and confident women and each of them aspired to working in a professional environment as professional workers. Moreover, they demonstrated this through their self-directed approaches to learning, remaking practice and the exercise of their agency in advancing their work. They reported that formal learning policies and programs were not readily accessible to auxiliary level women at work. Most learning for auxiliary level staff was almost left to chance. However, through their experiences the women adapted to learn new skills, transferred their skills, and at the same time established, questioned and changed their individual identities at work. These auxiliary workers exercised considerable agency in learning about and participating in legal work and this agency was strongly associated with a sense of self or identity for each of them. In fact, the women’s agency appeared to be directed towards supporting their identity as legal workers. The women in this study provided rich examples of the interrelationship between individual agency and performances within the workplace to elaborate what constitutes social practice as a dynamic, interactive, relational entity. The following chapter synthesises this chapter and the previous analysis chapter (Chapter 5) to find balance between the perceptions of practice managers and auxiliary staff workers.
Chapter 7

A convergence of perspectives

7.1 Introduction

This chapter presents a synthesis of Chapters 5 and 6. These two chapters examined the perspectives of three practice managers and nine auxiliary legal workers within three legal practices (i.e., Gilston Law (GL), Boyd Law (BL) and Macarthur Law (ML)), and engaged reflections recorded in my work diaries related to issues which emerged from the participants’ perspectives. Chapter 5 examined the perspectives of the three practice managers and inclusive practices and norms that govern office practice. Chapter 6 considered the views of nine auxiliary staff workers employed within these three general legal practices. The main focus of the analyses was auxiliary women’s learning within the legal workplace. To promote anonymity, pseudonyms have been adopted throughout this thesis. Practice managers (and their respective offices) are referred to as Matthew – Gilston Law (GL), Rose –Boyd Law (BL) and Maria – Macarthur Law (ML), and auxiliary workers (and their respective offices) are identified as Tina – (GL), Mia – (GL), Sarah – (GL), Karla – (GL), Kate – (GL), Louise – (BL), Anna – (ML), Chloe – (ML) and Amy – (ML).

There is no doubt that auxiliary staff workers have an important role to perform within the legal milieu, and also in managing the changes brought about by the imperatives of maintaining effective legal practice. But, within such hierarchical, codified and demarcated environments, the learning opportunities for non-legally qualified workers remain uncertain, underdeveloped and not well acknowledged. An auxiliary staff member’s adaptability to work and learning practices is reflected in changing opportunities, and directed at her performance. It is therefore likely that auxiliary level staff workers have to continually adjust to new ways and new technologies in order to be able to perform their duties. Moreover, this activity comprises one which is very much self-directed and enacted by the collective and personal epistemologies of these women workers. Workplace practices that promote effective participation in workplace activities provide the best outcomes for learning because the greatest learning comes from experience (Lave & Wenger, 1991). It follows therefore that an understanding of an individual’s work and learning experiences and the ways in which they can be shaped by engagement in work...
practices is important (Billett, 2001a). How these auxiliary workers, who are representative of the ever increasing numbers of women in the workforce, adapt to changing work practices, and how they and their respective managers perceive their workplace experiences, shapes women’s future employment opportunities. This also includes whether they elect to leave the workplace because of ultimately unfulfilling work and unrecognised effort.

7.2 Women and work

As foreshadowed in previous chapters (Chapter 5 and Chapter 6) it is understandable that work practices within the legal setting create divisions between workers; professional staff (solicitors) are held responsible for legal work, whilst auxiliary workers are accountable for the administrative tasks consistent with legal matters. As anticipated, solicitors have professional status which in effect sets them apart from the auxiliary staff workers who are their subordinates. In the previous chapters, it has been shown that hierarchical structures and inherent structural norms inhibited the prospects of auxiliary staff workers through the kinds of support provisions that were afforded them. Such support was premised on assumptions about auxiliary staff’s work which are questioned through the analysis presented in this chapter. Therefore, understanding the fundamentals of the division between professional and auxiliary staff illuminates the conditions for auxiliary women’s learning within legal workplaces. This section compares the views of managers and auxiliary staff workers concerning the meaning of work and learning and the value of auxiliary workers to the legal workplace.

Prior to comparing the views of managers and auxiliary workers, I reflected on this entry in my work diary:

I overheard a secretary asking a partner ‘Is that picture and music box for her office to tame the wild beasts?’ He answered – ‘Wild beasts we might be, but we come out of that office tamed or put in our place’. He had just given me a gift and told me the work I do is ‘critical to the cohesiveness and proper management of the practice’ and assured me of the partners’ full support. He spoke these words but as he said them I questioned exactly what they really meant. Yesterday, I asked to organise an all inclusive office retreat and the response was negative…I asked myself - does that constitute support of my work? ….I am confused….I don’t know what full support really means, but past experience tells me there will always be a reason to delay any auxiliary staff development.

(Journal entry, 4 December 1997)
The more I reflected on this past occurrence, the more I wanted to realise a better understanding of the managers’ and auxiliary workers’ perspectives. Primarily, through the interviews I sought to establish managers’ perspectives of work practices (and distributions of work) and their perceived value of staff. As expected, the practice managers described how qualified legal staff took a leadership role in their legal work in the three legal practices; most of the work was disseminated amongst professional workers and in sequence delegated to auxiliary workers. However, in the face of this process, Matthew from GL was quick to acknowledge the value of all staff regardless of status, whereas Rose from BL and Maria from ML emphasised values placed on the (legal) work that produces income. Clearly, performance of professional staff is dominated by practising the law and the client fees they render whilst performing the job, and auxiliary workers support these practices. Even though some auxiliary workers were acknowledged as being capable of handling legal files, it was obvious and reasonable that the onus rests with the solicitor to ensure the law. These sets of assumptions go further than the division of work and the generation of expectations about work. Instead, they filter through two unquestioned assumptions about the work and learning of auxiliary workers being different from those of professional workers, and therefore deserving a lower level of learning support.

However, from the auxiliary staff perspectives, there were echoes of disappointment in their voices as they articulated their views on how they were valued in the workplace. Anna from ML described auxiliary staff as generally being “lower class”, and explained that the hierarchical systems in place would always mean professional staff in legal practices would be valued more highly than their auxiliary staff counterparts. Thus, learning (practices and policies) would always favour professional staff. Even though most of the women felt valued to some degree, Tina from GL was insistent that auxiliary staff were “not valued” and that there were no systems in place to sustain auxiliary staff learning. There was a stark contrast between the views of Rose and Maria who valued legal work (and fee production) more highly, and Matthew who valued everyone who worked for him. And, although Matthew values his workers, Tina (who works for him) did not feel appreciated. Without being valued to the same degree as professional workers these auxiliary women are unquestionably destined to limited career paths and restricted opportunities at work. Management affordances for professional and auxiliary work and the levels of engagement of workers in legal work are indicated in table 7.1.
Table 7.1 - Themes of workplace (management) affordances and employee engagement in legal work

<table>
<thead>
<tr>
<th>Workplace</th>
<th>Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High Affordance</strong></td>
<td><strong>Low Affordance</strong></td>
</tr>
<tr>
<td>Professional workers – legal work</td>
<td>Professional workers – legal work</td>
</tr>
<tr>
<td>Auxiliary support workers – legal administrative work</td>
<td>Auxiliary workers – legal administrative work</td>
</tr>
<tr>
<td>Auxiliary workers – professional legal work</td>
<td>Auxiliary workers – professional legal work</td>
</tr>
</tbody>
</table>

There is a substantive difference between the legal work professional workers are qualified to practise and the work carried out by auxiliary workers. It has already been established that professional legal work is underpinned by legislation, requires a law degree and a practising certificate, whereas, auxiliary level work is fundamentally secretarial and administrative. Therefore, it was no surprise when managers reported high affordances for professional work and high levels of engagement of professional workers in their work. Similarly, managers reported high affordances for auxiliary work and auxiliary workers reported high levels of engagement in their work. However, another dimension was evident when auxiliary workers described the professional legal work they engaged in. In particular, it was found that the sharp distinctions between categories of workers were not always so discernible in the actual work activities they conducted, nor in the means of their conduct.

Many of the auxiliary women described their work demands as being just as challenging as those of solicitors. That is, the capacities required to perform their work were equivalent with those generally undertaken by professional legal workers. Anna and Karla detailed how they regularly prepare documents and correspondence “that solicitors would usually be responsible for” – (Anna). Chloe, Louise and Sarah depicted levels of high engagement in conveyancing work they do and the professional levels of responsibility attached to that work. Kate told me she knew she was doing professional level work when the principal complimented her on her work and asked if she would consider becoming a solicitor, and Tina was aware her role involved areas of practice management that were generally carried out by the principal. The kinds of work depicted here are evidence that auxiliary workers perform professional work without recognition. The emerging paradigm indicates auxiliary workers are highly agentic and professional in the form and conduct of their
work but, because they are not recognised as professional workers they have had to adopt different approaches to their work and how they learn through their work.

7.3 Women and learning

Each of the three managers declared that every staff member (both professional and auxiliary) was encouraged to learn within the workplace. In contrast, auxiliary staff members perceived their learning as not well supported by management, primarily because it was not planned (whereas professional staff learning was structured). There was also a common thread throughout the interviews and a pervasive understanding amongst the women that auxiliary workers did not make requests to undertake learning by means of seminars (on or off-site). Therefore, the opportunities afforded to professional staff appear to define the structural differences between professional staff, who are supported and encouraged to learn, whilst auxiliary staff learning is predominantly carried out on-the-job. This is evidence that workplace affordances for learning privilege professional roles and fee-earning capacities, which (as expected) places professional learning over and above that of auxiliary workers. These kinds of divisions surely mean that not only are auxiliary workers’ opportunities for learning limited but also that their career paths are hindered. The following section considers workplace affordances and support for auxiliary staff learning.

7.3.1 Workplace affordances for learning

My professional experience in observing management affordances for auxiliary women’s learning was encapsulated in this diary entry:

During an address to the staff, one of the partners committed to support any interested employees (professional and auxiliary) who want to learn more about their particular area of practice. I wonder, how long will it take to test this with affirmative action? …seven days later I found out. One of the para-legals asked if she could fly to Sydney to attend a seminar and network with other para-legals who communicate with same clients. There were at least ten reasons why she couldn’t go this year but perhaps she could attend when it wasn’t so busy. I would fight it out in the boardroom later but both she and I were left defeated and deflated.

(Journal entry, 4 December 1997)

Whilst the above diary entry was reminiscent of the numerous times I fought and lost, it was also a reminder of why these kinds of experience, concerning legal practices and how auxiliary workers go about learning through their work, are so
important. I was also aware that workplace affordances would be the very enablers that determine how professional and auxiliary workers go about their work.

Professional and auxiliary staffs of a legal practice work interdependently, so it is important that the execution of the law and completion of associated work is performed through concurrent processes. The interviews were expected, not just to establish an understanding of the differences between how professional and auxiliary staff learn, but the ways in which auxiliary staff engage in learning that are different from professional workers. Affordances for workplace learning were clearly expounded by the legal practice managers; the principals of each legal practice offer guidance and the Queensland Law Society provides Continuing Legal Education (CLE) and Continuing Professional Development (CPD) where all practitioners are required to complete ten credit point units over every twelve month period. However, historic workplace norms resolve that auxiliary staff workers typically learn by performing their jobs. How these workers engage in work-related learning must be reconciled with what the workplace will allow them to do and the degree to which they engage in learning (Billett, 2001a; Lave & Wenger, 1991). The level of workplace affordances for auxiliary level learning and the engagement of auxiliary workers in workplace learning can be seen in table 7.2.

Table 7.2 - Themes of workplace (management) affordances and worker engagement in workplace learning

<table>
<thead>
<tr>
<th>Workplace</th>
<th>Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Affordance</td>
<td>Low Affordance</td>
</tr>
<tr>
<td>CLE programs – in-house monthly</td>
<td>Professional workers</td>
</tr>
<tr>
<td>CPD programs – 10 credit points every twelve months</td>
<td>Professional workers</td>
</tr>
<tr>
<td>Auxiliary staff - CLE programs</td>
<td>Auxiliary workers - CLE programs</td>
</tr>
<tr>
<td>Workplace learning</td>
<td>Auxiliary workers - workplace learning</td>
</tr>
</tbody>
</table>

From the managers’ perspectives, it was apparent that professional staff workers were expected to take part in CLEs but auxiliary workers were not. That is,
there was a high affordance for professional workers to attend CLE and CPD programs. Managers, Maria and Rose explained that whilst auxiliary staff were not expected to attend CLEs they were not prohibited from attending, yet there was no evidence to suggest auxiliary workers were encouraged to participate. However, Matthew was more direct - “The Queensland Law Society offers Continuing Legal Education (CLE) for the professional staff but legal education is not made available for auxiliary level staff”. These kinds of norms indicate a mandatory expectation for professional workers to engage in professional development. Nevertheless, auxiliary workers described how they relied upon past experiences and their peers to learn new tasks, because management failed to encourage auxiliary workers to learn. Anna epitomised the sentiments of the other participants: “it is very difficult to get the approval to attend a CLE when you are a support person and not a professional staff member”. The already established divisions between professional and auxiliary staffs were expounded by the opportunities provided by management which in effect overlooked the importance of auxiliary workers.

According to the managers, engagement in learning was predominantly an individual decision. For instance, Matthew equated engagement to “effective work practices”; whilst Maria suggested it was up to an individual’s “personal aspiration to engage in learning”. Rose compared disparities amongst the staff as some “never half do anything”, others “do not have the ability”, and others “never put in the full effort”. This supports Billett’s (2001a) argument that workplace opportunities for learning, as well as intentional episodes of learning, need to be considered if workplace learning is to advance. Moreover, and particularly here, it seems that the self-directed learning capacities of auxiliary workers, and their development of personal epistemologies out of necessity, have not been factored into understandings of the maintenance of their work practice.

However, the managers reported different levels of support for learning: Matthew depicted a clear hierarchical system within GL: support for professional staff was forthcoming from the principal, while support for auxiliary staff was channelled through an office administrator. Managers, Rose from BL and Maria from ML claimed to encourage all staff to learn regardless of status. Then from the auxiliary staff perspective, even though they conceded and appreciated that professional staff were expected and encouraged to learn, they also believed that management view auxiliary level learning as unnecessary. Whilst auxiliary workers did not receive full management support for their learning, “they share a common
purpose to learn” – (Anna). Therefore, even though auxiliary workers were not directly encouraged to learn, somehow they found ways particularly in the face of daily work challenges.

The kinds of structural norms evident in the three legal practices and how work and learning is endorsed at work is evidently an issue amongst auxiliary workers. Auxiliary level work does not attract the same recognition as professional work but the women of this study provided several working examples where they undertook work comparable to that of professional workers. For instance, certain auxiliary workers were capable of having the full carriage of conveyancing files. And, even though these women understood professional workers had greater responsibilities and a need to participate in ongoing legal learning programs, they also discerned the lack of support they received for learning and the social disparities these distinctions create. Thus, auxiliary level learning was deficient in infrastructure and almost left to chance. Such a lack of opportunities for auxiliary level learning may well limit some women’s career paths. In Chapter 2, Pfefer (1998) argued the absence of parity is in part because many organisations are unaware of the broader issues for women in employment and the underpinning issues of power relations’ between professional and auxiliary staff at work. How auxiliary workers participate in workplace activities is discussed in the next section.

7.4 Womens’ participation in work and learning

During my work as a consultant legal practice manager, I often come across signs of disharmony amongst auxiliary workers that lead me to investigate what really affects women’s participation in their work and learning:

This consultancy is much tougher than I expected. I am here to provide financial solutions but somehow I always end up involved in HR. The girls (secretaries) don’t appear to be engaged with their work, they don’t seem to have strong ownership of what they are doing and a good indicator of this is sick leave, which is out of control. The secretaries are under great pressure and they don’t appear to be very happy. They probably feel quite justified in taking pro rata sick leave entitlements as privileges fall due. I am sure the partners will say they want to ‘sack’ them but the problem won’t disappear. I am determined to find out from the girls what the reasons might be – I’ll put on a morning tea and get them talking and then maybe there will be some answers.

(Journal entry, 8 August 2002)
An auxiliary staff member’s adaptability to work practices is reflected not only in their level of performance, but also in their engagement with learning in workplace activities (Billett, 2001a). Workplace affordances stand to shape women’s opportunities for learning, and are supported by the workplace. Yet, here there was evidence of a pedagogy of necessity having been developed by the auxiliary workers in order to maintain the very services that the legal practices required to maintain their viability. This may be unknown and hidden to management, as it was in Darrah’s (1996) study of production workers in a computer manufacturing plant. Therefore, it was important to establish management perceptions of participation in learning practices, and also to ask the female participants what inhibits or supports them in participating in work and learning practices.

In the interviews, practice managers concurred that all staff members (i.e. professional and auxiliary) were encouraged to learn, but participation was viewed more in connection with individual aspirations. Matthew inferred that providing an office space for an auxiliary staff member within GL contributed to that worker’s independence, and her capacity to participate in learning (this was also clear evidence that in this practice auxiliary workers can be given the opportunity to develop professionally). However, Rose (BL) and Maria (ML) viewed engagement in workplace learning as being ultimately based on the individual’s desire, and consistent with their level of commitment. When the auxiliary women workers reflected on workplace affordances for participation it was Tina from GL who appeared to be most passionate about this issue. She indicated her level of participation in work and learning practices was repeatedly affected “because I am continuously told that the auxiliary staff aren’t to go to learning seminars”. The women also cited concerns related to everyday work pressures and personal levels of confidence that inhibited their opportunities to participate in work practices and learning at work.

But, through the women’s stories it became apparent that auxiliary workers participated in different kinds of learning through everyday work activities: they made every effort to learn individually, and collectively for “anything new….we all get together and learn about it” – (Sarah). The dual imperatives of performing everyday activities and confronting the new were exercised through personal epistemologies and shared pedagogic practices. It was only when they were unable to solve a legal problem that they sought the expertise of a solicitor. Every day, these
women drove themselves to learn, and gradually they developed more confidence in their capacity for learning. Of most significance were the rich accounts of the enactment of individual agency and how engagement in socially mediated activities were shaped by that agency.

Legal practice managers appeared to perceive engagement (in learning) to be an individual option that cannot be transformed. This is in marked contrast to Billett’s (2001a) emphasis, already discussed in Chapter 2, that participation in work practices is critical to shaping a pedagogy for workplaces. Other literature also tends to support a view quite different to that proposed by the managers. For example, workplaces that promote strategies and approaches for workplace learning are shown to create positive outcomes for their workers (Lave & Wenger, 1991). Similarly, workplace affordances and opportunities for learning and the extent to which the worker engages in these activities are seen to be imperative to their workplace learning (Billett, 2000, 2001a). Therefore, how workplace practices develop are the product of participatory practices; that means what and how practice managers afford the participants of this study opportunity to participate in work and learning. How the women in the study perceived their adaptability to change in work activities is addressed in the next section.

7.4.1 Adjusting to change within the workplace

As noted earlier, the workplace is an environment of constant change (Fenwick, 2001a; Livingstone, 2001; Wood, 2004), and legal workplaces are no exception. Changes in and specialisation within areas of the law today have meant legal practices and practitioners have had to specialise to provide legal services in exclusive areas such as criminal law, company law and family law, to name but a few. As a consequence of this type of specialisation, auxiliary staff workers who take up positions depending on their areas of experience and opportunities for work, have had to adapt to acquire new knowledge and technological skills to provide the requisite secretarial support. Interviews sought, in part, to understand how auxiliary workers adapt to change within the legal workplace.

The women’s data revealed diverse dimensions of change with the ways in which these auxiliary workers adapted to change being illuminated through their learning capacities and experiences. The women talked about numerous substantial procedural changes that happened on a daily basis and how they frequently drew
upon past experiences to make change happen effectively. They also gave various accounts of how unexpected change occurred for them in everyday practice. For example, Anna who had to engage in legal work, previously carried out by a solicitor (who left on short notice), called upon prior skills to perform the resulting work. This is evidence of the kinds of demands that can be placed on individual auxiliary workers to perform work otherwise the responsibility of a solicitor. It is also evidence of how the work practices of auxiliary workers traverse the practice of the law.

Louise from BL also recounted sudden changes to a client name and how she had to strategically consider and plan to amend all correspondence, forms and file details that would be affected; and Tina had to call upon her investigative skills and past knowledge to transfer a solicitor’s practising certificate from one state to another. The women were deliberate in the ways they approached change and moreover, they were not impeded by complex situations; in fact they appeared to benefit from the challenge. That is, they exercise their sense of self, agency and personal epistemologies in finding new ways of working, yet largely without intentional workplace affordances provided by practice managers.

One specific example of change discussed by a manager and an auxiliary staff member accentuates the differences between management and auxiliary staff perspectives. The change was a complete software conversion in the offices of BL. Rose revealed how the change required overt management planning, with clear levels of communication to ensure auxiliary staff were aware of all phases of the change plan. Staff members were invited to voice any relative concerns and they were provided with adequate in-house information technology training and support. Nevertheless, Louise’s perception of events was somewhat conflicting. She explained the new software solution was thrust upon staff without consideration or consultation, and when she raised issues she was told the decision was final. No more than basic training was provided, and Louise made it clear she and the other auxiliary staff were essentially left to adapt to the new software by “teaching themselves”, as in self-directed learning. It would appear the good intentions of management to provide adequate communication and training are diametrically opposed to what auxiliary staff members perceive as poor communication and inadequate training. However, the auxiliary workers were strategic in the ways they planned to transfer their work to the new program and find the best ways to perform their daily tasks. They were not happy about the new program but resigned to accept it. The most important finding
here is when auxiliary workers united to learn together they engaged in significant learning.

This part of the study elucidates change as a constant phenomenon that can occur without notice during everyday practice in the legal office environment and impact upon the work of professional and auxiliary workers alike. It also illuminates how the auxiliary workers in this study adapt to change through their pursuit of significant learning through individual and collective processes, yet without support or affordances from practice managers. What was most important was the agentic actions of these auxiliary workers; their intentionality evidenced by the ways in which they set tactical goals and the fact that they analysed their responsibilities to perform everyday work tasks.

7.4.2 Constraints of work and learning

It was not unusual for me to keep diary entries about my various struggles for better work and learning conditions, but when I reflect on the meaning behind this sign I can still feel the dampened spirits:

The sign in the kitchen read – ‘there will continue to be floggings until staff dismissals finish’. A lethal cancerous disease of uncertainty has gripped the air. I wonder which secretary wrote the sign. I tore it down but I feel as though I am betraying them (the secretaries). I want to tell them they are safe but the truth is they are not. Some of them will not know until 5.00pm on Friday that they won’t be back. They are so easily disposable. This will cause another altercation in the boardroom but if I don’t fight for them no one else will.

(Journal entry, 4 March 1998)

It is workplace actions like this that enact the power relations which exist between professional and auxiliary staff workers (Yolles, 1999) within organisations such as legal offices. Such relations are part of the many issues women experience in employment (Pfefer, 1998), and become more apparent in office policies (Fenwick, 2001b). As a consequence, auxiliary staff workers are often (perhaps inadvertently) excluded from the kind of sponsored learning opportunities that are afforded professional workers. Thus, the study suggests understanding these dynamics becomes important for women’s current and future learning, as it is mainly through learning activities that women’s workplace opportunities can be expanded.

During the interviews, tensions that existed between professional and auxiliary level staff were characterised mostly in rigid professional hierarchical
structures and governing policies. From a management perspective, Matthew and Rose confirmed their offices were active in developing and providing policies that support legislation and industrial mandates. Although Maria disclosed a lack of formal policies, she was convinced the open-door policies she had put in place were sufficient within that office. Clearly, each of the offices abides by legislation that protects all staff. The managers also acknowledged the importance of working towards improving auxiliary women’s learning within the legal workplace, and the promotion of more in-house training. Despite these levels of support, Matthew advocated good intentions, but qualified as a priority “the work has to be done first”. When the auxiliary women were asked about workplace policies, they all recognised and accepted formal support for professional staff learning, but it was Anna who summed up the women’s sentiments: “wherever I have worked, policies for learning (if there are any) only cover professional staff”. Auxiliary workers understood the discrepancy was linked to the value of fee earning capacities of professional workers. Legislation alone will make little difference unless the kind of de-limiting and restrictive work practices that constrain the development and career paths of auxiliary workers are removed.

Each of the practice managers recognised their legal and moral responsibilities to all staff, with Matthew and Rose acknowledging formal policies, and Maria advocating informal policies for learning within the legal workplace. However, auxiliary workers’ understanding was that learning policies (when they existed) provided only for professional staff. Professional staff were coerced to attend continuing education but employees (male and female) below professional status were excluded. Therefore, the legal office teaching pedagogy had boundaries and it would appear that employees (both men and women) beneath professional status were not involved in generating ideas and offering opinions on the office policies that were meant to safeguard workplace experiences for all. Legislation as well as workplace policies should ensure each and every employee develops new skills and encouragement towards individual and professional development.

7.4.3 Womens’ intentional learning behaviours

For the women in this study, their workplace learning has been shaped by their work histories, their agency, personal epistemologies and pedagogies of necessity. Interwoven through their experiences three dominant strategies were impossible to differentiate across the women’s practice. Each of the women demonstrated how they
mostly draw on past experiences to perform a task or solve a problem, then if they are unsuccessful they invoke peer assistance, and only as the last remaining option will they consult with a lawyer or statutory organisation. As the women described their participation in workplace learning practices, they recounted agentic behaviours that were both intentional and strategic. Each of their experiences illuminated individual purpose and agency in gaining workplace knowledge.

From the beginning of their personal work histories, the women exercised significant agency in the form of personal epistemologies in their learning about and participating in legal work. For instance, when Louise first embarked on her legal career she did so with one day’s assistance from a previous secretary, and had to learn fast to be able to perform the job; Amy and Sarah told me they were forced to learn because they were “thrown in the deep end” without any assistance. There were numerous accounts about new positions in legal practices over the years, and between them the women described how they repeatedly had to rely upon their past experiences to be able to perform their work. Additionally, a lack of management support for learning had meant that these auxiliary workers often had to teach themselves how to learn new tasks: a pedagogy of necessity. There was much evidence that auxiliary women possessed a level of willpower to find ways to learn, regardless of obstacles put in their path. For example, Tina from GL when she was not permitted to attend seminars became “more determined to learn in other ways”; and Anna made it clear that auxiliary workers not only “share a common purpose to learn”, but they need to “prove they can do it”. Hence, when both Tina and Louise described how they adapted to new technology (by teaching themselves) within their respective practices, they also provided rich examples of the interrelationship between individual agency and performance at work, and how this played out differently between professional and auxiliary legal workers.

Womens’ ways of participating in learning at work were obvious in their many workplace stories. They talked about “setting up databases” – (Anna), “the preparation of documents” – (Louise, Kate, Sarah); “file management” – (Chloe, Amy), “computer solutions” and “solving client and staff issues” – (Tina). Tina told how she set personal goals and was gradually trying to increase her own “scope of participation” in workplace activities. Even so, she came to the realisation (due to a lack of management support) that she would have to step outside the workplace in order to increase her overall capacity to learn. All of the women were quite practised at learning new tasks and solving problems, possessed and exercised personal
epistemologies directed towards maintaining their workplace competence. Their proficiency in learning tasks was due to the fact they were forced to engage in new learning every day and new learning gave them the confidence to continue their employment. Their accounts involved enactments of individual agency and how engagement in socially mediated activities was shaped by that agency. However, it was in their enactment of their personal epistemologies that the characteristics between auxiliary workers and professional workers became blurred. Here, we had auxiliary workers performing in ways that are supposed to characterise professional practice.

The women also discussed invisible practices and provided examples of indiscernible “agentic” actions which contributed to their personal epistemologies. Some of them described a great sense of purpose when they decided to transfer prior skills to learn something new. Louise talked about how she frequently had to apply past knowledge to solve new problems without precedents or assistance from a solicitor. Only when she was successful, did she feel satisfied and more positive about her own abilities, thereby sensing the viability of her own learning processes. Anna told how working within an area of law that she had not worked in for many years made her determined at the outset to draw on previous knowledge to get the job done. Tina recounted an instance where she drew upon her past knowledge of how to obtain a practicing certificate for a solicitor from overseas to complete the transfer of a solicitor’s practicing certificate from one State to another. Occurrences such as these not only demonstrate the women’s agentic actions, but also how their actions led to their being more competent and more confident in their work.

This section has provided clear indicators of the need for and ability of auxiliary workers to be highly agentic and to exercise personal agency in learning and engaging in their work. What was evident from the analysis was the interrelationship between the women’s individual agency, their performance at work and how their engagement in workplace activities was produced by agency. The women mostly demonstrated highly agentic abilities in the ways in which they transferred their skills, and through the actions they take to learn new tasks or solve problems. The ways in which auxiliary women's learning and formation of identity is directly associated with how women engage in work is discussed in the next section.
7.5 Connecting with ‘self’ at work

There were so many defining moments in the early days of my practice management but this one changed the life for a young enthusiastic girl, and I wonder where she is today and if this experience had an impact on whom she is:

She (a junior secretary) was trying so hard to be the assistant he (senior solicitor) wanted her to be but today I was afraid for her….her good intentions have been shattered. He forced his way into my room screaming and waving his hands in the air, threatening to physically remove her from the office. He had handed her a very large litigation file (with two years of proceedings and correspondence) and on top of the file he had placed a letter. His instruction was to send ‘it’ to the other side. She thought he meant the entire file together with the letter and proceeded to wrap the enormous bundle in brown paper, tie it with pink legal tape and carefully address it to the other side (defendant solicitors). But the file should never be sighted by the other side. I desperately want her to have an understanding of these things but sadly that level of understanding appears to be outside her capabilities. She wants to be a secretary but I am afraid it will never be. She will have to come to terms with knowing who she is and what she might be capable of – somewhere and someone else.

(Journal entry, 14 March 1994)

Through several defining moments, each of the nine women identified ‘self’, confronted ‘self’, and transformed ‘self’, to become someone ‘new’, and did so in a way which approximates reflexivity. There were also implications for directing the women’s learning to activities beyond the workplace. The process of identifying ‘self’ was activated as the women of this study reflected on their histories and began to define their work practices and who they were at work.

The women remembered their first experiences in the workplace and reflected on whom they were when they first commenced legal work. It was pointed out earlier that doing this evoked memories of being “thrown into the deep end” – (Amy, Sarah) with “no support or guidance” – (Karla). Kate’s experience was “so bad” she began “learning to learn (her job) by herself” oblivious of the fact “that other practices could be any different”. Current work selves began to emerge and the women characterised themselves as “non legally-qualified”- (Tina), “hard workers” – (Karla) who are “proactive” – (Anna), “methodical and pedantic” – (Louise). However, there were shadows behind these descriptions: Tina spoke of being “constrained” by a lack of autonomy that affected her decision making powers; and Louise questioned the demanding levels of work, and how she could secure more time for herself. Therefore, the women’s personal histories or ontogenies and the exercise of their
personal epistemologies became the foundation for the intent and direction of their learning, which incorporated directing their agency in terms of work related learning in a way which might be best characterised as a pedagogy of necessity.

Although the women indicated that they were highly committed to their work, they began to question their work and personal selves. Louise from Boyd Law queried her own motives for working a five-day week, and frequently asked herself, “Why am I working so hard?” Anna from Macarthur Law wondered if she “was part of the equation at all” whilst Karla and Mia both from Gilston Law pleaded with themselves for an answer to the same question, “Why do I put work before myself?” All of the women reflected on times when their efforts were not appreciated, and questioned their commitment to work and family needs. The process of asking questions demonstrated the reflexive struggle the women were having with their work and personal selves. While such a process may be applicable to women working in fields other than the legal field, it was apparent that through this process, the women in the study were able to make changes to their lives.

What resonated throughout the women’s stories was their determination to make changes to their work and personal lives. Tina exemplified fortitude when she decided “to make things happen”, to be more assertive; Chloe from ML finally “let go” and started to delegate her work; Anna found a new job where she could be valued; and, Louise from BL and Mia from GL resolved to find interests outside the workplace. And, even though some of the women had not made any immediate changes, they reconciled to find a better balance between work and home. Nevertheless, the women’s continued existence, individual development and professional progress were pledged on a complex negotiation between the affordances of the workplace and their own levels of agency.

The ways in which auxiliary level women defined ‘self’ shaped their identity and subsequent roles/behaviours at work, including how they were motivated to engage in learning new tasks. Each role (identity) influences behaviour within that role because it has a set of meanings and expectations of ‘self’ (Stryker, 1980). The women’s self-concept was essentially imitative of other group memberships where individuals identify with same gender groups (Tajfel & Turner, 1979). However, as Giddens (1987) argues, each individual has the power to change, as did each of the women here when they demonstrated their individual resolve to make changes and find a better balance within their working and personal lives. Therefore, how
women’s relations develop and change and how women identify, question and modify self may assist employees and management to develop enhanced understandings of the complexities of workplace influences. These understandings may then be important mediators for women’s experiences at work.

7.6 Summary

This chapter has brought together an analysis of the previous two chapters; Chapter 5 explored the perspectives of legal practice managers and Chapter 6 investigated the perceptions of legal auxiliary workers and the opportunities they have to learn through their work. It is well known amongst the legal profession that the Queensland Law Society offers professional workers (solicitors with current practising certificates) CLE and CPD programs for the purpose of providing them with ongoing learning and development. The support and guidance that the principals provided their solicitors further epitomised the divergence between how professional and auxiliary staff learn at work. Auxiliary staff learning basically evolved through the work they performed. Manifestly, most legal work was delegated by the professional staff on to auxiliary staff workers, and it was expected that auxiliary staff would work collaboratively to accomplish their tasks.

Managers claim to encourage all staff to learn, regardless of their status; Matthew explained how he encouraged an auxiliary staff worker to cross the boundary and study law. However, the nine auxiliary staff participants perceived the hierarchical system as sometimes treating them as plebeian, particularly when associated with workplace learning. Nonetheless, auxiliary staff engaged in pedagogies of necessity and saw their learning as purposeful, self-directed and profoundly reliant upon their past experiences. The women mainly engaged in ad hoc ways of learning at work, and how they adapted to change within the work environment illuminates how they work and learn. It was the opportunities afforded by management for work that determined their levels of participation in learning episodes. The study has bought to the fore a gap in formal education policies and practices, because they provide for professional staff and not for auxiliary staff members. Management clearly offers adequate support to encourage professional staff, but is deficient in that it does not provide support for auxiliary level staff. Therefore, tensions that exist between professional and auxiliary staff workers can be
found in both the rigid professional hierarchical structures, and in the workplace norms and practices.

However, auxiliary women’s work practices blur the divide between professional and auxiliary work. The ways in which these women work are illuminated by their reflective learning practices and the enactment of their personal epistemologies. They displayed significant levels of agency in learning about and participating in legal work. Agentic behaviours were evidenced through the interconnection of the women’s overall performance at work and how they engaged in various workplace activities. The women demonstrated highly agentic capacities in the ways they transferred their skills, and through the actions they applied to learning new tasks and solving problems. What echoed through the women’s narratives was how their identity was shaped by the work and learning they do; firstly, by characterising themselves as highly committed and experienced legal workers, then questioning their work selves to eventually transform ‘self’. It was also evident that although there were some management obstacles to women participating in more learning, each of the women displayed the intentionality, determination, agentic capability and reflexivity to transform their lives. Because the literature on women working within the legal industry remains sparse, it could possibly be very important for scholars, educators and the many women who work within these workplaces to read this study. In doing so, they might consider management perspectives and gain an understanding about women’s workplace learning experiences, and the implications arising from those experiences that affect their practice and personal growth at work. It is therefore argued that practice managers need to know what auxiliary women say about 1) their work practices (and the inhibitors and enablers of those practices), 2) their learning experiences and processes, and, in particular, 3) the ways auxiliary women find to adjust to change at work.

In sum, the nine auxiliary women of this study engaged in pedagogies of necessity to secure their tenure. They were reflective and reflexive learners who developed personal epistemologies and engaged in agentic behaviours. Through their development phases these same women experienced transformations of self to become someone ‘new’. In conclusion, it will only be through developing better understandings of how auxiliary women learn that we will be in a position to improve auxiliary women’s learning experiences at work.
Chapter 8

Discussion and future implications

8.1 Introduction

This study has investigated how a cohort of nine female auxiliary level workers gained access to learning that assisted them: (1) to maintain their work competence within general legal practice work environments and (2) to realise their career potentials. It was critical to these purposes to explore the conditions of employment, the ways in which these women participated in learning, and the kinds of organisational support that encouraged or discouraged their learning experiences in the legal workplace. In Australia, increasing numbers of women enter the workforce each year. However, many of them are in administrative and service related employment that offers little in the way of career paths. The need to better assist women learn in the workplace is an area of interest to managers and a growing area of discussion for researchers. Within a competitive business world, which includes the legal industry, there is a need to find ways – both new practices and ways to supplement existing practices – that includes drawing upon the vocational experiences of employees. Workplaces have to seek ways to improve their employees’ learning particularly as they are required to work in the midst of constant change. Therefore, to remain viable enterprises need to ensure employees are constantly engaged in learning. In addition to the perspectives of nine auxiliary workers, this study ascertained the views of three managers of legal practices: firstly, to address the kinds of support that managers make available to their staffs, and secondly, to present what auxiliary women perceive as the workplace experiences that facilitate or impede their personal and professional development. Auxiliary workers’ learning in the workplace is particularly important and this study has been principally concerned with analysing practices and affordances for auxiliary women’s learning in the legal workplace. It sought to examine what should happen in terms of espoused practices and norms and what actually happens for auxiliary level female workers. What evolved from managerial perspectives, and from the standpoint of auxiliary women was a foundation upon which to build better understandings of women’s workplace learning experiences.
The study also developed an understanding of how learning, engagement in work and identity formation occur in different ways for auxiliary workers and their professional counterparts, mostly because of the lack of particular kinds of workplace affordances that could serve their needs more directly. This is beyond simply identifying differences between auxiliary and professional workers to elaborate the learning conditions and premises under which auxiliary workers learn. Instead it sought to identify how the opportunities for learning were distributed and the particular kinds of agentic actions that were required of those women denied directed workplace affordances. There is strong evidence of personal epistemologies, reflexive practice and personal agency being exercised in the conduct of auxiliary women’s work and learning. There is also an interrelationship between an individual’s learning and their identity, however, the relationship between learning and identity formation is deeply problematic for these workers because it is often constrained by workplace categorisations.

The findings of this study focus on the relationship between the personal agency and personal epistemology of auxiliary workers, on the one hand, and the degree of affordances provided by the workplace on the other. What is apparent is that auxiliary workers engage in personally directed activities to assist their learning, which essentially is not supported by the workplace (management) and in stark contrast to the affordances provided for professional solicitors. The contribution of this study thus lies in the understanding it offers of how the learning, engagement in work and identity formation of female auxiliary workers occurs in different ways than for professional workers. Understanding how the women of the study adjust to work conditions is important because it can shed light on auxiliary women’s work and learning. Moreover, it can inform more broadly about other workers positioned in similar ways to these workers.

Earlier chapters (Chapter 2 and Chapter 3) established broad conditions of work that impact on women’s learning. Chapter 2 recognised that the conditions of work have changed for women (and men) and, although they appear to support the increasing numbers of women entering the workforce, there remain many who are marginalised (Krautil, 2000). This is, in part, due to contingent work arrangements (Barber, 1995) and to a workforce that is characterised by change, shifting demographics and increased diversity (Fenwick, 2001a). And even though the Sex Discrimination Act (SDA) 1984 and the Affirmative Action Act (AAA) 1986 were legislated to ensure equality for women in employment (Cox, 1996), there are still
issues that affect women’s working conditions. According to Bierema (2001), many women experience inequities at work, such as being paid less than their male counterparts. In Australia, this also included receiving fewer entitlements to benefits (Scutt, 2000), often being required to work erratic hours, being easier to dismiss, and having diminished expectations of continued employment with the same employer (Grensing-Pophal, 2000).

In Chapter 3 it was argued that a prime concern for many organisational leaders, managers, workplace educators and trainers is how to meet the challenges of constant change and the increasing intensity of work (Livingstone, 2001). Women workers must keep up with changing work conditions and practices to maintain their workplace competence and secure advancement. Therefore, there is a need for employers to expand workplace learning opportunities for all employees. Women workers who may be marginal because of gender and work assignation deserve particular attention from their workplace as they are otherwise denied opportunities to learn. It is vital to consider sociocultural perspectives of learning, because such viewpoints situate learning within an interconnectedness of organisational, cultural and communication practices (Renshaw, 1998) that may suggest a range of strategies which will ultimately improve women’s working situation. It is also clear that legislation will make little difference unless workplace policies, practices and norms support women workers. That means that the restrictive practices that impede the personal growth and career paths of auxiliary women must be eliminated. Then women’s participation in the workplace might be improved and it is more likely they will realise their personal and professional goals.

8.1.1 Contributions to women’s learning at work

It was stated in Chapter 1 that the contributions of this study coalesce across three central themes and several sub-themes to influence auxiliary women’s learning at work:

(1) The impetus of women’s workplace learning, incorporating:

1.1 Workplace boundaries;
1.2 Women’s ways of learning: empowerment and ownership;
1.3 Personal agency and personal epistemology;
1.4 An awakening of reflexive engagement
1.5 Significance of continuous learning in working life;

(2) Women’s participation in work and learning practices, and

(3) Women’s reflexive practice and identity, incorporating:

3.1 Women’s commitment to ‘self’; and

3.2 Constraints on achieving interconnectedness between work, learning and identity.

Pervading these findings was a multi-layered, systematic theme that further illuminated women’s agency. It was located in their learning about and participating in legal work, and also discovered in their personal epistemologies and personal agency in learning and engaging with their work. This theme revealed a strong interrelation between the women’s intentionality evidenced in daily performances, their individual agency, and the formation and the transformation of their identities within the legal workplace. These contributions are advanced below and where possible parallels are made to current themes in the literature. They constitute the contributions made by this dissertation.

8.2 The impetus of women’s workplace learning

In sum, this research showed that the boundaries of workplace practices and norms were one of the most significant influences underpinning women’s ways of learning. Women’s learning is largely shaped by workplace affordances (Billett, 2001b). Yet, even when these affordances are scarce, the auxiliary women of this study found ways to learn and perform their jobs and, in so doing, embraced a journey of continuous learning.

8.2.1 Workplace boundaries

The study found that workplace boundaries were integral to auxiliary women’s learning experiences at work. Boundaries existed between professional and auxiliary staff workers in the kinds of work they performed, and within workplace policies, practices and norms that governed legal workplaces. Such divisions and barriers had an impact on overall learning within legal practice and they were partly responsible for inhibiting auxiliary workers from formal learning opportunities. However, to
some extent these boundaries were responsible for igniting the motivation the auxiliary workers had for learning at work.

Chapter 2 (Section 2.5) argued that whilst workplace boundaries exist between professional and auxiliary work and this is understandable, other forces also impact on women’s work and learning experiences. Opportunities are also affected by balancing work and home commitments (Voydanoff & Donnelly, 1998), limited support (Hughes & Preston, 1998), a lack of skills (Kirner & Rayner, 1999), various kinds of discrimination (Krautil, 2000), prejudices and inequities (Bierema, 2001; Heaven, 1999; Higgins & Koucky, 2000), power relations (Fenwick, 2001a; Yolles, 1999) and policies (Kincheloe, 1999; Pfefer, 1998; Spencer, 2001). These and other barriers only compound the effects of workplace boundaries to make it more difficult for women to learn through work.

The findings indicated that whilst management supports and actively encourages professional staff through Continuing Legal Education (CLE) and Continuing Professional Development (CPD) (administered by the State’s Law Society) other forms of support for learning are not valued. As a consequence, learning in the legal workplace has boundaries for professional and auxiliary workers that extend to everyday workplace knowledges. Not surprisingly, there are clear differences between the work activities of professional legal staff and auxiliary staff. Professional workers are responsible for performing professional legal work and auxiliary workers support them in their work. Similarly, there were differences between professional and auxiliary staff learning. Professional legal workers were expected to attend Continuing Legal Education and Continuing Professional Development whilst auxiliary workers mostly learned by performing the job. This is not to say that professional workers never engaged in other learning through their work, but it was not evident in the three practices that any other learning was acknowledged by practice management. Certainly, auxiliary workers were dependent upon their own learning in ways that professional learners were not. Throughout my contact within the three practices there also appeared to be few or no opportunities for creative learning for these women; i.e. there were no structured learning plans for staff to engage in innovative practice. Nevertheless, through the demands of every day work activities, and their personal agency the auxiliary women of this study engaged in learning activities that made it possible for them to perform their jobs.
The study also found auxiliary staff learning was responsive to immediate work imperatives rather than consideration or planning for purpose-designed, structured learning opportunities. Nevertheless, auxiliary staff workers showed great resolve in finding ways to learn and adapt to changing work environments and workplace requirements. The women in this study actively sought and found ways to know what they needed to know to perform their jobs in as professional a way as possible; they seized learning opportunities as they arose in everyday practice and showed great determination to get the job done. In many instances, the women stretched their own personal boundaries to ‘investigate’ and ‘call upon past knowledges’ to complete a job. So, the very confines that appear to hold these auxiliary workers back from formal learning opportunities within (or outside) the workplace provided these women with a basis from which to embark on their learning and a strong purpose to find ways to learn. Giddens (1979b) points out that the very structures that prohibit individuals from participating in the kinds of learning, often make their learning possible. Beyond these understandings, though, this study not only provides the basis from which women are able to learn but it also illuminates the ways in which women are provoked and inspired to learn. The findings here also add to the literature the perspectives of auxiliary level women and their ways of overcoming barriers to their learning at work. Overall, workplace boundaries: (1) create divisions between professional and auxiliary workers that affect workplace knowledges, (2) prohibit auxiliary workers from formal learning opportunities, yet, (3) incite auxiliary workers to find ways to learn to get the job done.

8.2.2 Women’s ways of learning: empowerment and ownership

In all, the nine female auxiliary workers who participated in the study were pragmatic learners and they knowingly found ways to learn through everyday work and change practices that made up their jobs. Significantly, for most of the women participation in this study presented an opportunity to articulate their learning process for the first time, empowering them to finally develop a sense of ownership of their ways of learning.

Prior to their entry to the workforce, the nine women had predominantly experienced didactic and instructive teaching styles (evidenced in their accounts of school and business college). Because they had been predisposed to repetitive and rote style learning the participants advised that they had not previously considered, let alone articulated, the ways in which they actually learn at and through work. This is
consistent with Boud and Middleton’s (2003) findings in work groups where participants were not cognisant of the learning process (including educators who perhaps should have been more aware of the learning process). However, when these nine participants articulated how they engaged in learning episodes for work they described themselves as practical learners; essentially because the hierarchical conditions of the legal environment had determined that they learn by “doing the job”. Mostly, the women described how they had to learn about intended work and how they frequently engaged in reflecting on past experiences to transfer and apply part or parts of their knowledge (from past experiences) to complete the task and thereby learn. If this process was not successful, then they conferred with their peers and the women appeared to value the support they received from talking through work-related issues with other auxiliary workers. Only when the first two processes failed would any of the women refer their matter of concern to a lawyer or statutory authority. Thus, the women exercised personal agency and personal epistemologies to find the best ways to learn. In response to Billett (2006a) who has called for better understandings of what constitutes a workplace curriculum and pedagogy for work, this finding offers a model of learning with rich developmental potential that is largely tacit. It also elaborates the ways in which these women adjust to their changing working environments.

Since change is also the essence of the legal environment this kind of workplace provided an epistemological platform for female auxiliary workers to learn through their work. The women demonstrated how they survived continuing change within their domain of developing skills, despite not being involved in structured learning programs. Shared themes in the data illuminated the women’s strong intention and drive to perform effectively. Each of the women verified how they continuously motivated themselves and set goals to gain the knowledge they needed to perform their jobs. An important theme was the strategic ways in which the women approached many work tasks. This was evidenced by the agentic actions of the women to learn about and participate in legal workplace activities. These findings conflict with Johnson’s (2002) study, which found women with no qualifications were dissatisfied with their work. It was demonstrated here, however, that these auxiliary workers were proud of their agentic ways of learning and working which were: (1) pragmatic, (2) reflective, (3) shared and/or queried with peers, and (almost as a last resort) (4) sought after from lawyers or statutory authorities.
8.2.3 Personal agency and personal epistemology

The workplace learning the nine women engaged in went beyond developing personal epistemological practices. There was a collaborative reinforcement between the women’s personal epistemology and personal agency that revealed a synthesis of the ways the women learned. They purposely acquired new knowledges and engaged in new learning through their everyday work activities. The women intentionally set goals and applied past and new knowledges to achieve a task or overcome an issue.

Throughout the study, the nine women demonstrated a strong resolve to find ways to learn and enhance epistemological understandings (Brownlee, 2001). They illustrated how legal support staff have challenged work and learning practices that constitute double-loop learning (Argyris, 1999). They described how they have had to rely upon past knowledge and experiences to teach themselves any new work-related tasks, in spite of a lack of workplace affordances. The women also talked about how support staff workers have often had to rely upon each other to learn new tasks at work. This was evidence of the need for these workers to be highly agentic and exercise personal epistemologies and personal agency in learning about and engaging in their work. There were numerous occasions when each of the nine women had to “work out” for herself a method to complete a matter with no precedents, and without the assistance of a lawyer.

Overall, each of the women’s actions illuminated in this study go well beyond pronouncements about socially-mediated activities or communities of practice, because they elaborate in detail what constitutes socially-mediated activities and the relationship between individuals and that mediation. Tina’s actions seemed more dramatic than the other women’s, particularly after she expressed strong feelings of desperation for change in the workplace and then made the decision to be more assertive and stand up for the very changes that would improve work practices. Tina had set goals for herself and made them happen. As a direct result of her agentic actions to change work practices, her sense of identity was also transformed. She became the assertive and determined person she had wanted to be for a long time. The women of this study demonstrated how they could draw upon what constitutes the social practice of the workplace as a self-motivated, interactive, relational entity, albeit with organisational limitations. In doing so, these women developed and exercised strong personal agency. So, it was identified here that the nine legal workers exercise personal agency and personal epistemologies in the ways they learn.
and perform their work. With these understandings it is likely these workers will augment their practice (Billett & Smith, 2006).

8.2.4 An awakening of reflexive engagement

Engaging in autoethnographic reflections and writing allowed me to recognise my own agentic actions, particularly during times of adversity. My personal journey of learning has been (and continues to be) beset with challenges and as I commenced reading my reflective diary I was able to reflect on my personal and work history. I had struggled to balance a managerial career with home, family, study and in the early days (1990s) had to overcome the harsh opinions of professionals, some of whom warned me I was wasting my time enrolling in an Adult Vocational Teaching and Human Resources Degree. Yet, I began with a sense of purpose and persisted in setting consecutive learning objectives. I now have an appreciation for my own agentic actions in my very first autoethnographic account (see Chapter 1) when I was so determined to attend an interview (for a practice manager’s position) that seemed to be destined for failure. Somehow I was successful at that interview. I also appreciate that as each goal was achieved in my work and learning there was a level of fulfilment, but it was always followed by another aspiration. Never was there a sense of having reached the end of my journey, but because of that journey I am more aware of my own intentionality, agentic actions and identity.

On the other hand, when reading the reflections on my work with auxiliary women in legal practice I was reminded of the many times my agentic intentions were either interrupted or rejected. Time after time, when I planned and requested in-house education programs, or external seminars, there were always reasons why this perceived ‘extra learning’ could not be sanctioned by the partners. My sense of purpose was evident, but the same barriers auxiliary women face did not allow me the scope for the creative learning I craved. Nevertheless, I found ways to learn beyond the workplace. This then stands as a powerful epistemological tool for women workers and other workers who are marginalised or provided with low affordances through their work.

8.2.5 Significance of continuous learning in working life

Learning is a process that the women of this study found themselves immersed in on a continual basis. However, the learning that occurred was sometimes hard to distinguish because it was interwoven into their everyday work activities. Learning
was fundamental to their everyday work and working life; auxiliary workers were continuously concerned about epistemological understandings of the scope and validity of legal and support work which drove their continuous learning practices.

In the participants’ enthusiastic descriptions of how they learn at work, two dominant themes emerged: (1) the ways in which the women are continuous learners and face daily challenges of new learning within the workplace; and (2) the ways in which they transfer knowledge and skills through the changing confines of legal practice, based on ongoing learning. The women spoke of the continuous learning they have to do because they are frequently challenged by new tasks and new ways to perform existing legal tasks (Argyris & Schon, 1978). Louise portrayed herself as a continuous learner because she was aware of the fact that she was constantly learning as she approached each new job, and such new jobs were incessant. And, as Tina pointed out, often the learning you have to do requires much “investigation and research” to know how to perform legal tasks correctly.

These female auxiliary workers were in essence compelled to be continuous and self-directed learners, who transfer their skills in everyday practice to get the job done, because for them there is no alternative. The transfer of knowledge was explicit in the women’s talk, particularly when they reflected on having to learn new tasks. Most of them talked about having to apply “background knowledge” to approach new challenges at work. Hence, the power and personal imperatives behind continuous learning stands as the fourth contribution to this dissertation.

8.3 Women’s participation in work and learning practices

Each of the nine women in this study was found to participate in learning on a continual basis through the exercise of their personal epistemologies. These auxiliary workers knew they had something worthwhile to contribute so they overcame structural, systematic and human barriers and found their own ways to participate in learning. Mostly, this was achieved through progressive participation in work practices (Billett, 2001a). The women systematically planned much of the learning by themselves and/or in collaboration with their peers.

Results from the data revealed that auxiliary staff workers are mainly sanctioned by management in informal ways (there were no policies or written procedures to suggest otherwise) to participate in and self direct their own learning
within the workplace. Auxiliary women’s learning is often correlated with an ad hoc participation in learning activities and the frequency of their learning is related to the socio-cultural status of auxiliary level staff members. However, one practice manager (Matthew) provided evidence that opportunities can exist for auxiliary workers to become solicitors. One auxiliary worker was given an office space and became an articled clerk. Even though the nine participants were not afforded the same opportunities as this auxiliary worker or as professional staff, repeatedly the women expressed their own personal need to engage in learning.

Because of workplace norms, the auxiliary workers of this study approached learning strategically; they had to plan to learn how to approach and participate in new tasks and everyday problems (Lave & Wenger, 1991). The women placed a lot of value in engaging in learning how to ‘do it for themselves’. They also expressed desire to ‘learn more’ and engage more to ‘increase their scope of participation’. Not only do auxiliary workers gain new epistemologies and skills when they participate in learning, but they also develop confidence in their own abilities to learn more and get the job done. The study provided strong evidence that auxiliary staff members learned best from experience within the legal practice when engaged in legal work activities; by engaging in challenging work-related problems, often by themselves and also through collaboration with their co-workers. In sum, the nine auxiliary women’s learning was found to be interconnected with their socio-cultural status (of auxiliary workers) and episodes of participation in everyday learning activities.

8.4 Women’s reflexive practice and identity

Learning for each of the auxiliary workers of this study epitomised the work ‘self’. Learning was part of the process of developing ‘self’ for these women. They recognised and challenged ‘self’ to be able to perform with excellence; they sought and achieved their own personal approval to make changes that improved their work experiences and ultimately their work ‘selves’. This reflexivity was at the core of these women’s sense of ‘self’.

A key contribution of this study is a better understanding of how auxiliary women involved themselves in workplace learning that allowed them to clearly connect with their identity. The study established relations between the women’s career adaptation and the development of individual identities; each an equally
important phenomenon for these workers. It was because the workplace is a rich site for learning that these auxiliary women were able to name ‘self’, question ‘self’ and transform ‘self’ through reflexive practice and a process of personal growth to become someone ‘new’. The women’s actions demonstrated links with their sense of self and identity and were directed towards supporting their identity as legal workers. The women demonstrated what Giddens (1991) would argue is the stimulus needed to construct a more coherent ‘self’. There was significant evidence of the women’s undeniable tenacity that illuminated the interrelationship between the women’s work, learning and identity: particularly for Tina when she exercised reflexivity and renegotiated with ‘self’ to become much stronger and enforce office procedures; and Anna when she changed roles to meet new challenges; and for Louise, when she realised she would have to change the way she worked to do something for herself and move to part-time work. These are evidence of reflexive practice (Edwards et al., 2002) and working examples of the power individuals have to change their social situations (Giddens, 1987). For each of the women, work was central to whom they were and their identity, which was often defined by what they are able to achieve independent of management support. The workplace learning that took place for each of the women on a daily basis represented a powerful process of coming to understand who the women were in relation to others. Fenwick (1996) would champion this finding since she recommends more work needs to be done to help women to connect with and articulate ‘self’ in work. For the nine female participants in this study, learning contributed to the development of ‘self’ and their sense of ‘self’ and ‘identity’ supported their identity as legal workers.

8.4.1 Women’s commitment to ‘self’

The nine women in this study adjusted to the legal workplace by making personal and purposeful commitments to their work and to their learning ‘selves’. They approached new tasks and found ways (both new ways and past experiences) to solve problems with enthusiasm and purpose.

Being a part of this study meant that the women were able to articulate their own capabilities; in all probability an infrequent practice for these women, but one where they were able to identify with their work ‘selves’. In the process the women confirmed high levels of commitment to achieve professionalism in the ways they approached their work and learning about their work. This is quite unlike Johnson’s (2002) study that found the majority of auxiliary workers did not feel involved in
work. As well, the women of this current study demonstrated high levels of commitment to learning, particularly when they were engaged in environments that mirrored their personal values. A good example of this was when Anna found herself in a situation that conflicted with her own values – she was able to make changes such that her commitment to work would be recognised by senior workplace management.

Overall, the women in this study showed determination and adaptability to their work and learning: agentic personal epistemologies that relied on collaboration with others. Even though they expressed a belief that they were valued to a lesser degree than professional staff, these women felt valued enough to continue to perform to the best of their ability, buoyed by a sense of their own professional practice. When there were periods where tasks appeared to be insurmountable the women were calmly confident and learned to conquer the task through their own systematic processes. Louise provided an early example of this when she was first employed in a legal office and “thrown in at the deep end” - she had to learn fast then, and she still aspires to and is committed to working in a job that “provides the best professional services”. Hence, the commitment to self through the work articulated stands as a reason for both personal and workplace development.

8.4.2 Constraints on interconnectedness between work, learning and identity

The relationship between work, learning and identity is somewhat constrained by workplace categorisations between professional and auxiliary staff workers. Restrictions within these workplace categorisations and practices impact on women’s work practices and learning in how they come to know, question and transform the work ‘self’.

One of the most significant barriers for women’s learning is the power evident in the policies that underpin conditions, norms and practices with the working environment (Pfefer, 1998). Women’s work experiences are affected by power relations (Fenwick, 2001a) and the dissemination of power (Yolles, 1999) and budgets (Spencer, 2001) that exist in workplaces such as legal offices. It has also been established in Section 8.2.1 that workplace policies about affirmative action do not provide auxiliary workers with the same opportunities as professional workers. Amongst other barriers (already connected with workplace barriers in section 8.2.1) women find gender biases (Kincheloe, 1999), prejudices and inequities (Bierema,
often inhibit their workplace experiences. Women’s views on whether they are supported in their learning differed from those of managers; where managers believed they support auxiliary women’s learning, the women perceived their learning to be second-rate compared to professional staff learning. As Anna explained, “wherever I have worked policies (if there are any) for learning only cover professional staff”. The women provided a picture of auxiliary level learning as something legal workers engage in only if they choose to learn, since they are not supported by management. Clearly, auxiliary women perceive learning policies as not being equitable within the legal workplace because they only provide for professional workers and do not provide auxiliary workers with the same opportunities.

The relationship between learning and identity formation is also problematic for female auxiliary workers because it is constrained by workplace categorisations. Throughout the interviews most of the women referred to professional staff members as being more privileged because they received more support for learning. The women identified with a group (of auxiliary level workers) that was excluded from learning policy and practice. To be identified as someone important and worthy of support for learning, one had to belong to the professional group. One described herself as a “non-legally qualified” worker which indicated she was agitated and embarrassed because of a lack of management support for auxiliary workers’ learning. However, even though the conditions of work do not always support auxiliary women and their aspirations they find their own ways to cope with the hierarchical powers and excel in their efforts to learn every day.

In sum, the contributions of this study illuminate the boundaries of overall (professional and auxiliary) workplace learning practices and demonstrate how the nine female participants were motivated to learn despite workplace limitations. These women were pragmatic learners who were empowered to claim ownership of the ways they worked and learned. There was a strong relationship between their personal epistemologies and personal agency that demonstrated how they engaged in work and learning. Their learning was continuously interwoven into their everyday work activities. The women constantly had to overcome structural, systematic and human barriers to find ways to participate in learning through such activities. Nevertheless, they purposefully committed to their work and learning ‘selves’. Even though these women were often constrained by workplace categorisations (professional and auxiliary) they still identified, questioned and transformed their
work ‘selves’ to become someone ‘new’. The nine women of this study were pragmatic, reflexive and highly agentic workers. From them, we have understood much about how they work and learn through their work. Now we might be in a better position to ameliorate the workplace experiences of other workers who are subject to low workplace affordances (e.g. contingent workers).

8.5 Implications for future practice, policy and research

This study has argued for more than partial managerial responsibility for auxiliary women’s learning. It suggests that Legal Practice Managers need to consider how they can best assist auxiliary level women to learn how to learn; not only those who have had long careers within the industry but also those who choose to enter legal work as their chosen career. In the quest for better management and increased workplace affordances for auxiliary workers learning, the focus should be on change to improve work and learning practices and more inclusive policies within legal workplaces. From a research perspective, there also needs to be much more research on the ways women learn and on women’s understandings of the conditions of work that impact on their learning experiences and opportunities. Women need to be more aware of how they learn and how their learning is interconnected with their actions and their identity. A further extension of the research carried out here could incorporate the views of a broader range of auxiliary workers (at different stages of the career path) on learning practices and the policies that underpin such practices. The findings of this study provide a foundation from which future practice, policies and further studies can be developed.

8.5.1 Learning practices

The findings of this study support the fact that women workers at the auxiliary level need to learn how to understand the power of their personal epistemologies. There needs to be an emphasis on the personal epistemological contributions of auxiliary workers in concert with management practice. To move towards this, auxiliary women need to be able to share their stories and be more involved in articulating and examining more closely their ways of learning. They need to be able to engage in reflexivity and consider their behaviours in the ways they learn and work. They also need to be able to analyse work and transfer of learning practices, and their own agentic actions and those of other auxiliary staff members who have for so long been
engaged in nebulous learning practices. The focus should be more on the interconnectedness of intentionality, subjectivity and identity (Billett & Somerville, 2004) and the policies that govern learning practices should reflect the capacity for these dimensions. Both legal practice and HR managers need to sanction workplace affordances that will allow auxiliary workers to become proficient life-long learners at work. A core curriculum for legal workplace learning could be established. This might then extend beyond the confines of the workplace. Moreover, an encouraging climate would surely influence and augment a broader acceptance of workplace learning for all staff (professional and auxiliary workers).

8.5.2 Policies

Some of the issues, such as the perceived negation of auxiliary level learning, contained within the FETP document (identified from the focus group analysis), need to be considered beyond human resource management. The various types of discrimination that exist within workplaces, such as subordination and exclusion (Cox, 1996; Scutt, 2000), could possibly become practice management and/or legal issues. Partners and management representatives could carefully regard the likelihood of future problems or potential litigation and prevent such action with inclusive learning and training policies.

Therefore, more than ever before it is salient that legal practice managers recognise that espoused policies are no longer acceptable and that policies in action need to be inclusive of all employees. This would require more analyses of the legal office policies that impact on women who work at the auxiliary level within these workplaces. Practice managers could not only ensure that policies are inclusive and provide education/training opportunities for all employees (regardless of status) but they could also develop sub-sections to learning and training policies that guarantee education in many different workplace knowledges.

8.5.3 Research

This study, although limited by its scope and focus, provides a solid foundation from which to develop further studies. First, this study was a critical ethnography conducted within three legal practices with three practice managers and nine female auxiliary workers; future studies could be carried out with larger sample groups and apply a hybrid of qualitative and quantitative methods. Second, this study was conducted with experienced mature aged participants; future studies could focus on
ethnographies of auxiliary level women of all ages and at different stages of employment, from those who are being oriented to the legal workplace to those who are exiting the workplace. Third, the participants of this study were employed within practices that were systems-oriented and where information technologies were of the highest standard; future studies could consider practices with diverse economic structures where systems and information technologies are at opposite ends of the spectrum. Clearly, there needs to be further research undertaken within the legal workplace to find out more about how auxiliary women, with various levels of expertise and work experience, learn through their work. The learning experiences and opportunities for legal auxiliary workers need to be further explored in ways that focus on personal epistemologies, reflexivity and agency in work and learning. When workplace policies and learning practices are all-inclusive, and there is a curriculum for auxiliary level learning, then perhaps auxiliary women will be provided with more opportunities to reach their career potential.

8.6 Conclusion

Today’s workers have to continually adapt to shifting workplace conditions, role definitions, responsibilities and organisational demands. Workers also have to contend with legislative changes, economic rationalism, globalisation and technological advancement. Increasing numbers of women workers are surrounded by these changes, partly because of expanded service demands, partly due to more flexible work conditions, but also because of a growing acceptance of women in the workplace. However, the workplace is a vital site for learning, discovering personal epistemologies, and investigating how women participate in everyday work practices. It is also a rich site for exploring how they identify, question and transform ‘self’ through their work.

Findings based on the experiences of the nine auxiliary workers of this study confirmed that the legal environment is not always conducive to fostering learning practices. Moreover, there are low levels of management affordances to support auxiliary women’s learning. Nevertheless, these women find ways to create their own learning and each of them engages well in learning about their work. They all have a prevailing personal and purposeful commitment to their learning. There is strong evidence of how they exercise personal epistemologies, reflexivity and personal
agency in performing and learning about their work. They also develop a sense of their own identity through the interconnected processes of learning, working and identity formation. Throughout the study each of the nine women questioned themselves about different work situations. In fact their reflexivity extended beyond instrumental reflections about the efficacy of work tasks and went to the heart of these individuals’ sense of ‘self’. This study has connected with each of the participants and who they represent in the workplace.

The study has contributed to our knowledge about learning through and for work and adds to the literature the perspectives of three practice managers and nine auxiliary workers within the legal environment. Yet, there are implications for future practice and research. Practice managers need to commit to establishing better understandings of how employees learn at work and how they can enhance learning practice. That commitment needs to be twofold; firstly for management of legal practices to provide policies, procedures and opportunities for auxiliary level staff to participate in learning that promotes professional and self development; and secondly, for auxiliary level women to be aware of, learn and participate in new ways to practice and strive for professional and self development. The emphasis should not just be on the technical skills of employees but on the culture, values and beliefs of the individual for the overall benefit of that individual as well as the organisation. Researchers and workplace educators need to better understand the perspectives of women to improve their work and learning experiences and their career advancement. For researchers and organisational minders, contemporary views and current studies provide the stimulus for further investigation into the social human factors that may not only achieve increased worker productivity and greater levels of profitability, but also advance personal and professional development. Furthermore, linking change to the kinds of work that organisations are involved in provides a foundation for legal practice management to consider new ways to practise.

Finally, for the female participants of this study the benefits and rewards have not been limited to remuneration (and possible bonuses) but openness to the intrinsic rewards that harmonise with personal learning and development; fulfillment at work, social deference and the satisfaction of learning to be someone different. But, if we are to continue to improve auxiliary women’s workplace experiences we must include more women in building better understandings about how auxiliary workers learn through their work. We need to ensure their learning
environments are conducive to continuous and positive change. This can only be achieved through active collaborations between organisational managers, workplace educators, scholars and women, all with a common purpose to find new ways to help auxiliary women to change and grow at work.
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Appendices

Appendix A Reflective diary entry

Tuesday, 7th Nov 1987

At 11pm, I’m worn out but I feel compelled to write. Today I have been on an epic journey and if I don’t write it down it might dwell in my mind. How does make that call?! It was my decision to make.

At 4pm I was already exhausted. The very thought of opening one of those boxes was overwhelming. Somehow knowing they would transform into a normal life kept me going. and were hungry, it was hot and I just wanted to disappear.

He seemed a long distance away, sat behind a mahogany desk and surrounded by legal files. I stood in the doorway not wanting to move, dressed in jeans and a T-shirt, feeling completely out of place, but somehow not wanting to admit defeat. He looked at me over the top of his bifocals, very qualified, brown suit and pink tie... "Ah... I have been waiting for you..." I had tried the front door of the building and then walked around to the back, hoping for someone to exit. We moved because today, all my clothes and my curriculum vitae left behind. I received a phone call and had an hour to attend an interview for the job of a lifetime. I had no alternative but to turn up at 6pm and I did. On hour passed, it was now 7pm and I was feeling more anxious by the minute and then a cleaner appeared. I was in luck then the lift was locked so I raced up the stairs knowing that I did not have a chance but determined not to yield. My voice quivered as I explained the events of the day, particularly the last few hours. I waited and knowing I would be the product manager. I am still annoyed called Quality Staff without consulting me.
Appendix B Letter/ agreement to managers

Dear

Firstly, I would like to thank you for agreeing to meet with me. Secondly, I feel it is necessary to provide you with a brief outline of my proposed research, and how I intend to conduct this study, whilst at the same time ensuring your anonymity.

The project will involve gathering information from you about your practice and your staff. In particular, this study is looking at auxiliary-level womens’ learning within the workplace. The interview will take no longer than one-hour.

During this time you will be under no obligation to answer any question you choose not to answer, and you are at liberty to exit the study at any time without providing a reason. For exclusive use throughout this research you will be given a pseudonym. I will provide you with a written transcript of the interview for your perusal, modification and approval. At the end of the study, any recordings will be destroyed.

Informed consent is required for your participation in the research project. This consent extends to the information provided by you to be used in the project. Your contributions will remain anonymous and confidential to myself as Investigator. A code will be assigned to the information you provide that will hide the identity of its source. All the information will be in the keeping of the Investigator and no identifiable information will be left in the workplace once it has been gathered from you.

It is important that you should feel free to participate in the research project without fear or favour. You have the right to contact myself, as Investigator, about any aspect of your involvement. You also have the right to withdraw from the project, should you wish to. However, given the efforts taken by the Investigator to maintain your anonymity and treat any information in confidence, it is not anticipated that you will be discomforted in any way by the research project or put at risk by it. In most situations, participants engaged in these projects find them to be rich learning experiences. Just as you have been briefed about the project before being asked to consent to your involvement, at the completion of the project, you and the other participants will be briefed in detail as to its outcomes.

Information you provide will be incorporated into a Doctor of Education dissertation for Griffith University, and used for no other purpose without your express consent. We will meet at the completion of the study to discuss the study and its findings. At this time we will also discuss and resolve any issues that you may have. A final draft of results will be provided to you for your approval before the dissertation is complete, and before the dissertation goes to print.

If you have any queries in relation to this study, I am always available to discuss them with you. I trust that this will be a mutually beneficial time for both of us, and that somehow together we may make a difference to womens’ learning experiences, opportunities and professional development.

Regards
Jillian Cavanagh
Appendix C Letter/ agreement to auxiliary level participants

Dear

Firstly, I would like to thank you for agreeing to meet with me. Secondly, I feel it is necessary for me to provide you with a brief outline of my proposed research and how I intend to conduct my study, whilst at the same time ensuring your anonymity.

The project will involve gathering information from you through a series of interviews about your work and your learning within the workplace. You will be asked about incidents in your work life, how you went about responding to these, and what helped in learning how to respond to these incidents. Most of the information will be gathered during interviews.

I hope to conduct three (3) interviews with you (each lasting approximately one hour) and take audio tape recordings of each interview over a period of three (3) months. The interviews will occur not more than every four (4) to six (6) weeks. During this time you will be under no obligation to answer any question you choose not to answer, and you are at liberty to exit the study at any time without providing a reason. For exclusive use throughout this research you will be given a pseudonym. I will also make available to you a tape recorder for use as a reflective diary, and ask that you record events, feelings and thoughts in line with the research topic. I will provide you with a written transcript of each interview and data from the reflective journals for your perusal, modification and approval. At the end of the study the recordings will be destroyed.

Informed consent is required for your participation in the research project. This consent extends to the information provided by you to be used in the project. Your contributions will remain anonymous and confidential to myself as Investigator. A code will be assigned to the information you provide that will hide the identity of its source. All information will be in the keeping of the Chief Investigator. No identifiable information will be left in the workplace once it has been gathered from you. Additionally, no information will be made available to your employer or supervisor without your express approval.

It is important that you feel free to participate in this research project without fear or favour. You have the right to contact myself, as Investigator, about any aspect of your involvement. You also have the right to withdraw from the project should you wish to. However, given the efforts taken by the Investigator to maintain your anonymity and treat any information in confidence, it is not anticipated that you will be in any way discomforted by the research project, or put at risk by it. In most situations, participants engaged in these projects find them to be rich learning experiences. Just as you have been briefed about the project before being asked to consent to your involvement, on completion of the project, you and the other participants will be briefed in detail as to its outcomes.

Information you provide will be incorporated in a Doctor of Education dissertation for Griffith University, and used for no other purpose without your express consent.
We will meet at the completion of the study to discuss the study and its findings. At this time we will also discuss and resolve any issues you may have. A final draft of results will be provided to you for your approval before the dissertation is complete and before the dissertation goes to print.

If you have any queries in relation to this study, I am always available to discuss them with you. I trust this will be a mutually beneficial time for both of us and that somehow together we may make a difference for womens’ learning experiences, opportunities and professional development.

Regards

Jillian Cavanagh
Appendix D Consent form

Research Project – Women’s Learning in the Workplace

Student Name – Jillian Cavanagh

Griffith University Student Number – S488426

To satisfy the requirement of Griffith University and its ethics processes, it is necessary that you give consent to the following statement:

I ……………………………………………………… agree to participate in the Women’s Workplace Learning Project, and give my consent freely. I understand the project will be carried out as described in the information statement, a copy of which I have retained. I realise that whether or not I decide to participate is my decision, and will not affect my treatment within the workplace or by the researcher. I also realise that I can withdraw from the project at any time, and that I do not have to give any reasons for withdrawing. I have had all questions answered to my satisfaction.

I understand feedback will be provided to me in the form of a written transcript of each interview and data from the reflective journals for my perusal, modification and approval, and that all recordings will be destroyed at the end of the study.

I further understand that all information provided will be treated with the utmost confidentiality, and my anonymity will be retained at all times.

Signatures:

………………………………………………………..
Investigator Date

………………………………………………………..
Participant Date

Investigator: Jillian Cavanagh - 0409942910
Griffith University Student Number: s488426
School: Vocational, Technology and Arts Education, Faculty of Education, Griffith University, 4111
Complaints
Complaints concerning the manner in which a research project has been conducted may be given to the researcher as listed above, or, if an independent person is preferred, either:

The University’s Research Ethics Officer, Office for Research, Bray Centre, Griffith University, Kessels Road, Nathan, Qld 4111, telephone (07) 3875 6618 or;

The Pro Vice-Chancellor (Administration), Bray Centre, Griffith University, Kessels Road, Nathan, Qld 4111, telephone (07) 3875 7343
Appendix E Focus group questions

1. Everyone here works within general legal practice. For those of you who are auxiliary level staff how would you describe your working role and, for those of you who are professional staff, how would you describe the working roles of auxiliary level staff with whom you come in contact with in general legal practice?

2. What type of skills do auxiliary level women need to work within a legal office?

3. What do you think are the conditions of employment for auxiliary level women?

4. Now let’s discuss women’s learning needs at work. What type of questions do you think I would need to ask women to find out what their learning needs are at work?

5. How would I go about finding out whether women have the opportunity to participate in learning at work? Do you think women have opportunities to participate in learning at work?

6. For those women who do participate in learning at work, how would I find out their level of engagement in learning at work?

7. Do you think there are any obstacles that women may experience within the workplace?

8. How would you describe the support systems available for women at work?
AFFIRMATIVE ACTION POLICY (2004)

Policy:
***********are committed to eliminating all discrimination against women in our employment and ensuring that the policies and practices of the firm are based on an assessment of skills, qualification, abilities and aptitude in line with the Sex Discrimination Act 1984 (Cth) and the Affirmative Action (Equal Employment Opportunity for Women in the Workforce) Act 1999 (Cth.).

Background:
Discrimination against women is taken to mean treating women, because of their sex, marital status or pregnancy, less favourably or subjecting them to a rule or procedure, which is less favourable than that to which men in otherwise comparable circumstances would be subject.
*********** recognise all staff are entitled to be free from such discrimination whether it be individual or institutionalized, direct or indirect. Equal Employment Opportunity for women exists in a workplace from which such discrimination has been removed and also in which positive measures are taken to ensure that the effects of any past discrimination are redressed. These positive measures form the basis of an Affirmative Action Program. They do not involve either reverse discrimination against men or a quota system.

*********** has established an Affirmative Action Program which aims to ensure that all employment matters including recruitment procedures, selection criteria, promotion, transfer and staff development are assessed solely on the basis of merit. The program ensures that, for both women and men subject to these selection processes, only relevant, nondiscriminatory factors such as skill, qualifications and aptitude are considered. The firm recognises that people are its most important resource and that the objectives of the program contribute to ensuring that the skills and potential of all individuals are maximised.

Responsibilities:
Those responsible for developing and implementing the program are the Affirmative Action Co-ordinator – The Administration Manager and the Principal. Initiatives which have been implemented under the policy include the establishment of flexible work practices such as part time and job share arrangements, working from home, ongoing review of personnel policies, the introduction of a paid parental leave policy, revised performance review process with legal administrative assistants’ competency standards, and the implementation of mechanisms to encourage further training and promotion and placement from within the firm. Each aspect of the program is regularly assessed and updated by the Affirmative Action Co-ordinator – The Administration Manager.
Appendix G Further education/training policy

Further Education/Training Policy Statement

*********** SOLICITORS FURTHER EDUCATION/TRAINING POLICY

Policy:
It is the policy of *********** to value further education and training and encourage it when
it is clear that such study will enhance the skills and performance of its solicitors as well as
benefit the firm.

Support for further education and training is considered for all solicitors once the probationary
period has been completed. There will be occasions when the firm will actively encourage
professional staff to undertake particular courses, especially when the course of study is
considered to be strategically beneficial to a particular team.

Policy Details:
The firm may, at its discretion, fund external study courses in whole or in part (e.g. CLE,
private institutions or other relevant post graduate studies). The firm may provide financial
assistance, and such assistance will be determined in accordance with each individual’s
application for assistance. Where the firm provides financial assistance and the solicitor resigns
within 12 months of completing the course or subject, the firm reserves the right to claim
reimbursement for the fees that were paid for the last year of study.

Eligibility:
Each application for further study will be considered on its merit and the firm retains the right
of absolute discretion relating to approval. In making the decision, the firm will consider the
personal circumstance of the individual (including the individual's position, tenure,
performance) and generally the relevance of the course to the individual's work. In all
circumstances, the firm will consider the needs of the individual along with the commercial
needs of the firm. There is no restriction on the range of courses that the firm may support,
provided that the solicitor for such support makes a sufficiently strong case.

PROCEDURES:
Obtaining Assistance:
Applications for study support must be approved in advance by the principal and the
administration manager. To claim further education assistance, a solicitor must complete a
"Request for Further Education Assistance" form (available from the Administration Manager)
and forward to the Administration Manager. The form requires the signature of the Principal
and the Administration Manager. Completion of the form involves providing details of the
course, cost and perceived benefits to the solicitor and the firm, and anticipated study leave
requirements.

Enrolment:
The sequence of events in relation to enrolment is as follows: Once a place is offered by the
institution, the solicitor should advise the Administration Manager and provide a copy' of the
letter of offer and the original account for payment of fees. The firm, for its contribution, will
draw a cheque to the payment of fees
**Study Leave:**
************** may, at its discretion, provide solicitors with study leave in order to prepare for examinations or other course assessments. Once study leave has been approved by way of the original "Request for Further Education Assistance" form, a solicitor must complete a Leave Form (available from the Administration Manager) closer to the examination, setting out the actual dates on which study leave will be taken. The form requires the signature of the Principal and the Administration Manager.

**Further Assistance:**
Solicitors undertaking further study may seek additional financial support or study leave if the amount originally provided by the firm turns out to be insufficient. Applications are to be made by completing a further "Request for Further Education Assistance" form.

Where the firm provides financial assistance and the solicitor resigns within 12 months of completing the course or subject, the firm reserves the right to claim reimbursement for the fees that were paid for the last year of study.
Appendix H Interview questions – legal management

Women’s Learning in the Workplace

Interview Schedule

Legal Practice Managers/Human Resources Managers

Research Questions:

1. How do the conditions of employment, within the legal industry impact on women’s learning experiences?

2. In what ways are women within the workplace allowed to participate in and self direct their own learning experiences?

3. What kinds of organisational support for learning help or hinder a woman’s learning experiences?

Interview 1

The Practice Manager’s/Human Resources Manager’s Perspective of the Auxiliary Level Staff Member, Her Work and Her Learning at Work

1. What type of work do auxiliary level staffs mainly perform?
2. What work is most valued within the practice? Why is that?
3. Who determines who takes part in these work practices?
4. How does legal education differ between professional and auxiliary level staffs?
5. How would you describe how auxiliary level staffs learn in the workplace?
6. To what extent are auxiliary level staffs involved in learning in the workplace?
7. Are these auxiliary staff members encouraged to participate and engage in learning?
8. What kinds of organisational support are auxiliary staffs given to learn in the workplace?
9. What kinds of change have happened within the practice in recent times?
10. How do auxiliary level staffs adapt to change within the practice?
11. What knowledge do auxiliary level staff to use to adapt to that change?
12. Do you have supporting policies for learning in the workplace? If so for whom?
13. What is your view of the future for auxiliary womens’ learning in the workplace?
Appendix I Interview questions (1)– auxiliary staff

Womens’ Learning in the Workplace

Interview Schedule

Aims of the Study:

1. To identify the degree of compliance of educational policies and procedures within the legal industry directed towards women’s development.
2. To identify and appraise the level of female legal auxiliary staff members’ knowledge about the policies and procedures that are in place to support (or in some cases impede) their learning experiences at work.
3. Describe and analyse the affordance within work practices for women’s workplace learning experiences.
4. To identify the levels of support available for women’s participation in learning experiences at work.

Research Questions:

1. How do the conditions of employment, within the legal industry impact on women’s learning experiences?
2. In what ways are women within the workplace allowed to participate in and self direct their own learning experiences?
3. What kinds of organisational support for learning help or hinder a woman's learning experiences?

Interview 1

The Individual and Her Work

1. What is your role within the legal practice?
2. What type of work do you mainly perform?
3. Who do you work with in performing your role?
4. What is the range of tasks you are expected to conduct at work?
5. Of these tasks which would be the most difficult to learn? Why is that?
6. What support do you get in learning these tasks?
7. Are there activities that you perform on a less frequent basis that you would like to do more often?
8. Which of these are the most difficult to learn? Why?
9. What support do you get to learn these tasks?
10. Who are you responsible to within the practice? (articled clerk, solicitor, partner, practice manager)
11. Would you briefly tell me about your personal history and educational background?
12. What age bracket do you fit into – 20-30, 30-45, 46-56, 56 and over?
Interview 2

Section A - Learning at Work
1. How would you best describe how you learn in the workplace? Why is that?
2. How do you see yourself as a worker and learner?
3. Describe a recent change within the practice. What past knowledge did you use to adapt to that change. Did you have to learn a new skill?
4. Tell me about an unfamiliar or difficult situation that you have had to deal with within the last week. How did you handle the situation? What past learning did you draw on to deal with the situation? Is there anything you will need to learn in the future to handle similar situations?
5. To what extent do you feel involved in learning in the workplace?
6. What work is most valued within the practice? Why is that?
7. Who determines who takes part in these work practices?
8. How does the support for learning differ across the workplace?
9. How do workplace factors inhibit participation in accessing work practices?
10. How has your participation been inhibited and/or supported by workplace factors?
11. To what degree are the workplace norms and values consistent with your interests and values?

Section B – Explorations
As we are trying to understand more about your engagement in the workplace, it is necessary to gain some insight into your background, values and interests:

1. Could you explain briefly how you came to be doing your current work
2. In what ways is this work central to your values and personal history?
3. How do changes outside of work influence your views about work and your engagement in it?

Interview 3

Learning Through Work
The purposes of this final interview are threefold. Firstly, to determine whether there have been any changes to the participatory practices in the workplace since we last met. Secondly, to project into the future to predict likely future changes in your work, participation engagement. Thirdly, for some considerations of the initial analysis of the data gathered during the previous interview.

Section A - Workplace practices and engagement
1. What, if any, changes have occurred to the work activities you have engaged in since the last interview?
2. What brought about those changes?
3. How have these changes transformed your capacity to participate in the workplace?
4. Why was this?
5. What new learning has occurred for you since our last interview?
6. How did this come about?
7. What existing knowledge has been reinforced since our last interview?
8. How did this occur?
9. Have there been any changes in the bases of your interest in and/or commitment to your work practice since our last meeting?
10. What brought about these changes?
11. Over the last six months, how have changes outside the workplace influenced your commitment and interest in your work?

Section B - Projections
Now, projecting forward over the next six months, what changes do you predict will occur in:
1. Your work (and what will cause those changes)?
2. Your participation in the workplace (and what will cause those changes)?

Section C - Validation of findings and assertions
Attached are some syntheses of the data provided at the last interviews and some assertions arising from those interviews.

Synthesis of findings
Could you please indicate the degree by which you believe the attachments reflect changes in:
1. Participatory practices -
2. Learning -
3. Engagement -

Finally, in order to appraise some of our analysis of the data could you please respond to the following assertions:

Assertions –(to be provided by the interviewer)

[Individual ones for each participant]
Appendix J Interview questions (2)– auxiliary staff

Womens’ Learning in the Workplace

Interview 1
Part A

The Individual and Her Work
1. What is your role within the legal practice?
2. What type of work do you mainly perform?
3. Who do you work with in performing your role?
4. What is the range of tasks you are expected to conduct at work?
5. Of these tasks which would be the most difficult to learn? Why is that?
6. What support do you get in learning these tasks?
7. Who are you responsible to within the practice? (articled clerk, solicitor, partner, practice manager)
8. Would you briefly tell me about your personal history and educational background?
9. What age bracket do you fit into – 20-30, 30-45, 46-56, 56 and over?

Part B

Learning at Work
1. How would you best describe how you work and learn in the workplace? Why is that?
2. Describe a recent change within the practice. What past knowledge did you use to adapt to that change. Did you have to learn a new skill?
3. To what extent do you feel involved in learning in the workplace?
4. What work is most valued within the practice? Why is that?
5. How does the support for learning differ across the workplace?
6. How do workplace factors inhibit participation in accessing work practices?
7. How has your participation been inhibited and/or supported by workplace factors?
8. To what degree are the workplace norms and values consistent with your interests and values?
Appendix K Sample researcher’s reflective diary

Diary Note 18 August 1998 – All in a week’s work!!

I was called in to turn on a partner’s computer and show him his financials for the month. He always gets great satisfaction out of looking at the screen but obviously too afraid to learn how to use it. I took the opportunity to suggest bringing in a computer trainer for the professional staff. Most of them think it is some huge joke. They will not even think about learning computers in front of the girls. I got permission to organise training but it has to be after hours. This was easily organised and the trainer would arrive at 5.30 on Thursday. I set up eight solicitors in front of computers. They acted like five year olds – some giggling, others pretending they could type at 100 words per minute, a few playing the piano. The trainer looked bewildered when she walked into the room to face eight belligerent solicitors not about to do as they were told. I kept an eye on them from a distance but eventually I had to intervene. If we are going to pay for them to learn the computers then they will behave.

Power struggles again! – how could a solicitor think I wouldn’t know that a trust cheque could not be made out to cash? He stood over me – all-powerful because he is the one with a law degree. He demanded – ‘Get your girls (in accounts) to give me a cheque to cash - $10k’. I tried to be composed but my voice was a little shaky when I told him it was against the Act. His response - ‘Just do it’. I became more determined. He was not going to put it over me. I calmly took out the Trust Account Act from my top drawer. I opened it up to the relevant section and there I had highlighted the ruling for him to read – clearly he could see it was against the law. He made some weird indecipherable sounds and walked out. How might I have handled this situation differently? No different at all - I think I would handle it exactly the same way. What repercussions might I suffer? I don’t know and furthermore I don’t care.

Legal secretaries often ask me – ‘why can’t we be taken seriously?’ I hear the frustration in their voices and share their feelings of despondency. For years, I have been advocating structured learning programs that would enhance their performance but, to no avail. Then, finally, there came a proclamation - on the partners’ authority there is to be a weekly secretarial group meeting for the purpose of discussing the learning needs of the auxiliary staff. The partners’ solution is to allow the girls to organise learning for themselves; it will be up to them to identify what they don’t know, work out how to overcome what they don’t know and establish a manual for future training and development. It is no surprise to me, but once again I am disappointed and disillusioned because without some direction and guidance it won’t happen.
Appendix L Profiles of the participants

Gilston Law (GL) - Tina was tall, slim and very self assured in appearance. She had a melodious speaking voice and I could imagine her calming the most confrontational of situations. Tina told me she was married with three young adult children. She completed high school (Grade 12), attended a business college, and was employed shortly after as a junior in a legal practice. When she started her family, Tina sought flexible employment in various areas, including law, hospitality and finance. She recommenced full-time legal secretarial employment once her children were in school. Tina described herself as a continuous learner who has attended various courses over the years, from a couple of subjects in theology to computer and secretarial courses, and a four-subject Graduate Certificate course.

Gilston Law (GL) - Mia seemed apprehensive when I met her; instinctively I knew this interview would take a little longer. Although she was well attired and epitomised the archetypal well informed legal secretary Mia appeared to be carrying an excess of about twenty kilograms in weight. Our interview was slow, but Mia eventually opened up and told me she had worked in legal for over twenty years and how she desperately wanted to be a legal secretary from when she was a teenager. She had worked in a number of legal practices for lengthy periods but over the last five years had changed jobs five times. With every passing minute she struck me as being more confident and capable.

Gilston Law (GL) - Sarah confidently described herself as a “hard worker” with a “hands-on” approach within the first minute of our conversation. She informed me she had worked in legal for almost ten years. Her career path had not been intentional but she told me how much she had grown to love legal commercial work. She had worked for a number of legal practices and her early years were quite erratic in terms of her employment. She found her current employment six years ago. Since then, Sarah has been first to arrive at work and last to leave of an evening. That is, she takes her work seriously and for her work is the epitome of professionalism.

Gilston Law (GL) - Karla commenced her legal training as a junior under the Group Training Australia program and at the time of interview she was the personal assistant to a partner. Her career had predominantly been promoted within the one practice with the exception of a short period of time when she terminated her employment to work for a real estate company. When Karla found a lack of support
in the real estate office she realised what it meant to her personally to work with supportive staff, so she renegotiated new terms of employment and returned to the legal practice where she is today.

Gilston Law (GL) - *Kate* was one of those people who immediately exemplified professionalism. She was impeccably dressed, in a navy blue office uniform and with her slight figure and short dark hair she looked like an executive. Kate’s career started in a small country practice thirty years ago where she learned about various aspects of the law, from commercial to litigation. From there she worked in several legal practices until she found her current position in commercial conveyancing.

Boyd Law (BL) - *Louise* was introduced to me by a legal practice manager. At our first interview she struck me as reserved, efficient and very deliberate in her speech. She wore a navy suit and with her professional appearance I could easily have mistaken her for a solicitor. Louise was an attractive mature aged single woman who has one adult child. She left school after Grade Ten, worked in an accountant’s office, and was then employed in the purchase department of a foundry before embarking on her legal career. The latter position was in northern Queensland, where she worked for a sole practitioner who practised in all areas of the law. From day one, Louise was surprised that she was basically “thrown in at the deep end” due to the fact she had replaced a secretary who was to leave the day after Louise was employed. The sole practitioner offered Louise immediate support, and taught her “everything that was necessary to administer a legal office” – (Louise). Louise had to learn fast in that first job; she attended several TAFE courses and went on to learn new areas of legal practice at different locations throughout south east Queensland. She is currently employed as a full-time senior paralegal in commercial law.

Macarthur Law (ML) - *Anna* had a motherly open friendliness that was immediately infectious. In each of our talks and through her reflective diary she consistently oozed enthusiasm for her work and her family. She was also an energetic deep thinker who appeared to take her work very seriously. Anna was a young married mother with one child and another one on the way. She left school before completing Year Eleven and enrolled at a business college. She became qualified in shorthand, typing and basic bookkeeping, and began a career within the legal sector. Anna continues to work for a legal practice, and enjoys a balance between home and flexible work conditions.
Macarthur Law (ML) - *Chloe* was instantly relaxed when we started our interview. Though, she was curious as to how it could be possible her work experience would be of interest to anyone. Chloe enlightened me about her twenty five year work history with some of the leading law firms in the district and how she came to work for a medium sized practice as a conveyancing paralegal. She could not imagine working in any other environment than a legal office.

Macarthur Law (ML) - *Amy* stepped into the room and I was immediately struck by her vibrant personality. “I am excited about being part of your study” she told me straight away. She volunteered that she left school before graduating to complete a career training course. During the training course Amy was able to work part-time and once she completed the course was employed as a legal receptionist. Amy had only worked in two legal offices during her nineteen year career. As a legal secretary she had gained experience within the commercial and litigation areas.