

Breaking Barriers: The Role of Gender Balance in Dispute Resolution for Women's Advancement in Construction

Introduction

The UK construction industry has long grappled with gender disparity; women make up around only 15% of the construction workforce (Construction News, 2024). Research by the Royal Institution of Chartered Surveyors (RICS) and the Chartered Institute of Building (CIOB) highlights that women hold fewer than 14% of senior leadership roles across the sector, with an even smaller percentage in executive positions (CIOB, 2023). Similarly, this gap can be observed in dispute resolution processes, where only 8% of construction adjudicators are women (Women in Adjudication, 2023). However, studies suggest that women in the industry are more likely to face gender-based barriers than their male counterparts and thereby rely more heavily on dispute resolution mechanisms to advance their careers. By example, a 2020 Randstad report found that 72% of women in the industry reported experiencing gender discrimination, with 41% citing inappropriate comments or behaviour from male colleagues. In contrast, only 8% of men reported similar issues from female colleagues (Bdaily, 2020). This could raise questions around whether dispute resolution mechanisms could be more effective for women in addressing the challenges they face in their career progression.

Dispute resolution and conflict avoidance mechanisms in the context of workplace grievances—such as mediation, adjudication, and employment tribunals—play an important role in addressing workplace inequalities. However, these mechanisms remain largely male-dominated. If dispute resolution panels had a more equal female-to-male ratio, we could see greater understanding of gendered workplace dynamics, more equitable outcomes and ultimately, more women progressing into executive roles in construction. This would improve overall sector effectiveness and representation.

This essay explores how increasing female leadership in dispute resolution could see greater advancement in the careers of women in construction from positions of mid-management to senior and executive.

The Current Landscape and Glass Ceilings: Barriers to Women's Advancement in Construction

Despite recent cultural shifts in UK construction, women in the industry continue to face significant obstacles when progressing from mid-management to senior roles. Reports from RICS and CIOB highlight that unconscious bias, exclusion from informal networks, limited mentorship opportunities, and discrimination in promotion processes are some of the most persistent barriers women face in advancing their careers.

Unconscious bias remains one of the most deeply ingrained issues in the industry. It often presents itself in the form of assumptions that women are less capable or not as committed as men due to family responsibilities.

Another significant barrier is the exclusion from informal networks, such as after-work drinks or 'locker room' chats which are often where opportunities are discussed, and relationships are formed. Women, who may not be invited to these or may feel unwelcome, miss out on valuable networking opportunities.

As an industry historically dominated by men, the sector often rewards traditionally masculine traits such as assertiveness, competitiveness, and toughness. Women who do not fit this may be seen as 'too soft' for senior roles. This cultural bias not only reduces women's chances of promotion but may discourage them from even pursuing them.

Additionally, women are often subject to discrimination within promotion processes. 'Old boys' networks are commonplace where promotions are based on personal connections rather than competence. This discrimination is subtle but significant, manifesting in the form of women being passed over for key opportunities despite having the appropriate skillset.

Combined, these barriers limit women's opportunities for career advancement in construction and contribute to high attrition rates. For those who remain, these obstacles create glass ceilings at the mid-management level and as a result, the gender imbalance in leadership persists. This underscores the importance of building women's trust in dispute resolution mechanisms as a crucial step in breaking down these barriers, paving the way for women's advancement, setting a new cultural norm and ultimately enabling greater representation in the sector's leadership.

Addressing the Imbalance: Existing Efforts to Increase Female Representation in Adjudication

Recognising the gender imbalance in adjudication and dispute resolution, initiatives have been launched to address the issue. The Equal Representation in Adjudication Pledge was introduced to encourage greater diversity by committing organisations to appoint more female adjudicators (ERA Pledge, 2023). Additionally, Women in Adjudication provides networking opportunities, mentorship, and professional development aimed at increasing female participation in the field. These efforts have raised awareness and led to incremental progress however, their recentness means we are yet to observe significant change.

Dispute Resolution: A Critical Tool for Women's Career Progression

Dispute resolution mechanisms play a critical role in ensuring workplace fairness. These mechanisms include:

Mediation: A voluntary process where a neutral third party helps resolve conflicts.

Adjudication: A legal process in which an independent adjudicator makes a binding decision.

Employment Tribunals: A formal legal process for workplace disputes, often involving discrimination or unfair dismissal claims.

These mechanisms have been proven successful in ensuring workplace fairness for women in construction. This can be exemplified in the case of *Stretch v Ballymore Construction Services Ltd* ET3202196/2019, where the Employment Tribunal ruled that Ms. Stretch had been sexually harassed by a colleague and that her employer had failed to take steps to prevent her from having to work with her harasser. The tribunal's decision not only provided justice for Ms. Stretch but also set an important precedent for how gender-based harassment cases should be handled within construction. Sadly however, this case illustrates how obstacles more commonly encountered by women than men in construction can impede their professional advancement, emphasising the vital role of dispute resolution in rectifying these injustices. The tribunal accepted evidence showing that while Ms. Stretch enjoyed working for the company and saw potential for career progression, she ultimately resigned because she would have had to continue working with the man who had harassed her. This is a clear example of a gender-specific barrier that directly impacted career advancement.

Building the Pipeline: The Career Progression Benefits of Female Representation in Dispute Resolution Leadership

There does not appear to be any specific research on gender differences in dispute resolution, so does the imbalance impact the advancement of women in construction? Susan Francombe, construction adjudication expert, suggested an answer to this. As stated in The Arbitration Act: “The object of arbitration is to obtain the fair resolution of disputes by an impartial tribunal.” “The Construction Act similarly imposes a duty on the adjudicator to act impartially. These references to fairness and impartiality are important”. She suggests that a lack of gender parity undermines the credibility of dispute resolution systems as fair and impartial. It can erode confidence among those who do not see themselves properly represented. If individuals repeatedly encounter male adjudicators, they may question whether the system can fairly assess their cases. It is likely that a more diverse panel would foster greater trust in dispute resolution

outcomes and encourage more women to use these mechanisms to challenge workplace inequalities (New Civil Engineer, 2023).

When dispute resolution processes are led predominantly by men, there is a risk that gender biases, even if unconscious, could influence outcomes. Additionally, when these mechanisms are dominated by men, women may feel discouraged from pursuing claims due to concerns about bias, lack of understanding, or fear of career repercussions.

Women who challenge workplace inequalities through dispute resolution may often experience stalled career progression or even job loss, deterring others from coming forward.

Mentorship and sponsorship have proven to be effective in addressing these barriers. The Circle Partnership, founded by Vanessa Murray and Ceri Moyes in 2020, has been instrumental in supporting women in construction by pairing junior professionals with senior female mentors. This initiative has helped over 120 mentees from more than 70 organisations navigate career challenges and progress in their fields (The Circle Partnership, 2023). Such programmes illustrate the importance of having women in decision-making roles, including dispute resolution, where lived experience can inform fairer outcomes.

Increasing the representation of women in dispute resolution could see advantages in:

Enhanced Understanding of Gender-Specific Challenges – Women bring lived experience of workplace challenges that many female professionals encounter. This understanding enables them to identify patterns of discrimination and assess cases with greater nuance.

Promotion of Fairer Outcomes – Diverse panels are likely better equipped to challenge stereotypes and biases.

Strengthened Networks and Mentorship – Female leaders in dispute resolution can serve as mentors and role models for women navigating their careers.

Increased Confidence in Addressing Workplace Inequality – Women are more likely to challenge discrimination when they see fair representation in dispute resolution leadership.

Conclusion: Building a Balanced Future

Increasing gender diversity in dispute resolution leadership could lead to fairer outcomes and greater trust in the system. Women in dispute resolution leadership positions are more likely to bring nuanced understanding to gender-based workplace challenges, creating a more inclusive and just environment for all. The Equal Representation in Adjudication Pledge is a point in the right direction. Imagine a workplace where women are empowered by women. Minority groups hold the same confidence in unlocking barriers in their construction career as the majority. However, this is only one step in the broader journey towards gender equality in the construction industry.

As recent findings from Construction Wave (2024) suggest, deeper cultural issues persist, such as a workplace environment that favours traditionally masculine traits like extroversion, competition, and leading from the front. This environment can disadvantage those who do not fit this mould, including women. It is subtle and harder to dispute. It is essential that the industry begins re-examining these macro-level cultural expectations and moves toward an environment that values diverse leadership styles and perspectives. The construction industry must strive to dismantle gender-based barriers, to mitigate disputes in the first instance.

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