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Academic Master in Business Administration

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The Woman in the Role of Judge in Brazilian Courts

Advisor: PhD Tomás de Aquino Guimarães

Academic Master's Dissertation in Business Administration

Brasília – DF
2023

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Dissertation presented to the Graduate Program
in Administration at the University of Brasília
as a partial fulfillment for obtaining the degree
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DEDICATION

To my parents, Sílvia and Henrique, and to my brothers, Luiz Henrique and Vitor, for always believing in me and doing everything possible for my happiness.

Acknowledgment

The journey began with a passion for science while still in Business Administration, also at the University of Brasília, with the entry into the world of scientific initiation. Shortly after graduating, I joined the PPGA Master's class, during the pandemic, a time of many uncertainties and concerns. Many times, on this path full of emotions, different people supported me and helped me to get closer and closer to my dream of becoming a master, very dear people whom I will talk about below.

I start with my parents, Sílvia and Henrique, who throughout my life have given me affection, support and a lot of love. They always encouraged me to follow the path of education, study and dedication, so that I could achieve any goal, even if it seemed impossible. The unconditional support of the two kept me firm in each new stage. This achievement is also theirs.

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My trajectory with my advisor Tomás de Aquino Guimarães, who guided me in this work, is not new. I took the Administration of Justice discipline as a special Master's student, before actually becoming a student. It was taught by two brilliant professors: Adalmir de Oliveira and Tomás de Aquino. Since then, the area of administration linked to Justice has caught my attention, given the wisdom, dedication, knowledge and commitment of the professors. Because of this discipline, I decided to apply for a master's degree with a project on Administration of Justice and, thus, I had Tomas as my advisor. I celebrated a lot! During this joint work, Prof. Tomás was essential for my development and growth. He showed me different paths and opened horizons, always with a lot of lightness, softness, good humor and empathy. He gave me opportunities to teach, on some occasions, to undergraduate students at UnB and, through these opportunities, I fell more and more in love with teaching. He was the right advisor to be by my side on this journey, both for his immense knowledge and for his lightness and companionship in his guidance. Thus, I leave my sincere and affectionate thanks to this more than a teacher, a true master.

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Abstract:

From the last decades of the 20th century, transformations occurred in the legal professions with the increase in the number of women, a phenomenon called “feminization”. In Latin America, there was an increase in the number of women in undergraduate courses in Law and entering public careers in the justice system, especially through public tenders. Legal careers were consolidated, by hegemony, from a male perspective. Thus, this research focuses on the entrance, career, difficulties and support experienced by women in the exercise of the position of judge, since the literature demonstrates that the increase in this participation is not linear over time and is not homogeneous in functions, areas of activity or positions. Thus, this work is justified due to the importance of constant evaluation of the social relations of work in the Brazilian courts, with the comparison of the latest data provided in commissions and the National Council of Justice reports. No articles were found on this subject published in scientific journals available in databases that calculate the impact factor. In this sense, given the lack of knowledge about women's performance, the conflicts and ambiguities of female judges' roles, this investigation is based on theoretical perspectives of social relations of work and gender that occur in the Brazilian Judiciary and on the phenomenon called glass ceiling, perspectives which contribute to the expansion of knowledge on the subject. The general objective of the study is to characterize and discuss the social relations of work and gender in the judicial career of female judges in Brazilian courts. For this, it was treated about social relations of gender and the performance of women in the labor market, in general, with the search for the state of the art of the theme. It was found that there are different barriers that women face in advancing and developing their careers, confirming the presence of prejudice in environments marked by male hegemony. The glass ceiling phenomenon was also addressed, which indicates the gender disparity in relation to women's access to management positions, given that most leadership and management positions are occupied by men. Several aspects interfere in this phenomenon, which is a product of factors that precede the promotion of women to high-ranking positions in organizations. In order to make it feasible to reach the proposed objectives, a qualitative and descriptive research was carried out. Primary data were collected through semi-structured interviews, carried out in October and November 2022, with 11 judges and 13 female judges from the five regions of Brazil, using Microsoft Teams. The Atlas T.I software was used to assist in data processing and, thus, 14 codes and four constructs were identified with the coding of important excerpts from the interviews: career entry and permanence; work-life balance; career and work; and leadership. The results show, in relation to women judges, barriers to entry and permanence in the career, difficulties in promotion due to merit, impacts of work on the family, prejudices, leadership issues, proposals for affirmative action for gender parity, among other factors, which were addressed at work. As a recommendation for improving judicial administration practices, it was found that the glass ceiling phenomenon should be better investigated, especially in the matter of promotion by merit to the position of judge. Even though the National Council of Justice defined objective criteria for promotion based on merit, such as performance scores and objective criteria for productivity and speed in the exercise of jurisdiction, all the judges interviewed pointed out interpersonal issues favorable to men in promotion.

Keywords: performance of the female judge; ceiling glass; social relations of work and gender; judicial career of judges.

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1. Introduction

Since the last decades of the 20th century, transformations have occurred in the legal professions with the increase in the number of women, a phenomenon called “feminization”. Studies on the feminization of these professions began to be carried out by European and North American scholars in the 1980s, focusing on understanding the increased participation of women in careers, impacts on the profession and on the area of law. In Latin America, this discussion has gained attention since the 1990s, due to the increase in the number of women in undergraduate courses in Law and the process of professionalization of the entry of women into public careers in the justice system, especially through the public tenders (Menkel-Meadow, 2013; Kay; Gorman, 2008).

In Europe, increasing feminization has also led to a major transformation of the legal profession. This can be verified considering that “the massive entry of women into the labor market is among the phenomena unanimously identified as those that have most determined the social recompositions verified over the last decades in Portugal” (Ferreira, 2010, p.23). One of the major transformations that this phenomenon brought about, along with the female presence at different levels of education, especially higher education, was the progressive involvement of women in professions from which they were excluded (Ferreira, 2010).

The number of female judges in Portugal is greater than that of men. This numerical superiority is especially verified in the first instance. It is important to point out that it is with judges of first instance that citizens will have the closest contact when they start a legal dispute. However, most of the Portuguese respondents consider that the male sex is still predominant in the judicial career, as it demonstrates that the look at these professions in a biased way remains latent and far from the feminization observed in several professions (Duarte, 2015).

The expression “feminization” has several meanings. When considering a “feminized” profession, this may mean that, in addition to the increase in the participation of women, there is an increase in female qualities in the profession, a factor that can result in a differentiated performance in relation to legal functions (Menkel-Meadow, 2013). Research on the feminization of the legal profession seeks to analyze, for example, how women have participated in the organization of legal careers, considering that this is a profession that has been consolidated, by hegemony, from a male perspective and also seek to understand the impact of feminization on law and also on the profession (Menkel-Meadow, 2013).

With that in mind, this dissertation focuses on entry, career, difficulties and support experienced by women in the exercise of the position of judge, since the analyzed literature demonstrates that the increase in this participation is not linear over time, as well as it is not homogeneous in aspects related to functions, areas of activity or positions. Therefore, one of the assumptions of the research is that the increase in women's participation in this career comes along with facing the barriers and discrimination that inhibit the professional development of women in the Judiciary and results in unequal and hierarchical relationships in the career. The terms role and position of judge will be used interchangeably in this dissertation and refer to the set of knowledge, skills and attitudes of professionals who work in the resolution of judicial conflicts.

The rhetoric of gender equality was not followed by structural reforms and there is still the difficulty of reconciling, for the judges, between professional and family life. The growth in the number of female judges has even been pointed out as a factor responsible for the slowness of justice, specifically due to maternity leave (Mossman, 2006). Women judges tend to focus on fields such as juvenile and family law (Kohen, 2008), fields that are more closely linked to stereotypical notions of what constitutes women's work.

With regard to legitimation, the insertion of women in the judiciary did not automatically make the world of law open to female values, as women entered the legal profession on similar terms to men. With this, it is noted that the entry of women into the judicial career reflects the absorption of the strong male culture through learning the law, supported by an education that values the interests of patriarchy and professional socialization in operators in this area of knowledge. In order to legitimize themselves in the field of justice, women adopted styles of clothing at work that reflected the clothes worn by lawyers, in addition to seeking to act similarly to the professional profile of male colleagues (Drachman, 1998).

On the other hand, the great protagonism of some Brazilian female judges has drawn the attention of sectors of the Judiciary, which promote research and internal debates on the subject. One example is the research by Ajufe (Association of Federal Judges of Brazil) on the panorama of female participation in the Brazilian legal scenario (Comissão AJUFE Mulheres, 2019). Ajufe identified that the Federal Justice had, in 2019, about 154 positions of judge, of which only 20 were occupied by women. Furthermore, the TRF5, which operates in the states of Pernambuco, Paraíba, Rio Grande do Norte, Ceará, Alagoas and Sergipe, did not have,

according to the research data, any woman in its composition. Research carried out by the National Council of Justice (CNJ), through the first National Census of the Judiciary in 2014, already identified the gender difference in the number of substitute judges and women in second-degree positions throughout the Judiciary.

The “Diagnosis of female participation in the Judiciary”, carried out by Ajufe in 2019, confirmed that the higher the career level, the lower the participation of women. In addition, the research identified that, in the Judiciary, in 2019, there were 44% substitute judges, 39% titular judges, 23% female judges and only 16% ministers in the superior courts. In another study by Ajufe, in 2020, called “Female Participation in Contests for the Judiciary”, it was again identified that the difficulty in accessing higher positions in the hierarchy of the Judiciary is linked to the subjectivity of the promotion process by merit.

The results of the literature review that supports this research, detailed in a later chapter, show that there are no articles on this topic published in scientific journals available in databases that calculate the impact factor. In this sense, given the lack of knowledge about women's performance, the conflicts and ambiguities of female judges' roles, this investigation is based on theoretical perspectives of social work and gender relations that occur in the Brazilian Judiciary and on the phenomenon called the glass ceiling, perspectives that contribute to the expansion of knowledge on the subject. Therefore, the question that motivates this research is the following: What are the characteristics of labor and gender relations in the judicial career in Brazilian courts?

To answer this question, the present dissertation has the general objective of characterizing and discussing the social relations of work and gender in the judicial career of female judges in Brazilian courts. The specific objectives are:

- a) Describe barriers to the entry and permanence of women in the career of judges;
- b) Analyze how female judges manage work-life balance;
- c) Identify the opinions of female and male judges regarding career opportunities and advancement in the hierarchy in the judiciary, for female judges;
- d) Describe the extent to which labor relations between female and male judges are egalitarian;
- e) Analyze how leadership is perceived in labor relations between judges.

One of the assumptions of this research is that the perception of the role of female judges would be anchored in the characteristics of male judges. This process reflects a social representation that judges with performance and characteristics socially constructed and attributed to the male gender. Therefore, women judges can go through a process of stigmatization based on these characteristics.

In this line, the figurative core of female judges would be understood by the same characteristics attributed to male judges. In common sense, the social representations of female judges can start from the premise that the magistracy is a male profession and, therefore, the analysis of this issue is relevant. Thus, it is important to promote visibility, discuss and analyze issues related to differences with regard to gender at work, linking social representations to social practices in the Judiciary.

The research addresses the points of view of women and men to avoid only the self-perception of the former, which could constitute a bias, since the focus of the study is on the work of the judge. Thus, it was possible to triangulate and compare possible different views of the two genders regarding the same phenomenon, characterized by the exercise, by women, of the position of judge.

This research is relevant insofar as it can contribute to studies of the Administration of Justice and to the advancement of scientific literature on social relations of work and gender in the Judiciary. In practical terms, the study can collaborate with the perception of the need for improvements in the treatment and quality of life of judges in courts of law in general, by generating evidence that shows the relevance of this public for the legitimacy and performance of the Judiciary. Regarding the social impact, this study may provide subsidies for improvements in public policies aimed at the issue of gender in the Judiciary, which may result in improved judicial performance, thus generating well-being due to the existence of a more egalitarian environment for female and male judges.

2. Female Participation in the Judiciary

There is a relevant lack of female representation in the Brazilian Judiciary. Women represented 51.6% of the Brazilian population, while the number of judges represented only 38.8% of the total number of judges in Brazil, in 2019. Of these 38.8%, almost half (45.7%) are composed of substitute federal judges and 25.7% correspond to the number of female judges, in addition to the fact that this proportion of female judges has remained constant over the last ten years (CNJ, 2019). These data show female underrepresentation at higher levels of the judicial career, thus relating to the glass ceiling phenomenon. It is a phenomenon that also occurs in other professional areas, since even though women have increased their participation in the labor market from the last decades of the 20th century, they still face barriers related to rising to higher positions (Wurster , 2020).

The history of female participation in the Portuguese judiciary illustrates this glass ceiling phenomenon. In that country, until 1974, the office of judge was exclusively for men. However, in 2014, of the total of 1784 Portuguese judges who acted in the courts of first instance, in the Supreme Court of Justice and in the Courts of Appeal (courts of appeal), 1041 were women (58%). It is noted that the presence of women in the judiciary is greater in the courts of first instance (69% of the magistrates of first instance, at the end of 2014, were women), than in relation to the superior courts: 34% of the appellate judges were women . The Supreme Court of Justice had the lowest percentage of women in the judicial magistracy, with only 11% (Duarte et al, 2015).

The situation described above has been undergoing changes with greater female participation in the Portuguese Judiciary of second instance, the so-called courts of appeal. According to Soares (2020), in 2019 the numbers related to female judges in Portuguese courts are also quite significant in terms of the high quantitative inversion of genders in the judiciary. This author reports that the number of female judges in Portuguese courts is in line with the European trend and that according to the CEPEJ report (2019), which evaluates the judicial systems of 47 countries of the Council of Europe, the average of the total number of female judges in each country, in 2019, it is 47% men and 53% women. In 2021, Portugal had 1,735 judges, 1,091 women (63%) and 644 men (37%) (DGPJ/MJ, 2022). This situation demonstrates the European tendency for more women to be judges than men.

In Latin America, in general, Mario Castillo, responsible for the Gender Affairs Division of the Economic Commission for Latin America and the Caribbean (ECLAC), points out that it is a mystery why the number of women who become judges in superior courts have made slow progress in the last decade; after all, in several countries law courses already have almost as many women as men, or even more (BBC, 2019). Even in countries that have increased female political participation, such as Mexico, Colombia and Nicaragua, in 2019 the percentage of female judges in the supreme courts did not exceed 30%, if that. In Brazil, it was 18% (BBC, 2019). In less than 10 years (between 2008 and 2016), the number of female judges increased in most Latin American countries, such as Bolivia, Chile, Cuba, Ecuador, Venezuela, Guatemala and Jamaica. However, in most countries this number does not reach half.

The Brazilian data challenge the common sense idea that the passage of time would be enough to increase the number of women in positions of higher hierarchical level in the judiciary. These differences, however, vary according to the region and the branches of justice, that is, state, federal, military and labor. Research carried out by the National Council of Justice (CNJ, 2019), shows that there was a decrease in the number of federal judges, from 34.6% in 2008 to 31.2% in 2018. Regarding federal judges, the reduction in the number was even bigger. The percentage of 20.3% in 2018 is lower than the average female participation in this position over the last ten years, which was 24.5%.

The largest number of women in the Brazilian Federal Court are substitute judges, 37.1% compared to 29.5% of the titular judges, which demonstrates the previously observed pattern of female underrepresentation at higher hierarchical levels of the career (CNJ, 2019). Research carried out by the Ajufe Women Commission demonstrates an even more detailed picture of this reality. Information collected in the TRF's of the 2nd, 3rd and 4th regions showed a great difference between the percentages of promotion by merit and by seniority among women. While in TRF2 women's seniority promotion is 40%, merit promotions are only 11%. In TRF3, promotions based on seniority and merit are 40% and 29%, respectively, while in TRF4 these percentages are 35% and 18%.

TRF5 had, however, the most unique case: among the 15 positions of federal judge, none of them until 2019 was held by a woman. (CNJ, 2019). This reality changed only in 2022, when three judge positions were occupied by women (Division of Social Communication TRF 5, 2022). Several factors can be listed in order to explain the low proportion of women in

appellate courts in Brazil. Some of them are that women are promoted less because their number is smaller at the base; or because female judges are less likely to apply for promotions compared to fellow judges. However, there is still no research that refutes this dynamic (Wurster, 2020).

However, the comparison between seniority and merit promotions among female judges neutralizes these arguments. For this analysis, it is not significant if the proportion of women is lower at the base or if they apply less for promotions than men, since the comparison is made between the women themselves. From this angle, it is significant to recognize that they are promoted in smaller proportions when the criterion is subjective (deserving) compared to when there is an objective criterion (seniority), thus revealing the presence of factors that impact the subjective criteria of choice (Wurster, 2020).

The Ajufe Women Commission also analyzed data referring to female participation in examining commissions in contests for entry into the career of judges in Federal Justice. Although women represent more than half of the Brazilian population and about 39% of all judges in Brazil, their average participation as a full member in these commissions is only 10%. TRF4 and TRF5 are the courts with the lowest rate of female representation in this activity, 3.5% and 4.65%, respectively, while in TRF3 this percentage is 25.5% (CNJ, 2019). This low representation of women in competition examination committees, an institutional space of great relevance, also reinforces the fact that women face great difficulties in entering spaces where choices are determined by subjective criteria (Wurster, 2020).

These data show that there is low representation of women in the Brazilian Judiciary, stagnation in the number of women in second instance positions and female overrepresentation in early career levels. Specifically in Federal Justice, indicators point to a decrease in the number of female judges in the general average, a factor that is even greater in the second degree. It is possible to demonstrate even greater difficulties for women to rise in their careers and access positions in the judiciary, when this occurs by subjective criteria (Wurster, 2020).

In order to analyze the consequences related to the plurality that this reality imposes on the courts in the country, the Association of Federal Judges (Ajufe) created, in 2017, the Ajufe Women Commission, a permanent forum for discussion about female representation in the Judiciary and reflection about the factors that lead women to places of invisibility. The Commission's action is based on three axes: research, publications and scientific events. The surveys present figures on the participation of women in their careers and are, according to

Ajufe, indispensable for identifying obstacles related to this participation, understanding its evolution, pointing out causes and proposing paths for more plural trajectories (Ajufe, 2019).

In order to achieve these objectives, this Commission carried out several surveys that were disclosed through Ajufe's technical notes. Among these surveys, there was a survey designed to map the profile of federal judges, as well as their opinion regarding the difficulties linked to the female condition. In addition, a survey was published that reveals the panorama of female participation in the Federal Judiciary, from the moment of registration in the contest, until the moment of promotions in the Courts, with the comparison of promotions by merit and by seniority, in addition to going through data of tender stalls (Ajufe, 2019).

In addition, there is a collection called “Knowing the Federal Judges”. This publication involves interviews with federal judges from different regions of the country and seeks to provide the general public with a perception of who they are and, through their narratives, understand their professional experiences and their perceptions about their careers.

Additionally, the Commission promotes and participates in scientific events. One of these events is the Seminar “Women in the Justice System”. This event has the participation of federal judges, professors and researchers with some expertise in the subject and are essential to open a space for reflection on the causes and consequences of low female representation in spaces of power, including the Judiciary, as well as as their interactions with social contexts (Wurster, 2020).

Through the reports of the CNJ and the justice commissions, it is possible to understand the importance of more plural trajectories in the institutional spaces of the Judiciary, not only as a way of complying with the principle of equality between men and women, but with the identification and elimination of barriers related to equal participation in public spaces. A plural formation of the Judiciary instances is a presupposition not only of the principle of equality, but also a democratic imperative. Democracy demands that the decisions taken by the powers that be, including the Judiciary, be representative of various aspects of society (Wurster, 2020).

Due to historical and cultural constraints, women view the world from different perspectives compared to men. An equal participation of women in instances of power provides new perspectives and looks, something that has repercussions in terms of legitimacy and plurality in judicial decisions (Wurster, 2020). With that in mind, this dissertation is justified on account of the importance of constant evaluation of social labor relations in Brazilian courts

with the comparison of the latest data provided in commissions and CNJ reports. In this way, it will be possible to verify how the performance of women judges occurs in the different instances of the Judiciary through interviews that, together with the numbers provided by the CNJ reports and diagnoses regarding the position of women in the judiciary, will provide an understanding of the dynamics of the performance of female judges in Brazilian courts.

3. Theoretical Framework

This chapter deals with social gender relations in the general labor market and the performance of women in the role of judge, as well as social gender relations in the work of this professional. Studies on women's work identify the relevance of the gender relationship as an object of research, given that work is a topic of great importance for feminism, which sees in it a transformative potential (Bruschini, 1994). In this way, studies on the subject seek to analyze and describe data on how women enter the market, the dynamics of this insertion and the different styles of working women over time, thus being able to observe their challenges and their new achievements.

However, based on the state of the art of female participation in the labor market that will be presented below, it appears that although there are different studies that study the effects of female insertion in the labor market and its effects, the analysis of differences between men and women in the judicial career has not been much addressed in the literature.

With this, it becomes essential to understand the impacts of the entry and participation of women in the judicial career, since the increase in female participation in legal careers has not been linear and has been shown to be non-homogeneous in terms of areas of activity, functions or roles. positions. This is an increase that faces different challenges that can undermine the professional development of women and generate unequal, asymmetric and hierarchical relationships within professions (Menkel-Meadow, 2013).

In addition, it is worth checking whether or not there is a glass ceiling in the judicial career. The glass ceiling is a phenomenon that addresses gender inequality in organizational leadership (Steil, 1997). The glass ceiling, which will be seen in this chapter, has been studied from different perspectives and it is a great challenge to break through this barrier as an organizational reality, both for women and for men who are in this quest (Smith, Caputi & Crittenden, 2012). Thus, any study and discussion related to the understanding of this phenomenon is essential for breaking it down and seeking greater gender equality in organizations and society.

3.1 Gender Social Relations in the Labor Market

In different articles by sociologist Cristina Bruschini related to women's work, the importance of the social relationship of gender is identified as an object of research, which was the gateway to studies on women in Brazilian academia. Among several other subjects related to the female condition, “the theme of work was privileged in gender studies, having been the first to soon conquer the seal of legitimacy, including in Brazilian universities”. For the author, this happened, possibly, for some reasons: work as a theme has always been relevant in sociological theory; and work is a topic of great relevance for feminism, which saw in it a transformative potential (Bruschini, 1994). By examining the paths taken by the theoretical debate on the subject in Brazil, this author identifies that:

... from a concern initially centered on the incorporation or expulsion of the female workforce from the market under the effects of capital, the texts gradually revealed greater sensitivity both to cultural and symbolic factors that also explain female subordination, and to the insertion of women in the space of family reproduction. (Bruschini, 1994, p. 20-21)

The main concern of the author, who has become a reference in studies on gender and work, is to analyze and describe data on how women enter the market, the dynamics of this insertion and the different profiles of working women over time. , thus being able to observe their new conquests. In an article from the 2000s, this author highlights the constancy and growth of this participation since the 1970s, and indicates that this process:

... would have resulted not only from the economic need and opportunities offered by the market, in specific conjunctures, but also, in large part, from the demographic, cultural and social transformations that have been taking place in Brazil and that have affected Brazilian women and families. The sharp drop in fertility, the expansion of schooling and access to universities made it possible for women to have access to new job opportunities. (Bruschini, 2000, p. 16)

One of the factors that make it difficult for women to better position themselves in the labor market is the maintenance of the idea of a patriarchal family, which assigns them a lot of responsibility for raising and developing children and carrying out household chores. The difficulty of combining professional activities with family tasks puts her at a disadvantage in the market compared to men, often putting her in a secondary position (Bruschini, 2000).

With the analysis of changes that occurred in the profile of the female workforce, Bruschini (2008) identifies that working women who, until the end of the 1970s, were mostly single young women without children, became more old, married and mothers. “Not by chance, considering the position occupied in the families, the married ones showed the greatest increase

in activity rates. In 2005, more than 58% of them worked” (Bruschini; Ricold; Mercado, 2008, p. 18). Also, it was demonstrated that the expansion of women's schooling had a positive impact on women's insertion in the labor market. In 2005, women already surpassed men in terms of education: 32% of working women had more than 11 years of study, against 25% of working men (2008, p. 20). In view of this, women began to occupy workplaces in various professions, such as law, medicine, judiciary, architecture and engineering, traditional male professions.

These data, however, do not change the scenario of permanence of inequality. Inequalities in wages still exist between women and men, despite the expansion of the female workforce. This can be explained by the reflection of the permanence of gender discrimination (Bruschini; Lombardi, 2000).

In articles on the trajectory of the subject of female work, Cristina Bruschini identifies that “the greatest challenge for feminism and gender studies seems to be that of resuming the struggle on two fronts: that of equality between the sexes in the labor market and that of protection for female workers in reproduction” (1994, p. 29). This challenge remains current in the 21st century, as can be seen by analyzing the current situation. The advances and achievements of women in the labor market are undeniable, such as their growing participation in the Brazilian economically active population (EAP), which increased from 29% in 1976 to 54.5% in 2019. The profile of the female workforce has been undergoing several transformations. The increase in the level of education, as Bruschini (1994) points out, is one of the main reasons for this transformation. Also noteworthy are the drop in fertility and the new values linked to the inclusion of women in society in new contexts.

However, despite these changes, the duality persists between a weaker pole, occupied by women, and a stronger and more virtuous pole, occupied by men. For Daune-Richard (2003, p. 73), female mobility would be hampered “by the glass ceiling of a male representation of authority and power”. This claim is based on the fact that the social division of male and female spaces is unequal and hierarchical:

... since reason and power are socially associated with men, bureaucratic organizations, based on rationality and hierarchy, tend to reserve subordinate positions for women. The processes by which this “sexualization” of power in employment is introduced are multiple and complex. They also pass through the mediation of sexuality. In the mixed spaces of work where men and women coexist, an almost universal mechanism can be identified: the construction of difference. Now, in terms of social categorization, the path is narrow between differentiating and hierarchizing. (Daune-Richard, 2003, p. 74)

Research carried out by the Carlos Chagas Foundation (FCC, 2007) shows that the presence of women in the labor market is full of continuities and changes. On the one hand, these surveys indicate that, from 1980 onwards, work outside the home has become as important for women as childcare and motherhood. On the other hand, although research shows that female work remains concentrated in the service sector (such as the domestic and informal sector), there has also been an increase in female participation in prestigious technical and scientific professions and in leadership positions. Areas such as architecture, engineering, journalism, dentistry, medicine and legal occupations began to see a large increase in female presence.

However, not even the fact that some workers have higher education credentials than their male colleagues translates into fair or compatible earnings. According to data from the IBGE, through the study “Gender Statistics: Social Indicators of Women in Brazil”, carried out in 2018, based on the population aged 25 or over with higher education, women total 23, 5%, and men, 20.7%. However, if analyzed the average monthly income from all jobs and income ratio, by sex, between the years 2012 and 2016, women earned, on average, 75% of what men earned.

Another existing inequality between men and women is linked to the use of work time. Ávila (2002) identifies that the time given to care for people who are unable to take care of themselves “is not perceived as part of the social organization of time; it is withdrawn from women's lives as part of the feminine attributions determined by gender power relations” (p. 39). If domestic work time were considered, it would be evident that, even if they eventually completed shorter professional workdays, women would work more than men.

Data collected during the Empirical Research Seminars Applied to Judicial Policies in 2021 showed that women who chose the profession of judges face challenges such as double shifts, discrimination, difficulty balancing work and family, verbal aggression and psychological violence from lawyers and judges. Two surveys were carried out: one with 758 respondents, about 43% of the universe of electronic addresses of labor magistrates registered in the CNJ database; and another survey with 1.443 women from the 14 federal units of the Federal Court of the 1st Region. Most judges are dissatisfied with the representativeness and treatment they are receiving. These professionals claim telecommuting, greater female participation in administrative and planning positions in the Judiciary, greater female presence

in higher levels; the adoption of specific policies for pregnant women, those with children at an age that requires greater care or with disabilities, among other claims.

3.2 The Role of Woman in the Labor Market

It is important to describe how relations between men and women occur in the job market in professions in general. For this, we sought to identify the state of the art through the protocol proposed by Cronin et al. (2008). Regarding the database, Web of Science and Scopus were chosen due to the complementary nature of the two. In addition, the Scielo database was included, with the aim of adding articles that deal with the subject in South America and Latin America. Scopus contains a larger number of journals compared to Web of Science, however its articles tend to be recent and have a lower impact factor (Chadegani et al., 2013). Thus, the choice of different bases allows for greater coverage of the literature.

During the month of September of the year 2022, searches in each of these bases were carried out in the topics title, abstract and keywords through the following combination of keywords: "labor market" AND "women" AND "female labor" AND "work" or "profession". The selection of terms was inspired by previous reviews of related themes, such as Bruschini (1994), who studies the role of women in the labor market. With regard to the type of document, only articles published in journals were filtered, excluding books and works under construction, such as theses and dissertations.

Afterwards, we sought to assess the quality of the literature used in the review (Cronin et al., 2008). Thus, the 398 articles raised (number obtained after discarding 39 duplicates of articles retrieved in these databases), the texts were evaluated for relevance, as proposed by Cronin et al. (2008). For this, the compatibility of the title, abstract and keywords with the theme of female performance in the labor market was verified. As a result, 90 articles remained, which went on to the eligibility assessment stage, when they were read in full and kept only if they had the theme as their main focus. In the end, 59 articles served as the basis for the corpus of this chapter, 20 from the Web of Science, 30 from Scopus and 9 from Scielo. Among these texts, no articles were found that addressed gender relations in the work of female judges.

The literature demonstrates that there are several factors that influence the insertion of women in the labor market, especially those related to social gender relations. One of these factors concerns the fact that women have children, especially at pre-school age, which reduces

the likelihood of female participation in the market and increases the likelihood of precarious work, self-employment and part-time work. For males, the results are less consistent and, in most cases, the presence of children is not statistically significant (Guiginski and Wajnman, 2019). These authors conclude that there is a need to redefine gender roles in order to accommodate the different social roles performed by women and mitigate the penalties they face when balancing work and family life.

The participation of women in the labor market has advantages, but also consequences. Some aspects of women's lives have changed, such as the number of children and marriage age. One of these consequences is the division of household chores. Although men have started to participate in domestic activities, women dedicate more time to these activities. In Portugal, for example, the family continues to be a place of gender inequality, even though Portuguese men are increasingly involved in family life, dedicating only eight hours a week to "housework", for example, ironing or preparing meals – meanwhile, women spend twenty-one hours, nearly three times as long as men. When it comes to caring for family members, especially children, men dedicate nine hours a week and women seventeen hours a week, almost twice as much (Wall, 2017).

Another factor that negatively influences women's participation in the labor market is the number of children, as suggested by Vu et al, (2021). These authors analyzed the impact of children on women's work in Vietnam and the findings show that the number of children has a negative impact on maternal participation in the labor market and working hours, but not on earnings. Furthermore, the impact on market share was significant for younger women aged 21-35, but insignificant for the group of women aged 36-50, who responded by working fewer hours rather than leaving the workforce. These results support the idea that the increase in female labor force participation in Vietnam can be attributed in part to the general decline in fertility over the last 30 years and help to validate Vietnamese government planning policies (Vu et al, 2021).

In addition, part-time work was identified as one of the most relevant dimensions of the dynamics of flexibility in the labor market. In some cases, part-time work is a family or personal strategy to reconcile work with family or personal life, often carried out by women. It was identified that in Holland about 75% of employed women have this work system. Although in

many cases the assumption of such a task may be voluntary, there are still questions related to the inequalities it produces between men and women (Eurofound, 2017; Vogel, 2012).

Part-time working as a solution to expand the insertion of women in the labor market was researched by Barbieri (2019), who points out that this relationship has multiple causes. This author focused on the institutional context and characteristics related to part-time working in European countries to examine the conditions under which this option is viable. The results suggest that part-time work can increase women's employment in continental Europe and particularly in Southern Europe, where an increase in part-time employment - even if it is in temporary demand - leads to greater participation of women in employment. . Some of the policy implications and trade-offs were also highlighted: while part-time work may lead to more women being hired, it increases gender discrimination in the labor market. To reach these conclusions, data from the European Labor Force Survey (EU-LFS) from 1992-2011 for 19 countries and 188 regions were analyzed and explored regional differences over time, as well as regional labor market characteristics and variables. (Barbieri, 2019).

Societies that seek to stand out in their social and economic environment need to provide effective and equitable conditions for men and women to qualify, carry out relevant activities and occupy key positions in different sectors of the labor market. Education, especially higher education, is a path to a more valued and qualified professional performance. In this sense, Brazil no longer has a situation of male majority, on the contrary, women are predominant in both undergraduate and graduate courses. However, the distribution of genders in the different fields of activity and the positions occupied by men and women still show differences caused by historical periods of long discrimination against women. (Barros and Mourão, 2018).

Current data on the gender distribution of higher education in Brazil suggest that, in addition to changes in social paradigms, public education policies implemented in Brazil in recent decades have had a positive impact on women's progress. If before women were educated at home and dedicated themselves to work related to them, today they occupy prominent positions in different professions. However, the data confirm that women are still underrepresented in more prestigious occupations and that women in the same activities earn less than men. In addition, women still carry many household chores and care, resulting in less dedication to paid activities, which perpetuates the image of “male provider” and “woman-mother-caregiver” (Guedes, 2016).

In addition to female and male role expectations, gender stereotypes make it difficult for many women to achieve prominence and make significant contributions in various fields of knowledge. Women's achievements in public life are remarkable, but they are still marred by traditional stereotypes of the female role. Currently, they accumulate responsibility for domestic and family activities with professional performance, and seek success and obtain positions and prominent positions (Carvalho, 2017; Guedes, 2016).

The highlighted problem is that women are more active in environments and activities previously considered masculine, but men take on a different proportion of family and domestic responsibilities, making women physically and mentally overloaded, thus hindering career development. In this way, a better division of domestic tasks would reduce the negative effects of the different roles assigned to women in their careers (Barros and Mourão, 2018).

In Brazil, the acceleration of the economic development process and the general expansion of the labor market led to an increase in the demand for female workers. However, although women have conquered more spaces in the world of work, it is still necessary to recognize the process of oppression and discrimination that they suffer in different ways, both in the public and private world (Toscano et al, 2020). These authors present a study on the entry of women into the labor market between 2008 and 2018 and highlight that this entry was accompanied by a lot of discrimination in relation to the various positions they occupy and wage inequality (Toscano et al, 2020).

With regard to diversity in the organizational environment, it is a topic often discussed in the scientific literature, as it refers to comparisons between men and women and is increasingly inserted in the context of organizations, where there are gender inequalities and it has been observed that these inequalities can create barriers for women in the labor market (Toscano et al, 2020).

From a social point of view, women are seen as secondary beings in relation to men, with unequal and asymmetrical hierarchical relationships. On the one hand, masculinity is valued in organizations and, on the other hand, women with their ability to multitask and sensitivity to better deal with problematic situations and solve problems without conflicts, thus marking their place in society. Working outside the home is a recent achievement for women, even in the face of a double, even triple shift of work (at home, work, study). They break down

barriers, prejudices (family, society, etc.) and occupy the space that has always been reserved for men. (Toscano et al, 2020).

Female participation in the labor market has increased significantly, especially since the 1990s, especially among married women. At the same time, the income tax structure, family treatment tax, family and professional reconciliation policy, and allocation of education to couples have changed significantly (Osuna, 2018). On the other hand, the gender pay gap remains relatively stable. This author studies the relevance of these factors to explain the increase in the participation of married Hispanic women in the labor market from 1994 to 2008. For this, she uses the model of participation of a family in the labor market and Eurostat data. The model explains the increase in total female labor force participation and combines the hours worked by men and women. The model also makes it possible to replicate the pattern of female labor force participation by age and level of education. From this analysis, the author concludes that changes in tax rates and the allocation of education were the main factors that generated an increase in the female workforce in the late 1990s, while the growth in costs with childcare and child registration income were responsible for the subsequent growth of the 2000s (Osuna, 2018).

However, in all European Union countries, women's participation in the labor market is lower than that of men. These differences are due to traditional gender roles and economic factors. Furthermore, as women enter the labor market, they tend to work fewer hours, in low-paid sectors and in lower positions than men, leading to significant gender pay gaps (European Commission, 2017).

Another example is what is happening in Pakistan, where women's participation in the labor force is still much lower than in other countries with similar incomes. Even among the highly educated, only about 25% of Pakistani women have university degrees and work outside the home. One possible reason for women's low participation in the labor force in this country is the low-paying jobs available to them. Women earn less than men and this difference has persisted over the years (Asian Development Bank, 2017).

About the selection and recruitment process and the second study by Blair-Loy et al. (2017), women experience more interruptions and more questions in a job interview than men. These authors analyzed 119 interviews with finalists from five engineering schools at the University of California and the University of Southern California to become professors.

Research shows that women were asked questions more often than men, which makes them more likely to lose their temper during the interview. Women were asked more questions about their development than men and less time was spent talking because they spend more time listening than talking. Furthermore, the study also revealed that women are interrupted more than men and when they are interrupted it is usually for a positive reason, while they are interrupted for a negative reason. Investigators ask women applicants more radical questions to substantiate what was described in their resumes. The study also shows that women candidates for a teaching career are perceived as less competent, less qualified and less desirable than equally qualified men and that, when tasks are perceived as masculine, interviewers indicate that male candidates have more skills. to take on the job than women. (Blair-Loy et al., 2017).

As for the role of women in the public and private labor markets, the research by Mota-Santos et al., (2019) confirms the assumption that public careers offer favorable conditions for strengthening the social construction around gender, in which the female identity is constituted by the domestic world. According to these authors, public service can represent an important alternative for women to balance many needs that are completely disadvantageous for them, compared to what society expects of men. This study confirms that public careers provide more ways to reconcile personal and professional life than careers in the private sector.

In addition, comparisons were also made between these women and their partners, in terms of income and dedication to family activities, a comparison that exists in the international literature, but not with an important pattern in the Brazilian literature. Data show that female executives and public servants are more financially self-sufficient than their male counterparts. However, it is important to highlight that, even with financial autonomy, women are still unable to extricate themselves from the social role imposed by male domination (Mota-Santos et al., 2019).

In the case of female careers in the public service, especially when linked to higher incomes, the status of women as the main caretakers of children becomes ever greater. The civil service, even though it requires dedication to work and a high level of specialization, offers working conditions, such as fixed hours and shorter journeys, which provide "more free" time - which is not provided by the private sector. According to Mota-Santos et al., (2019), research indicates that feelings of guilt and tiredness arise mainly because women do not have someone to share their household needs with, living negatively in the conflict of balance between

personal and professional life. In this way, there seems to be more space in the public service for professionals to reconcile the roles imposed on them since patriarchal societies, given the security and stability, the fixed working hours and the lower demands of public services - in comparison with the private sector (Mota-Santos et al., 2019).

For Acker (1990), despite the increasing and stereotyped differences, work relationships are composed of male and female images and beliefs that reproduce inequalities present in society. This view, therefore, falls within the domain of social representation, as it concerns the beliefs, images, ideas and values that permeate relationships (Antunes, 2018).

In general, the literature indicates that there is a continuity of traditional social representations of gender, in which women are attributed characteristics such as: submissive, dependent, fragile, emotional and responsible for household chores and child care. Men, on the other hand, are considered bold, independent, decision-makers and rational. Everything happens as if femininity and masculinity were two opposing dichotomies and there was only one possibility. These representations establish a gender asymmetry in the workplace, as they justify and legitimize objective positional differences between the sexes (Antunes, 2018). The executives interviewed by Antunes (2018) recognized that the organizational environment is composed of sexist representations of women, when they stated that the career development of executives is different, considering that they need to get involved and work harder for the same recognition and growth career path than male executives. They attribute this to barriers of prejudice that women face in an environment composed essentially of male values.

Furthermore, the executives have the social representation that family dedication competes with the work of the executives and, because of this, they are less loyal to the company. In other words, the social representation of male executives is that taking care of the family and children is still the duty of women, typical representations of countries with patriarchal and sexist values, such as Brazil (Carvalho Neto, Tanure, & Andrade, 2010). Executives also revealed the social representation that executives have a low willingness to take risks due to cultural traits of submission and dependence. Therefore, they believe that women prefer to delegate decision-making power to men. On the other hand, there is a social representation that women are more capable of taking more risks, perhaps because female career failure does not have the same degree of social relevance as male failure (Antunes, 2018).

Indeed, the view that female executives are not good decision makers was reinforced when executives say that women's emotional characteristics influence the fairness of the decision. The demonstration that men are better decision makers can be fundamental to explain why women's space is limited to positions and functions less involved in the decision-making process. However, this representation was not unanimous, as there is also the belief that a woman's more emotional trait makes her think a lot and seek more evidence, making her decision more assertive. (Antunes, 2018).

The analysis of the social representations of negotiation skills shows that executives are perceived by male executives as emotionally fragile and, sometimes, they use this characteristic in their favor. In addition, women are seen as passive, for not imposing themselves and not questioning the rules of their respective work environments. However, these expressions are contradictory, as there is a belief that women need to have a more reactive posture to negotiate. On the other hand, when they adopted it, they were criticized for having a very "masculine" posture. In this way, the representation of the executive woman implies a contradiction between the need to behave according to masculine values in order to be recognized and to be feminine at the same time. (Antunes, 2018).

The inconsistencies observed in the interviews were pointed out by Antunes (2018) as important for understanding the current state of affairs and the paradigm shift in gender relations at work, which does not occur without conflicts, frictions and hesitations. As these relationships change, it is clear that some representations change, as more and more women are found in organizations and positions of responsibility. For this author, over time, the representation associated with women's fulfillment and responsibility for household chores may decrease. However, that study had some limitations due to the fact that the automotive and mining sectors, where the research was carried out, are predominantly male. Although awareness of obstacles related to women's career is very low, and this is an aspect that the literature considers one of the most difficult for women, the data obtained on prejudice and discrimination and work and family proved to be largely in agreement with the literature. (Valadares, 2022).

In this way, Valadares (2022) inferred that there are indeed great difficulties in relation to the female career, since these workers, in typically male sectors, with more time in the company are exactly those who have greater knowledge of the organization's HR practices and

policies and the difficulties that women experience at work over time. Also consistent with the literature is the fact that not only are men unaware of prejudice and discrimination and show little sympathy for women's double working hours, but also that the gender pay gap and organizational opportunities are not perceived by them as unequal. in terms of gender.

In this context of male domination in mining, Valadares (2022) points out that it is not surprising that there are huge differences in perception between women and men when it comes to indicators of prejudice and discrimination. Awareness of prejudiced situations was more evident among managers than among operational-level professionals, as managers were generally much more vulnerable to the organization's institutional discourses of inclusion and combating discrimination and prejudice. In the field of administration, the author points out that there is little research at the operational level, and this can be an interesting research question, considering that the operational area represents a large part of the work and is as responsible as the managers in terms of fighting to prejudice and discrimination. Greater attention to the operations area is essential for the success of inclusion and diversity policies.

The research of Valadares (2022) confirms some of the barriers that women face in advancing and developing their careers, and confirms the presence of prejudice and discrimination in environments marked by male hegemony, such as mining. In addition, by bringing this debate to the fore, this study highlights the importance of thinking about the development of HR policies and practices that focus on women's needs so that they can receive equal working conditions, salary and promotion in organizations.

Thus, based on the state of the art of female performance in the labor market presented here, it is understood that although there are several studies that indicate the effect of discrimination in the labor market in relation to women, which results, mainly, in a lower salary (Oaxaca, 1973; Kidd and Shannon, 1996), or discrimination in the promotion process (Johnston and Lee, 2011; Shantanu, 2012; Lin Xiu, 2014), the analysis of differences between men and women and the relationships social aspects of the judicial career have not been much addressed in the literature.

Also, as a research agenda, most of the articles recommended that more research be carried out to understand what still contributes to gender pay inequality. Therefore, further research comparing men's and women's perceptions of work-family conflict and career development strategies in specific occupations was recommended. Such research can expand

thinking on the subject and allow discussions to advance strategies to reduce gender inequalities.

3.3 The Glass Ceiling Phenomenon and Gender Inequality in the Labor Market

The glass ceiling phenomenon was characterized in 1986, in the United States, by Hymowitz and Schellhardt (1986), in a text published in the Wall Street Journal with the title “The glass ceiling: why women can't seem to break the ceiling”. invisible barrier that blocks them from the top jobs”. This manuscript was based on the authors' perception of a new reality of women's insertion in the US labor market: despite this new reality, gender disparity still existed in relation to women's access to management positions, in view of that most leadership and management positions were held by men.

This scenario of gender inequality regarding the access of women to management positions was defined as a glass ceiling, which Steil (1997, p. 62) defines as “a barrier that, being so subtle, it is transparent, but sufficiently strong to prevent the rise of women to higher levels of the organizational hierarchy”. These barriers can be of various types and can occur on different fronts, ranging from the family environment, education and upbringing of women and men to issues related to the organizational structure and culture of companies. These issues were analyzed by Kjeldal, Rindfleish and Sherida (2008) as cultural, sociological, legal and educational barriers that tend to marginalize women and tend to maintain the status quo, where men are a significant part of senior management positions and, thus, as a consequence, decision makers and company leaders. These data were corroborated in Brazil by Martins and Pilar (2015), Lazzaretti, Godoi, Camilo and Marcon (2013), Madalozzo (2011) and Brazil, Pereira and Machado (2009), leaving the managerial field of companies biased in favor of men , albeit in a contemporary world (Powell, 2012).

The glass ceiling is a phenomenon that addresses gender inequality in organizational leadership (Steil, 1997). During these years, research in different databases such as the Web of Science, Scielo and Scopus, showed several studies carried out in the world to analyze this issue and, with that, new theories that are linked to the glass ceiling emerged, such as the sticky floors and glass cliff, which analyze gender inequality in companies from different perspectives.

Regarding the sticky floors theory, this is a pattern of discrimination at work that leaves women and other groups discriminated against on account of race and other cultural issues at the bottom of the job ladder, making it difficult for them to access promotions. at work (Ahmad & Naseer, 2015). This theory has been increasingly studied with the objective of identifying difficulties for women to rise not only to the top of their careers, but also to reach lower-level managerial positions, which consequently would directly affect the glass ceiling, since the woman would thus have barriers to advancing in the intermediate parts of the hierarchy.

The glass cliff theory, on the other hand, represents a phenomenon also related to the glass ceiling where women, in relation to men, would be more likely to be chosen for leadership positions in challenging circumstances and in which the risk of failure is quite high. This phenomenon is new due to the fact that having women managers and directors in companies is something that has started to occur more in recent years. Because it is, then, a more recent scenario, still being studied in its initial angles and search for validity for something consistent, as well as the sticky floor and the glass ceiling (Acar, 2015).

These factors that directly impact the glass ceiling phenomenon have been studied since the entry process of women into the world of work, also including other issues such as salary, labor relations, career progression and occupation of higher positions. in organizations. Therefore, the search for gender equality goes beyond the issue of space in the labor market, also seeking consistent remuneration and equal opportunities for growth, development and respect for women (Brasil, 2016).

In order to evaluate the evolution of women in the management of organizations in general, it becomes necessary to understand the characteristics of those who have already managed to reach command positions in organizations, as well as those who have not yet managed to do so and what are the barriers encountered in the process (Liu , 2013), thus understanding the issues that impact the low proportion of women on boards of directors (Lazzaretti et al., 2013) and on executive boards (Machado, 2012). Glass and Cook (2016) point out that the challenges faced by women are documented, but little is understood about the issues that shape the female experience and success, which even against significant contingencies, rise up against the glass ceiling.

Faced with this issue, international entities such as the United Nations (UN), International Labor Organization (ILO) and the European Union have taken decisions and

encouraged practices aimed at promoting gender equality, within the scope of society and gender relations. work in companies. In 2014, UN Women created the HeforShe Movement, which is defined as “a global effort to engage men and boys in removing the social and cultural barriers that prevent women from reaching their potential, and helping men and women to together model a new society” (UN Women, 2017, p. 1). The purpose of this proposal is to make men aware of the reality of gender inequality in social and work relations and to encourage them to participate in this fight, which belongs to society as a whole. The movement also aims to engage men who, along with women, play an important role in the entire process. HeforShe is articulated with priority in some areas, such as health, education, work, identity, politics and violence (HeforShe, 2017).

The main differentials of this study are the disclosure of the reality of research regarding the phenomenon of the glass ceiling in Brazil and in the world, in the years 2012 to 2016, identified as important by Carrasco, Pérez and Centeno (2016), for highlighting data from other countries and in different cultural contexts; pointing out how the factors impact women's ascension to management positions, especially the high-ranking ones; in addition to pointing out the participation in governments and companies as actors who are also directly responsible for gender equality in the labor market and for breaking the glass ceiling.

The debate on this topic, which has been discussed under different aspects (IBGC, 2011; Madalozzo, 2011; Lazzaretti et al., 2013; Martins & Pilar, 2015; Gonçalves, Espejo, Altóe & Voese, 2016) is linked to the need to point out factors that contribute to the level of female representation in the labor market, with the aim of contributing to scientific knowledge on the subject and providing changes in society in search of representation and gender equality.

The glass ceiling is a phenomenon that has been studied from different perspectives and it is a great challenge to break through this barrier as an organizational reality, both for women and for men who are in this quest (Smith, Caputi & Crittenden, 2012). Therefore, every study, action and discussion related to the understanding of this phenomenon is essential for its break and search for greater gender equality in entities and society.

Assuming that reality is socially constructed, Berger and Luckmann (1974) and Ridgeway (1997) list that there is a general view, from both sexes, of expectations regarding women's competence and that they would be in a state of lower than men, a factor that would lead to biased judgments and which, according to Huffmann (2016), demonstrates a systematic

devaluation of the work performed by women. This relationship of prejudice generates one of the main aspects that interfere with the glass ceiling: discrimination.

The process of understanding and investigating the glass ceiling has found several aspects that interfere with this phenomenon, understanding it as a product of several factors that precede the promotion of women to high-ranking positions in organizations. These factors are prejudice, discrimination, management demographics, leadership style, organizational structure and culture, family and domestic responsibilities, work-life balance, flexible schedules, female self-confidence, lack of respect, support and authority, and lack of policies. of inclusion (Carneiro et al, 2019).

With regard to the prejudice factor, there is a historical relationship due to the attribution of women as responsible for the family and men as responsible for work. The reflection of this is that there is a prevalence of occupations considered masculine, if related to those understood as feminine, where in the former there are greater chances of reaching higher hierarchical positions and economic gains (Kuper, 2015). Another aspect is the behavior that society understands to be correct for a woman. There are lower expectations for women than for men, in addition to negative judgments when a woman has behavior that differs from a feminine standard expected by society (Liu, 2013).

Regarding the discrimination factor, the discriminatory promotion policies of organizations directly impact income, work, the possibility of growth and, consequently, the family of workers in general. In the case of women, there is still an aggravating factor that, when they become mothers, they would be subject to discrimination by employers (Kuper, 2015). This occurs because recruiters prefer to allocate men to management positions because they understand that, if they hire women, they would incur higher costs and that there would be limiting aspects, such as maternity leave (Chávez and Rios, 2014). Another discriminatory aspect at work is the wage difference. Women who have greater or equal professional training receive a lower salary compared to men with equivalent or equal competence (IBGE, 2018).

The management demography factor demonstrates how diversity among decision makers impacts on gender inequality. Glass and Cook (2014, p. 94) point out that this diversity “significantly decreases the probability of women being promoted to leadership positions”. Nekhili and Gatfaoui (2013) analyze the promotion process to higher hierarchical positions as

coming from a restricted view of suitability of employee profiles, with a bias impacted by gender stereotypes.

In the leadership style factor, the styles most valued in organizations are those often used by men, such as being direct in dealing with other people, rather than the interpersonal style most used by women (Akpınar-Sposito, 2013). On the other hand, the debate on the development of new leadership styles is growing, thus breaking the idea of rigid leadership as ideal for other leadership styles that focus on communication, including leadership considered to be female, more aimed at team integration, diversity, participation and empathy (Evans, 2014). The global trend towards a transformational leadership style, more focused on interpersonal relationships at work, becomes relevant in a globalized world, with people from different backgrounds, cultures, sexualities and needs, where skills that foster communication and intelligence, in this world of diversity, can allocate women more and more as leaders in organizations, since female directors are more benevolent and careful and less driven by power than men (Adams and Funk, 2012).

The organizational structure and culture, which influence the glass ceiling phenomenon, are characterized by Kuper (2015, p. 73) as providing a “series of routines, rules, functions and hierarchical structures that shape behavior and, often, are supported by unequal power” which explains a differentiation between the capabilities of men and women. In this sense, male managers would have experienced more challenging situations than female managers (King et al., 2012). Companies do not provide mechanisms for women to achieve leadership skills and abilities. Thus, this scenario has an impact on the difficulty of qualifying and developing women's full potential to take on leadership roles (Liu, 2013).

As for the factor related to family and domestic responsibilities, the family environment of women and men and its impacts on women's and men's careers is intrinsically linked to who has the greatest responsibilities in these areas, considering the gender of the people under analysis. At the end of the 18th century, there was a demarcation of attribution of responsibility, where paid work was a male responsibility and the family was a female responsibility, with the attribution of domestic activities and the main upbringing of children to women (Coutinho & Coutinho, 2011). This idea was partially broken through feminist struggles for gender equality that were intensified in the 20th century, but the impact of this idea is still noticeable today in social gender relations in terms of family and work. Among individuals who reached the top in

organizations, it is noted that aspects of marriage and parenting have affected women's careers to a much greater extent than men's (Moore, 2004).

Responsibility for housework impacts women mainly during their career growth process, since men are not very committed to housework, leaving this to women, in addition to carrying out their work during business hours, having to perform most or all of the household activities. This impacts on their performance and dedication to work activities (Kuper, 2015).

With regard to the balance between personal life and work, there is a widespread notion that those in high positions should only engage in activities related to the specific demands of that position (Kuper, 2015). Pinnington and Sandberg (2013) confirm this statement by identifying that both men and women understand that a high hierarchical position demands that those who occupy it privilege work over family. In a scenario where men are less responsible than women for activities related to the family and domestic activities, women are disadvantaged in career promotion processes. Thus, some women have sought to avoid motherhood in order not to disrupt their careers (Liu, 2013).

In terms of flexibility of working hours, women have been related to the so-called “male time”, with long hours of work (Kuper, 2015). Slaughter (2012) addresses the flexibility of schedules in society by quoting an assistant to the former president of the United States, George Bush, who resigned and wrote: “Only with control of her own schedule is it possible for a woman to have a career and a family”. With this, it is clear the need for flexible schedules in society, in view of the changes of professionals who now work in the labor market.

In the low female self-confidence factor, women need to gain self-confidence that they are not inferior to men and should not settle for lower-level jobs than men. Thoughts like these generate different expectations of success between men and women and the consequent achievement of divergent career goals. Women's perception that there are different promotion opportunities and organizational impediments to career advancement influence their exit from organizations. Even though all these barriers exist, women must seek to carry out their work according to what they believe in and must fight to achieve professional success if they so wish, perceiving promotion as something viable, since there are female leaders around the world, although in smaller numbers, and this representation can serve as a motivation to generate confidence in their capabilities (Liu, 2013).

In the lack of respect, support and authority factor, it is noted that, when they reach leadership positions, women report difficulties in getting support and authority from other subordinate employees to achieve strategic objectives. Glass and Cook (2016) and Liu (2013) highlight this fact and portray the great difficulty of subordinates in recognizing female leadership. This makes it difficult for the woman leader to have the legitimacy she needs to advance in the defined objectives. On the other hand, this reality has lost effect in organizations where women have more space in management positions at different levels, an effect that is called ripple. Huffman (2016, p. 184) identifies that “the increase in women's access to managerial positions weakens gender inequality at lower levels in the work scale”.

Regarding the inclusion policies factor, organizations, in general, are concerned with the well-being of the organization and its employees. However, in some contexts, these policies exist in human resources manuals, but are not implemented in practice (Bibi, 2016). With this, it is clear that organizational policies have not been effective and implemented to break the glass ceiling. Public inclusion policies are identified as an important strategy for breaking the glass ceiling, specifically due to the fact that automatic market stabilizers do not in practice reduce the various gender inequalities in the labor market in terms of functions and income, both in high positions and in lower positions (Lazzaretti et al., 2013). The reality of gender inequality in different positions, in relation to the market, is not reduced in practice with automatic market stabilizers and processes considered meritocratic, considering that men and women start from different points and deal with different problems in their lives. career (Hejasea and Dah, 2014).

Thus, as evidenced by the HeForShe movement (2017), the labor market has been using discriminatory practices against women, especially in relation to promotion practices. This fact is not changing even with the agenda of women in the 21st century, who assume different responsibilities, such as private (family) and public (work) activities. For Lazzaretti et al. (2013), the solution to eradicate these restrictions requires a joint effort by the government, organizations and women themselves, as well as men, since they are also part of society and interfere in this fact on a daily basis, both as employers, managers, partners and politicians (HeforShe, 2017). In this way, society and organizations need to articulate and make efforts so that the promotion of gender equality occurs beyond speeches.

Despite the feminization process, with the increase in the number of women in Law courses, for example, the glass ceiling phenomenon is present in the Brazilian Judiciary, as in the occupation of the position of judge. In Brazil, in 2020, out of 1,597 occupants of the position of judge, only 322 are women (Migalhas, 2020).

4. Methods and Techniques

In order to make it feasible to reach the proposed objectives, a qualitative research was carried out. Creswell (2010) points out that qualitative research is a form of interpretive investigation of data that enables the development of a holistic account, involving different perspectives and factors of a specific situation. For Stake (2011), in qualitative research, the researcher's reasoning is based especially on human perception and understanding. Thus, this type of research can be understood as an attempt to understand, in depth, the meanings and situational characteristics of the phenomenon of interest (Richardson, 1999).

The research is also classified as descriptive. With regard to descriptive research, studies with this purpose aim to describe the characteristics of a specific phenomenon (Gil, 2007), which, in the case of this study, refers to the exercise of the role of judge in Brazilian courts. In this bias, the present study described information and explored data referring to a single point in time, which can be characterized as a cross-sectional study (Hair et. al., 2005). The object of analysis of this research were interviews that were carried out with judges from the five states of Brazil and from different jurisdictions and CNJ reports.

4.1 Data Collect

Primary data were collected using semi-structured interviews, which are not subject to a single interrogation model. In this way, the emphasis of the interview could be modified according to the change in the direction of the conversation with the interviewee (Gil, 2012). Interviews are used for several purposes in qualitative research, one of them being to reach unique information and specific interpretations of the interviewees or to identify something about some phenomenon that the researcher cannot observe by himself (Stake, 2011).

The choice of semi-structured interviews is explained by the fact that this model allows the researcher to deepen aspects that he considers to be more important, a factor that is a positive point in the study of the social representation and performance of judges in the courts, given the potential sensitivity of the subject, as it may involve phenomena such as the glass ceiling.

Contact data of judges from the five regions of Brazil and from different areas of activity were compiled in an Excel spreadsheet, through the convenience and possibility of indicating the people who had already carried out the interviews so that other judges of the their conviviality do as well, if they are interested in participating in the research. E-mails were sent

to the judges with an invitation to participate in the research. Then, a telephone contact was made, followed by scheduling an interview on the Teams platform.

The interviews were carried out in October and November 2022, with the support of the Microsoft Teams software, with simultaneous audio recording and text transcription, authorized by the interviewees, with the objective of an effective analysis of the collected contents. 11 male judges and 13 female judges from the five regions of Brazil were interviewed, with the support of the script in Appendices A and B. The total number of interviews was defined based on the concept of theoretical saturation, that is, when new interviews did not add significant information to the understanding of the researched phenomenon. Table 1 shows the profiles of the interviewees.

Table 1 – Survey Sample

INTERVIEWEE	COURT	INTERVIEW DATE	DURATION	TIME OF CAREER (IN YEARS)	NUMBER OF CHILDREN
1 JUÍZA FEDERAL	TRF 4	27/10/2022	00:21:02	14	2
2 JUÍZA ESTADUAL	TJMG	27/10/2022	00:33:21	15	2
3 JUIZ FEDERAL	TRF 1	28/10/2022	00:18:57	9	2
4 JUÍZA FEDERAL	TRF 1	31/10/2022	00:24:14	11	2
5 JUIZ ESTADUAL	TJDFT	31/10/2022	00:26:01	13	2
6 JUIZ FEDERAL	TRF 5	31/10/2022	00:46:05	21	2
7 JUIZ FEDERAL	TJPB	31/10/2022	00:27:51	21	1
8 JUÍZA ESTADUAL	TJMT	31/10/2022	00:16:15	10	2
9 JUÍZA ESTADUAL	TJPE	31/10/2022	00:25:52	28	2
10 JUIZ ESTADUAL	TJRS	31/10/2022	00:16:40	8	1
11 JUÍZA ESTADUAL	TJPR	01/11/2022	00:31:49	17	2
12 JUÍZA ESTADUAL	TJPR	01/11/2022	00:45:13	10	1
13 JUIZ ESTADUAL	TJPE	01/11/2022	00:31:55	6	2
14 JUIZ ESTADUAL	TJPB	01/11/2022	00:16:27	20	3
15 JUÍZA ESTADUAL	TJPR	01/11/2022	00:19:41	27	2
16 JUÍZA ESTADUAL	TJMA	02/11/2022	00:33:28	8	0
17 JUÍZA ESTADUAL	TJGO	02/11/2022	00:19:55	6	pregnant
18 JUÍZA ESTADUAL	TJMS	02/11/2022	00:28:52	11	2
19 JUIZ ESTADUAL	TJPR	04/11/2022	00:23:51	22	2
20 JUÍZA ESTADUAL	TJMA	02/11/2022	00:23:35	13	0
21- JUIZ FEDERAL	TRF 5	03/11/2022	00:21:16	9	1

22 JUIZ ESTADUAL	TJPA	03/11/2022	00:35:11	10	4
23 JUIZ ESTADUAL	TJES	03/11/2022	00:19:52	18	2
24 JUÍZA ESTADUAL	TJMS	04/11/2022	00:16:56	5	pregnant

Source: survey data

The set of respondents in Table 1 shows a convenience sample, composed of 54.17% of female judges and 45.83% of male judges. Of the interviews carried out, 6 (25%) were with federal judges, while 18 (75%) were carried out with state judges. The average interview time was about 26 minutes, totaling 10 hours and 19 minutes of interviews. It is important to highlight that, with regard to State Justice, the sample has representatives from all Brazilian geographic regions: north, with the TJPA; northeast, with the TJMA, TJPE and TJPB; Midwest, TJDFT, TJGO, TJMS and TJMT; southeast, with TJES and TJMG; and south, TJPR and TJRS.

The audios of the interviews were transcribed using the Microsoft Teams transcription tool and then manually checked and corrected one by one. The Atlas T.I software was used to carry out the qualitative analyzes of the contents collected in the interviews, based on the transcripts.

Furthermore, the sample is composed of male and female judges with an average of 14 years of career and with two children, as described in table 1. These data demonstrate that most of the interviewees have a significant career time, which contributes with different experiences to work, as well as the majority have about two children, a factor that contributes to the study of the issue of balance between personal life, with family and domestic responsibilities, and work.

4.2 Data Analysis Procedures

The content analysis of the interviews was carried out, based on an a priori categorization. Content analysis is based on a set of methodological instruments used with the aim of studying qualitative materials, in which all communication involving the transfer of meanings between a sender and a receiver can be the object of analysis (Richardson, 1999). Content analysis by categories is the most used and oldest analysis. This technique uses a process that consists of dividing the text into categories, with a logical regrouping as a basis (Bardin, 1977).

Thus, the number of times each category occurred in the data was counted in order to understand particularities of the development of the phenomenon of interest (Silverman, 2009). Therefore, this type of content analysis was used, based on the ex-ante defined categories and, afterwards, there was an in-depth analysis of the results obtained, relating them to the theoretical framework of the work.

4.2.1 Operationalization of Analyzes

Based on Bardin's proposal (1977), the content analysis was carried out in three phases: pre-analysis, material analysis and treatment and interpretation of results. In the pre-analysis, the complete reading of the transcripts of the interviews was carried out in order to identify excerpts of statements that were important to the study. For this, the categories determined a priori were considered and, still in this phase, the mapping of possible new categories to be considered in the analysis was carried out. During the pre-analysis, the objective was to identify similarities and differences between the testimonies of female and male judges in the different courts and to begin the initial interpretation of the content of the interviews.

Still in this phase, the categories of analysis were formulated based on definitions and concepts presented in the theoretical framework of this work, that is: prejudice, discrimination, management demography, leadership style, structure and organizational culture, family and domestic responsibilities, balance between personal life and work, flexible schedules, female self-confidence, lack of respect, support and authority and lack of inclusion policies. Thus, four constructs were identified based on the categories listed above for coding important and significant excerpts from the interviews, namely:

- 1) Entry and permanence in the career;
- 2) Balance between personal life and work;
- 3) Career and work;
- 4) Leadership.

In the material analysis phase, the interviews were read again and the speeches were organized in a Microsoft Excel spreadsheet, in order to allow the coding of the material. For the analysis stage of the collected material, Bardin (1977) points out that it is necessary to define which elements of the text will be considered. Furthermore, this author addresses the concepts of record unit, which is the content segment that was considered for analysis and categorization,

and the concept of context unit, which is related to the understanding unit to code the record unit. The phrase was adopted as the recording unit and the theme as the context unit. The sentences of the interviewees' answers were analyzed and coded in a Microsoft Excel spreadsheet, according to the category to which they belong, considering the topic addressed.

In the last phase of content analysis, treatment and interpretation, the Atlas T.I software was used in order to assist in data processing. The use of software to support the analysis of textual data is increasingly present in studies in the areas of Human and Social Sciences, given that these software facilitate content analysis as they provide data organization (Camargo and Justo, 2013). To use Atlas T.I, it was necessary to divide each interview into a Word document and create citations of important passages throughout the interview, so that there was a codification of the defined categories so that the data could be processed later by the software.

Adjustments were made to the interview texts, as suggested by Salviatti (2017), and the text formatting followed the running text style, without line changes. Acronyms and numerals in the form of numbers were also standardized. Expressions of self-affirmation were eliminated and a grammatical revision of the text was made. The file was edited in Microsoft Word, saved in .txt format and encoded so that it could be correctly imported into the Atlas T.I software. After the corpus was imported, different analyzes were performed, such as citation frequency and citation reports.

In this way, it was possible to prepare a final report, where the data collected at all stages of the research were analyzed with the objective of creating a model that identifies the different dimensions of the studied phenomenon and that allowed the identification of factors that influence in the entire process.

5. Results and Discussion

For the treatment and analysis of the interview data, 14 codes were used, translated into four constructs, which were defined according to the research objectives and the topics addressed in the interview script. The codes used, hereinafter referred to as variables, with their respective descriptions, their characteristics and the frequency of citations in the interviews are demonstrated and discussed throughout this chapter.

These four constructs are: entry and permanence in the career, career and work, balance between personal life and work, and leadership. The set of these constructs contains 14 variables as shown in Table 2:

Table 2 – Research constructs and variables

Construct	Variable
Entry and permanence in the career	<ul style="list-style-type: none"> - Career entry barriers for women - Career permanence barriers for women
Career and work	<ul style="list-style-type: none"> - Promotion by merit - Telework - Affirmative actions for gender parity - Measures to ensure greater representation of women in the judicial career - Prejudices in relation to female judges
Balance between personal life and work	<ul style="list-style-type: none"> - Autonomy to define schedules in the working day - Impact of work on the family - Impact of family on work
Leadership	<ul style="list-style-type: none"> - Training in management and leadership - Relationship between leaders and followers - Impact of the exercise, by female judges, of a high hierarchical position in the Judiciary - Leadership style

Source: survey data

5.1 Entry and permanence in the career

In the construct “entry and permanence in the career”, the following variables were found throughout the analysis of the interviews: career entry barriers for women and career permanence barriers for women. These variables had a frequency of citations, which is shown in table 3:

Table 3 – Variables and number of citations of the entry and permanence in the career construct

Variable	Amount of citations
Career entry barriers for women	81
Career permanence barriers for women	59

Source: survey data

As seen in Table 3, in the construct “entry and permanence in the career”, speeches about career entry barriers for women were the ones that had the highest citations, with the number of 81, followed by career permanence barriers for women, with 59 quotes.

Regarding the variable “career entry barriers for women”, both judges answered that the main barrier is the public tender itself, which demands a lot of study. This could be verified with statements such as interviewee 7: “I can only visualize this external issue, because in terms of access to public tenders, I do not see many institutional barriers” and interviewee 24: “Difficulties... Well, the tender test It was the biggest difficulty in all stages. Reconcile study time with work time. It was quite difficult.

Regarding the variable “career permanence barriers for women”, both judges pointed out, for the most part, that the biggest barrier to permanence throughout their careers for female judges is the need to move to an interior district at the beginning of their career or for some promotions, as can be seen in the statements of interviewee 7: “as a difficulty, above all, I think changing location, sometimes to start work or to progress in my career”, those of interviewee 9: “I think so . Many colleagues fail to accept some positions because of the family” and those of Interviewee 3: “... the fact that the female judge has to go to the interior can often be an obstacle in her career, she can give up, yes”.

The findings are in line with different studies in this regard, such as the Technical Note AJUFE Mulheres 01/2017, which points out that the need to change location for career promotion impacts women differently from men. The technical note indicates that female judges are not allowed to aspire to grow in their careers in the same proportion as male judges. Furthermore, this study indicates that the need to change residence for career advancement is a factor that prevents a greater number of female judges.

The need to travel as a difficulty and barrier to entering a career is also linked to the family factor, much commented on by the judges. Interviewee 16 points out that: "...this multiplicity of roles that we assume on a daily basis. So, in addition to being a magistrate, I am a daughter, I am a wife, I am a sister. The distancing from the family is very delicate." This factor has already been studied by Bonelli (2010), who in his study on judges highlighted that judges are divided into a kind of family and professional "double identity" and blame themselves for not dedicating themselves as much as they would like to both spheres.

This author also identified that, in the career entry phase, several judges prioritize living together and taking care of the family or maintaining residence in municipalities that have more infrastructure (Bonelli, 2010). This issue was verified in different speeches of the interviewees, such as that of interviewee 16: "This issue of moving to the interior is complicated also because of this inconvenience of the schools, which do not have a school for the children, do not have a hospital".

Also, regarding the variable "career permanence barriers for women", the absence of difficulties in entering the profession was a subject mentioned by some judges. The women interviewed who did not perceive difficulty attributed this to the lack of children or family structure to help at the time of the study. Interviewee 9 points out that: "let's say that it wasn't very difficult to join, because I was very young, I had no children", Interviewee 2 points out, in the same sense, that: "When I entered the career, I was single, I was 29 when I passed the contest. So the difficulty as a woman, it did not appear so much at that moment when I was taking the exam, I was supported by my parents."

These opinions are in line with the results obtained in the research shown in Technical Note No. 01 (AJUFE, 2017). The answers to the question: "Do women face the same difficulties as men in entering a career in the judiciary?" had the following results: 40.54% say no, depending on whether they have children; 34.05% say no, regardless of the case; and 24.41%

say yes. Thus, it is noted that the judges themselves believe that the fact of having children or not is a preponderant question to define whether there are more difficulties or not; however, more than 70% indicated that, with children, women will always have more difficulties in accessing a career compared to men.

Thus, it can be seen that the majority of respondents identified barriers to the entry and permanence of women in the position of judge, with emphasis on the displacement to the interior that the position requires and the issue that would affect men and women equally, which is that of the judge himself. public tender, which demands a lot of study and dedication from the candidates. The issue of moving to the countryside proved to be, based on the responses of the interviewees, more difficult for female judges than for male judges, especially due to issues of family and domestic responsibilities, which were seen as greater for women.

5.2 Balance between personal life and work

In the construct “balance between personal life and work”, the following variables were found throughout the analysis of the interviews: autonomy to define schedules in the working day, impact of work on the family and impact of family on work. These variables had a frequency of citations, which is shown in Table 4:

Table 4 - Variables and number of citations of the balance between personal life and work construct

Variable	Amount of citations
Autonomy to define schedules in the working day	27
Impact of work on the family	102
Impact of family on work	96

Source: survey data

As seen in Table 4, in the “balance between personal life and work” construct, statements about the impact of work on the family were the ones with the most citations, with 102, followed by the impact of family on work, with 96 citations and autonomy to define schedules in the working day, with 27 citations.

Regarding the most cited variable, which is “impact of work on the family”, data from the interviews showed that judges generally choose to become pregnant some time after entering office, a factor that has not yet been identified in other research on the subject. Some interviewees mentioned that they had high-risk pregnancies, as can be seen in the lines of interviewee 20: “the motherhood of judges is often postponed due to their careers, by the time motherhood comes the woman is already at an older age, where will naturally carry the risks of pregnancy that a younger woman would not have.” and a male judge, interviewee 6:

I remember a sentence that a former magistrate of our court uttered that really affected me, because it is a very cruel sentence with women, he was a magistrate and, therefore, responsible for appreciating requests for leave, medical leave, removal and this sentence was in a context in which several colleagues were pregnant, with high-risk pregnancies, therefore, needing to leave before maternity leave. And then he said something more or less like this: “that the judges were not good birth mothers”.

In addition, in the variable “impact of work on the family”, a highlighted factor was the issue of support from the spouses, which, in most of the answers from male and female judges, indicated that there is greater support from wives to husbands than vice-versa. versa and this ends up impacting the judge's self-confidence, as can be identified in the speech of interviewee 20: “As a rule, when we talk about married women and married men, men have more support from their partners than women from their respective partners. partners, especially in terms of moving to another city...”. It was verified in the interviews that women usually accompany their judge husbands in an eventual change of city to the detriment of the position, but the opposite is rarer to happen. The judges mentioned that this affects their self-confidence in their careers, as it may end up depriving women of accepting promotions that require moving to another city or even weakening their love and family relationships, given that their husbands do not usually accompany them in an eventual move of domicile.

Regarding this issue, almost all interviewees also mentioned that the wives of male judges tend to accompany them and provide support in a move to hold the position in the interior in greater numbers than in the opposite situation, which would be for the husband to accompany the woman. wife judge for the interior. This can be verified in statements such as that of interviewee 7: “I went to live in another region, and the wife had to accompany me.” and that of interviewee 3: “my wife, when I passed the exam, I went to live elsewhere too, but she went with me, so I didn't have children yet and she went with me, that made our life a lot easier, mine life.". Thus, the fact that most wives accompany the judge husband may make the career

journey less difficult for men, especially in relation to self-confidence in the relationship and in the family, factors that the judges indicated that usually do not happen in the opposite situation and that generates great impacts on the judge's personal life and on her performance in her career.

In this sense, it was also indicated by the judges and by some judges that there is greater family responsibility on their part and that, when the husband does not accompany them to a change of city, it becomes more difficult to reconcile, alone, domestic responsibilities and work. Interviewee 6 highlights that "... for women, they have to have greater responsibility in relation to their children. They often have the difficulty of their husband not accompanying them. It is a much tougher decision." Also, interviewee 3 points out that: "It is more difficult for a man to leave his job to follow his fellow magistrate. I think it's more difficult for the colleagues I know. Usually they stayed separated and the husband continues to work in his place of origin." This distance from her husbands can lead to family friction, a blow to the judge's self-confidence in her career and personal life.

Thus, the question of the loss of self-confidence due to the lack of balance between personal life and work was also frequently mentioned by the judges interviewed. For the judges, it was identified that it is more difficult for this balance to occur, while for the judges it is less difficult. This issue can be perceived in the speech of interviewee 18: "Look, I usually summarize my life to that circus act, where you put the plates, then one is falling, you go there and spin a little, another is falling. So that's more or less how it works. I don't have a balance."

Most of the female judges indicated that domestic issues are very demanding, mainly because they identify the division of responsibilities with husbands as unequal. They identify themselves as more responsible for the children and household management. Although the judges do not dedicate themselves directly to housework, it was mentioned that they need to organize who will carry out the housework and take care of the children more directly. The judges indicated that the career of a judge demands a lot of time and that it is a very demanding career. In this way, their self-confidence is shaken because it is difficult to maintain a balance between personal life and work, and they constantly think that they are lacking in one aspect or the other.

Regarding the variable "impact of family on work", all the female judges answered that there are great family and domestic responsibilities attributed to them, as well as the majority

of the judges also answered that there are greater responsibilities in this regard for their wives. This was evident in testimonies such as that of interviewee 9: "This is very affected. Because, as we know, women still have the burden of caring for the family, the house and the children. This takes time, which is a precious thing for you to dedicate to work, studies and all your family commitments." This result is in line with the result found by Severi (2016, p. 94), which indicates that female judges, despite having the social prestige of their career, are a contingent of "women carrying, alone, routine domestic and care responsibilities with children".

In this sense, it was noted that the variable "impact of family on work" was frequently cited, given that there is more domestic responsibility on the part of women. Most of the male interviewees commented that there are greater responsibilities on the part of their wives and that this fact contributes to greater visibility and projection in their career as judges, as can be seen in statements such as that of interviewee 6: "My wife was more dedicated, also a judge, with household chores, which made me more comfortable to invest my time in the profession and with that I managed to have more visibility and project my name for promotions.

Thus, the collected data are in accordance with the literature, which points out that the responsibility for housework impacts women especially during their career growth process, since men have less commitment to housework, leaving this borne by women. They, in addition to carrying out their work during business hours, perform most or all of the domestic activities. This factor impacts on the performance and dedication to women's work activities, as well as impacts on visibility for higher positions, as suggested by Kuper (2015).

Pinnington and Sandberg (2013) confirm that both men and women understand that a high hierarchical position demands that those who occupy it privilege work over family. Given the fact that men are less responsible than women for activities related to the family and domestic activities, women are disadvantaged in career promotion processes (Liu, 2013). The data collected in the survey confirm previous findings in the literature. However, the literature also points out that some women have sought to avoid motherhood in order not to disrupt their career (Liu, 2013), a factor that was not identified in the research. Only two interviewees did not have children, and one of these was trying to have a child.

However, some interviews with female judges and one male judge mentioned that there is an equal division of domestic and family responsibilities at home, as can be seen in the statements of interviewee 12: "I consider myself lucky because, as my husband is also a judge,

we have a very good division of domestic work at home. So, I don't feel a gap at this point” and from interviewee 7: “I think so, there is family responsibility. In the same way that it exists, in my opinion, in relation to men, depending on the family structure they have.”.

Thus, the findings of this research demonstrate that the factor of greater family or domestic responsibilities are predominantly for women, but this context is directly linked to the family structure and the division of tasks carried out at home, and not directly to the question of the profession of female judge.

With the analysis of the data, it was also noticeable that family and domestic responsibilities impact women more when the children are small. This can be seen in the speech of interviewee 2: “today, I realize that, my children are around 10 years old, the division with my husband is greater than when they were babies, I think also the fact that they are growing and becoming more independent too. This all helps.”, from interviewee 8: “Well, I have a small child, I have a seven-year-old son and a 10-month-old son, so it's quite difficult too. I'm also a master's student. I have a timesheet for everything.” And from interviewee 9: “I have a 27-year-old daughter and a 25-year-old son, so I can dedicate myself much more to literature. I never dedicated myself before because I had a child, I had to do homework [school] and take it to school. Today I can already have other responsibilities within my career.”

Another factor highlighted by interviewee 6, which was also pointed out in other interviews, was that women have greater family responsibilities not only with their children, but with their parents as well, who naturally have some problems due to their age. Interviewee 6 points out that “Women have to support elderly parents more than men.” These findings are in line with Yoshida's research (2022), which points out that judges spend more energy and time than judges in family and domestic life, especially when they have young children or elderly or sick family members. As a result, female judges become less competitive than male judges, who are freed from domestic chores, and thus female judges lose opportunities for career advancement.

Regarding the variable on autonomy to define working hours, some judges mentioned that there is freedom, while others mentioned that it does not exist. This issue proved to be dependent on the interviewee's forum of action and the age of the children, as can be seen in the statements of interviewee 18: “I do have a certain amount of freedom. I like to work face-to-face, but if I need to work online on the day when there is no audience, I can work at home

or I can work out of here, so I have a lot of freedom in the hours”, from interviewee 15: “I have a lot of freedom, my children are already adults, when they were small it was more complicated. After the children grew up, I didn't have this difficulty. I manage to organize my schedule well, focusing much more on me than on the family.” Meanwhile, the interviewees who mentioned that they were not free to define their schedules had statements like those of Interviewee 7: “I don't have a lot of freedom, right? today I have a work cycle that is a little watch that I have obedience” and interviewee 8: “well, I have a small child, I have a seven-year-old son and a 10-month-old son, so it is very difficult too”.

In the literature addressed in this work, it was found that in relation to flexible working hours, women have been related to the so-called “masculine times”, with long hours of work (Kuper, 2015). Slaughter (2012) supports that only with control of her own agenda is it possible for a woman to have a career and a family. The data from this research allow us to infer that the question of freedom to define schedules in the career of a judge is not related to gender, but with the court of action or with priorities related to children. In this way, it is clear the need for flexible schedules for both sexes, in view of the changes in male and female professionals who now work in the labor market.

5.3 Career and work

In the “career and work” construct, the following variables were found throughout the analysis of the interviews: promotion by merit, telework, affirmative actions for gender parity, measures to ensure greater representation of women in the judicial career and prejudices in relation to women judges. These variables had a frequency of citations, which is shown in Table 5:

Tabela 5 - Variables and number of citations of the construct career and work

Variable	Amount of citations
Affirmative actions for gender parity	16
Promotion by merit	61
Measures to ensure greater representation of women in the judicial career	82
Telework	39

Prejudices in relation to women judges	105
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Source: survey data

As seen in Table 5, in the “career and work” construct, speeches about prejudices in relation to woman judges were the ones with the most citations, with 105, followed by measures to ensure greater representation of women in the judicial career, with 82 citations, promotion by merit, with 61 citations, telework, with 39 citations and affirmative actions for gender parity, with 16 citations.

About the most cited variable, which is “prejudices in relation to woman judges”, most of the answers dealt with work issues that are seen as prejudice in relation to their performance and also to the woman judge herself, as can be identified in the answers of the interviewee 6 on promotion by merit: “In the political process of promotion in the courts, information is resolved at dinners, drinking wine, smoking a cigar and it ends up being uncomfortable for a woman to participate in moments like this. It's discouraging.”

This issue was seen as prejudice, because from the moment there are fewer female nominations for positions with subjective occupation criteria, as occurs with merit-based promotion, women feel left out to occupy these command spaces or feel in the “obligation” to attend the same environments where there are discussions about promotions, which are not seen as welcome because they are mostly male environments, such as “dinners, drinking wine or smoking a cigar”. Yoshida (2022) indicates that rising to the 2nd degree, the position of judge, is more difficult for women. This can directly impact career self-confidence.

Another factor cited by the female judges as prejudice was the issue of clothing. Interviewee 2 highlights the issue of clothing as a self-affirmation in office: “There was a woman judge who was brilliant. She was very pretty, but she dressed to look about 20 years older than she was, simple, with a bun and big glasses, a very closed outfit. After she retired, she became a different person.” Drachman (1998) states that, in order to legitimize themselves in the field of justice, women adopted styles of clothing at work that reflected the clothes worn by lawyers, in addition to seeking to act similarly to the professional profile of male colleagues.

Furthermore, another factor of prejudice related to the female judge is the image they have of living alone. This issue was mentioned by both female and male judges, as can be seen

in the speech of interviewee 19, who highlights the concern with the image that a judge has when she is living alone, without her family, in a city in the interior to work in her position: “I think women are more charged, they are more watched. In smaller counties, if a male judge is at a bar, drinking heavily, that's a situation. If it's a woman, it's another. I think the very cultural issue, of structural machismo, that we have.”. Thus, it was verified that there is a great concern about how judges are seen based on their attitudes inside and outside their careers, a concern that does not occur in the same way with male judges.

In this same sense of concern with the image and the impacts that this generates on the judge's relationships, the issue of the relationships created by the judges when they go to work in an interior district was highlighted, this aspect being more difficult for women, as indicated by the speech of interviewee 20: “When you are in a country town, for example, it is easier for men to relate than for women, men are more “authorized to frequent public spaces” than women”. This demonstrates that there is still a concern with the places that female judges go, something that does not occur with judges, and this directly impacts on the personal life and on the network of friendships that a female judge may end up not forming.

Physical and clothing issues were also mentioned in terms of concern for image, but in the sense of residents of the region where the judge works, especially in cities in the interior. Interviewee 16 highlighted that, in the region where she operates, because it is quite small and in the countryside, many people know her as the “judge of the region” and comment on her appearance, a factor that undermines self-confidence: “Then people realize I arrive late, if my hair is tied up, if I have dark circles under my eyes, if I have makeup on, if I don't. Things that with men are not that kind of problem, it bothers you because it seems that the person is constantly being analyzed.”. The judges indicated that this demand for appearance does not occur in the same way with the male judges.

In this sense, it was also mentioned that the image of the male judge is better seen than that of the female judge, as can be seen in the excerpt from interviewee 15: “Male judges are seen with more respect. They need to taste less. Not that I feel obligated to prove it, but people think I have that obligation. The woman has to prove every day that she is a good judge, the man does not have to prove that he is a good judge.” Therefore, even though the judges do not feel the “obligation” to prove that they are good judges through their image, it was mentioned that this undermines their self-confidence, as demands in this regard can make them feel that

they always need to do more than male colleagues to establish themselves as good professionals.

Another factor cited by judges was that there are disrespectful statements by some colleagues in relation to the leave that women take after the birth of their children. Interviewee 14 comments on the question of the undermining of female judges' self-confidence due to objections from other fellow male judges, as can be seen in the excerpt: "I don't know if it's often a joke or a joke, right? But sometimes the men comment among themselves, "look at six months of maternity leave, so-and-so is not going to go back to work anymore, because she takes six months off, the holidays still come later". Thus, there is a demand from professional colleagues in relation to productivity and the absence of women at a time when they have the right to leave to take care of their babies and recover from childbirth.

The collected reports, for the most part, confirm the literature in the sense of a drop in female self-confidence due to issues seen as prejudice. This low self-confidence generates different expectations of success between men and women and consequent differences in achieving career goals. The perception by women that there are different opportunities for promotion and organizational impediments to career advancement influence them to close themselves in organizations. Even though all these barriers exist, women need to seek to carry out their work according to what they believe in and must fight to achieve professional success, if they so wish, perceiving promotion as something viable, albeit more difficult, as verified in the question merit-based promotion. There are female leaders around the world, albeit in smaller numbers, and this representativeness can serve as a motivation to build confidence in their abilities (Liu, 2013).

Still on the variable "prejudices in relation to female judges", most of the interviewees answered that they had already experienced some negative or disrespectful situation in the exercise of the judiciary, as can be identified in the statements of interviewee 9: "I have been working in the judiciary for 20 years. criminal court, where most of the lawyers are men and there are many police officers, and they always look down on us, confronting our capacity, our place of authority there.", from interviewee 2: "Look, I already had [prejudice] by a lawyer. The inconveniences, you know. At a hearing, once, a lawyer wanted to show proof, it was some paraphernalia even from a sex shop and he clearly showed that he had the objective of embarrassing me and a prosecutor".

In this sense, the collected data were different from the literature, which points out that in the absence of respect, support and authority, when they reach leadership positions, women report difficulties in getting support and authority from other employees. Glass and Cook (2016) and Liu (2013) highlight this fact and portray the great difficulty of subordinates in recognizing female leadership. For the authors, this makes it difficult for women leaders to have the legitimacy they need to advance in the defined objectives. What was identified in the case of the judges is that the lack of respect and support often does not come from subordinate officials, but from external agents, such as lawyers, police officers or, sometimes, from fellow judges themselves.

On the other hand, some male judges reported that they did not witness prejudice towards female judges. There was a greater number of male judges with this perception, as can be seen in the speech of interviewee 23: “as soon as I have witnessed it, I do not remember.”, of interviewee 21: “So, honestly, no, I never experienced it. I have never experienced any situation in which this gender issue has been decisive.”, from interviewee 10: “I have never checked either comments or performances. I never checked that.” and from interviewee 22: “I have very little contact with colleagues. I'm very reclusive in my work, in my family, and I don't care much about what happens outside, but I don't notice, among my colleagues, a certain prejudice towards female colleagues. I don't see that happening.” This perception contradicts what was mentioned by the judges, where almost all of them reported that they had already suffered from some prejudice for being women in the judicial career.

Regarding the variable “measures to ensure greater representation of women in the judicial career”, most respondents pointed to the need for greater representation of women, through different measures. Only respondent 7 reported that it was not necessary: “At least within the primary school, I don't see many necessary measures. I think we already have a very representative female participation in some courts. They even have a greater number of female judges in the first degree or equivalent to the number of female judges.”

The other interviewees, male and female judges, pointed out the following as the main measures to ensure greater representation of women in the judiciary:

- a) Telework for pregnant women;
- b) Greater presence in commissions, movements and associations;
- c) Increase in the number of women on tender examination committees;

- d) Greater encouragement from the CNJ in gender equity and inclusion policies;
- e) Parity in the appointment of male and female judges in the occupation of the position.

The increase in the number of women on tender examination committees was mentioned mainly by female judges, who noticed this issue more than the male judges. However, some judges highlighted this need. This can be seen in the speech of interviewee 17: “I welcome this parity thing on the tender boards, of putting 50% men and 50% women on the boards.” and from interviewee 6: “Research has shown a low number of women on tender boards.”. The low female representation in examination committees of competitions, an institutional space of great relevance, as already discussed throughout this work, reinforces the assertion that women are faced with great difficulties of insertion in spaces where choices are determined by subjective criteria (Wurster , 2020).

The adoption of telework for pregnant women was mentioned in its entirety by judges, who spoke about issues such as high-risk pregnancy, pregnancy support network and infrastructure of the city where they live to access a hospital, if necessary. This can be verified in the speech of interviewee 9: “We have many colleagues who are new and will be pregnant, so there are many judges who are from other states and who have no support network or structure here. You should think about a different policy for the place and working hours during a period that needs it.” As already mentioned in this research, telecommuting can be positive in these factors. The “Seminars on Empirical Research Applied to Judicial Policies in 2021” pointed out that most judges demand telework (CNJ, 2021) and the adoption of specific policies for pregnant women, those who have children at an age that requires greater care or with a disability.

Regarding greater participation in commissions, movements and associations, most of the interviewees reported not knowing about these movements in favor of female judges and highlighted that it would be a necessary and important measure to ensure greater representation. Despite this, judges interviewed who knew the performance of some movements, such as *Ajufe Mulheres* and *Antígona*, from Paraná, also highlighted their importance, as can be seen in the statements of interviewee 3: “*Ajufe Mulheres*, who works together to the court, it is relevant for there to be respect for the greater representation of women in the court. We have female judges in our court, but they are a minority.” and from interviewee 19: “So, here in Paraná,

there is a movement that is recent, the Antigone, which is to take these issues forward, to ensure that, in practice, there is in fact greater equality, until equality is reached really material.”

As already identified in this work, the Association of Federal Judges (Ajufe) created, in 2017, the Ajufe Women Commission, which is a permanent forum for the discussion of female representation in the Judiciary and for reflection on the factors that lead women to positions of invisibility. The Commission's work is based on three axes: research, publications and scientific events. The surveys generate figures on the participation of women in careers and are, according to Ajufe, essential to identify obstacles linked to this participation, understand its evolution, indicate causes and propose paths for more plural trajectories (Ajufe, 2019).

Another highly cited movement was the movement called Antígona, in Paraná, composed of 177 female judges who seek to contribute to gender equity in a collaborative way. The group was created in 2022 and provides face-to-face and virtual meetings, with exchanges of knowledge and career experiences, special guests, powerful speeches, formulation of requests before the Court, preparation of informative open letters and creation of new ties between the judges. The group's objective is to contribute to the achievement of women's career rights.

In the same sense, in relation to knowledge about commissions that study women's role in court”, some judges interviewed pointed out that they knew about commissions or associations linked to women's role in the judiciary, while others had no knowledge. In this way, it is noted that there are movements and commissions, but the lack of knowledge of some judges leads to the idea that something is not being done in this regard. The most cited association was Ajufe Mulheres. These issues could be verified in the statements of interviewee 6: “Women's Help came to strengthen this agenda of greater female representation in the Judiciary, in its various aspects...” and of interviewee 18: “The Association has a board of directors of women magistrates and in the court has the gender committee, anyway, because it is a determination of the CNJ. All courts must have these committees.” On the other hand, interviewee 20 points out that: “Look, this is even interesting. In theory, it was meant to be, because CNJ Resolution 255 establishes a policy of greater female participation in the courts. Now, if my court has it, I don't know because I've never heard of this commission” and interviewee 10 points out: “Not that I have knowledge by gender.”

Regarding the CNJ's greater incentive for gender equality, different judges interviewed pointed out this issue as necessary for an increase in female representation in the career of judges. The main issue cited was the large number of men being nominated for higher positions due to political issues and that, for a change in this direction, only awareness would not be effective, but direct intervention actions by the CNJ. Interviewee 24 points out that:

I believe that a greater incentive from the CNJ for gender equality in the judiciary, both in the entry of substitute judges and in the second level of jurisdiction, which is where there are an even smaller number of female judges, should also reflect the entry through the constitutional fifth. MP and OAB need to indicate women to integrate the triple lists. It is no longer possible that at this point in our society they continue to indicate only men, both sides need to be aware of this, but I think that awareness alone will not be enough. There needs to be a legal or even administrative incentive on the part of the CNJ.

CNJ's incentive policies are important for there to be a change in the courts. Resolution n° 255/2018 already exists, which instituted the National Policy to Encourage Women's Participation in the Judiciary as an essential action to achieve gender equality in the Justice System (CNJ, 2018) and which is suitable for objective number 5 of the Organization of the United Nations (UN), which has the objective of eliminating all forms of discrimination against women, everywhere. However, one should carefully check whether these policies are being applied in practice.

Regarding the variable "affirmative actions for gender parity", the implementation of a quota system was frequently mentioned, with some respondents in favor of the measure to increase representation, while others were against it. Respondents in favor point out a great advantage of quotas to achieve parity in the number of female judges, especially in high positions, with statements like those of interviewee 21: "The issue of quotas is starting to be discussed. You have a minimum participation of women, so I think it goes through these issues of establishing a minimum number. Perhaps it is a path, a beginning." and from interviewee 4: "I think we need a quota for yesterday. I don't think anything other than that will solve absolutely nothing. So, either a minimum female presence quota on the deserving lists or that, alternately, there is an all-female list."

The male or female judges interviewed who are against quotas or who do not have a formed position on the subject, showed concern with this issue as the only solution, thus demonstrating the need for other measures to be evaluated and implemented before quotas. In this sense, interviewee 3 pointed out that "I am a little concerned with the feeling that the

solution would be quotas”, interviewee 23 that: “Regarding the issue of tenders, I think it would not be feasible to implement quotas” and Interviewee 17: “There are other affirmative actions that I think we could think about, the issue of high school quotas is something I don’t know if I defend.”

For Fredman (2015), it is necessary that affirmative action (quotas) have the objective of generating substantive equality, and that the forms chosen to achieve it are adequate, which does not mean proving that there are other alternatives or that their usefulness is limited. effective, with evidence that it is not based solely on assumptions, generalizations or stereotypes. Todavía, Fredman (2015) also points out that in this sense, there is inevitably a focus on numerical results, with the main objective of increasing the number of women in these spaces, but this issue of substantive equality must also be combined with the others, in order to ensure redistribution, recognition and transformation. For the author, quotas are important to achieve equality between men and women, but they must be addressed along with the structural disadvantages faced by women, such as combating gender stereotypes and intersectional discrimination.

It was also highlighted by some judges that attention should be paid not only to female quotas, but also to racial female quotas for entering the career. Interviewee 18 highlighted that: “At admission, you would need to have racial quotas nowadays, but within racial quotas you would need to have a gender quota for black women.” In 2021, the CNJ carried out a Survey on Black men and women in the Judiciary, where the absence of information regarding race/color was observed in approximately 31.9% of the total number of courts, which indicates that this marker has not yet been properly incorporated into functional court records. Regarding the distribution of black judges by position, the report (CNJ, 2021, p. 57) indicated that:

... the highest percentages are among substitute judges (16.3%) and titular judges (11.2%). Despite the percentage of 12.8% of black magistrates as second-degree substitute judges, they represent only six people. Although 12.1% of female judges are black, a higher percentage than that of black judges (7.8%), the absolute number is lower than in the male group: there are 45 female judges and 93 male judges. Of the four Superior Courts, only one minister has a record of black race/color; while eight ministers are black.

Thus, in view of this scenario, the research carried out by the CNJ inferred that racial quotas will still be necessary until approximately the years 2056 to 2059. However, Bonelli (2020) warns, in the analysis of the Sociodemographic Profile of Brazilian Magistrates, of 2018,

that the affirmative action of the quotas increased the entry of black men, in a space left by the coincident decrease in the entry of women in the period, keeping unchanged the number of entry of white men. Thus, it becomes relevant to observe to what extent this affirmative action can further increase gender inequality, especially with regard to black women.

Thus, the measures listed in the interviews confirm that the reality of gender inequality in different positions is not reduced in practice with automatic market stabilizers and processes considered meritocratic, considering that men and women start from different points and deal with different issues in their career (Hejasea and Dah, 2014).

Still on the variable “affirmative actions for gender parity”, the absence of women in examination committees of contests was mentioned by judges. The interviewees who mentioned the subject highlighted the low or zero number of women on the competition committees for evaluating candidates, a factor that could affect the selection of women. In this sense, interviewee 6 points out that: “Research has shown a small number of women on the competition boards. If you look at most of the boards are composed exclusively of men”, interviewee 17 points out that: “I welcome this thing of parity in the tender boards, of putting 50% men and 50% women in the boards.” and interviewee 4 points out that: “The CNJ recommended that women participate in evaluation commissions, but once again it is a kind of internal “soft love”. Things haven't been going.”

The CNJ regulated entry after approval in five stages: 1) objective test; 2) two written tests; 3) investigation of past life and social investigation, physical and mental health examination and psychometric examination; 4) oral test; and 5) proof of titles. However, several courts adopted a stage called “reserved personal interview” as a phase of the competition, carried out by the examining board with the candidate on a date close to the date of the oral test, behind closed doors. When researching this selection stage with the TJSP, Bonelli (2011) pointed out that, after taking the written test without identifying the candidate, a fact that happened from 1996 onwards, there was a significant increase in the number of women approved for the oral test (Bonelli, 2011).

However, when going through the previous interview with the board, the women again presented a high rate of elimination, in a clear indicator that subjectivism in the selection criteria still existed with the objective of controlling “the entrance in the career. This form of control is internal, carried out by judges, by professional peers at the top of the judicial hierarchy, where

male predominance remains impressive” (Bonelli, 2011, p.126). In 2021, through Resolution No. 381, the CNJ prohibited the holding of this personal interview reserved by the Courts, in order to protect the impartiality and publicity of the public tender. In this way, the reports found in the interviews confirm the literature, which addresses that the gender disparity in the position of judge happens due to exclusionary recruitment methods, which have the purpose of keeping the work and the profile of the position linked to the male (Rezende , 2015).

Regarding the variable “promotion by merit”, most male judges and all female judges identified a difficulty in this factor, as can be identified in the statements of interviewee 7: “There is a subjectivity that can result from networking” and interviewee 9:

... if you are not part of the ball club, you are nothing. How can you compete for a position whose requirement is to be noticed, if the position itself does not give you the opportunity to occupy it? Everything happens at the bolinha club, in the men's house, with whiskey, and which is a place where women don't have access.

Different statements by female judges indicated that promotions based on merit are resolved at “dinners”, “drinking wine”, “smoking a cigar”, “at football”, “at happy hours” and “at coffee”, which are environments that, according to them, , have no participation of female judges. This issue reflects that there are fewer female nominations for positions with subjective occupation criteria, as occurs with merit-based promotion. This issue was verified in the research by Yoshida (2022), who concluded that the ascension to the 2nd degree is more difficult for women, especially because there are fewer candidates and because male judges have better transit with judges, who are the majority in the 2nd degree.

On the other hand, some of the male judges interviewed indicated that merit-based promotion is not discussed outside the courtroom, as pointed out by all the judges, but that it is still discussed in predominantly male environments, as can be seen in the interviewee's speeches. 20: “These are environments frequented more by men, discussions that take place in the presidency, in internal affairs, which are mostly occupied by men, so it is difficult for women to penetrate these spaces.”

Yoshida's research (2022) found that female judges face serious difficulties when trying to insert themselves in positions of prominence and power that involve purely subjective indications, such as good institutional relations, mainly with the top of the Judiciary. For the

author, the space of the so-called “institutional policy” is still far from the reality of the judges. On the subject, Alves (2021, p. 360) indicates that:

Several studies and task forces focused on the inclusion of gender in justice around the world have shown that promotion barriers have as one of their causes even the difficulty for women to relate in male environments. A series of career developments occur in informal meetings, often creating a situation of fraternity biased by gender, in what was called by the North American task force as the atmosphere of “old boys club”.

In this sense, some interviewees also highlighted the issue of CNJ regulations and their evaluation criteria for merit-based promotion. Interviewee 18 highlighted the CNJ scoring factor, which, in her opinion, is unfavorable to women, as can be seen in the excerpt from her interview:

Today it has a score. They tried to make it less subjective, but the score itself is discriminatory, because, for example, improvement, who has a master's or doctorate, who is a professor, who publishes and productivity itself are criteria in which women are at a disadvantage. Considering the triple journey, how are you going to be able to study, work and even do a master's degree, for example? I did, but it was very difficult, it took a lot of effort.

In this way, studies such as Yoshida's (2022) point out that, within the scope of vigorous measures, a system of bonuses for female judges should be considered, with the aim of giving them a higher score in the criteria where women are known to have greater losses, such as professional development, for example.

Another aspect mentioned by some female interviewees was the glass ceiling, in which judges are part of the career, but are unable to overcome barriers that would make them reach high positions en masse. Interviewee 15 mentioned the issue of the glass ceiling through her statement: “I think this is one of the major bottlenecks we face, one of our major glass ceilings in the judiciary is promotion based on merit, despite the more objective criteria. that we have today. We are in the career, but we do not go beyond the halfway point.”

The interviewee's speech is in accordance with the current scenario, considering that, despite the feminization process, which generated a greater number of women in Law courses, for example, the phenomenon of the glass ceiling proved to be the opposite to this process in relation to high positions in the judiciary, such as judge. This can be verified by data showing that, in Brazil, in 2020, out of 1,597 judges, only 322 were women (Migalhas, 2020). Thus, the phenomenon of the glass ceiling is verified.

On the other hand, some male judges interviewed disagreed that there is subjectivity in promotion based on merit. One of the interviewees indicated that “deserving promotion within the court involves very objective issues. So, regardless of gender, right? You can ask for promotion and strictly objective issues will be analyzed, that is, productivity, improvement.” and interviewee 14 indicated that: “women entered the judiciary a little later, today we have a parity entry, almost 50-50. Sometimes there are contests that have even more women than men, but for these people to reach the top of the Judiciary still takes some time.”

The merit factor in the career of the judiciary is provided for in art. 93 of the Federal Constitution, which defines a minimum of two years of exercise in the respective entry; be in the first fifth part of the seniority list; performance and objective criteria of productivity and speed in the exercise of jurisdiction; use and attendance in official or recognized improvement courses (Brasil, 1988). There is, therefore, a mix between criteria of seniority and merit.

According to Marques (2014, p. 270) in promotions based on seniority, which do not have subjective criteria, there is also a loss to women. This happens because they entered the career much later and because the existing gender barriers due to career design result in the progressive loss of seniority for female judges: with reduced territorial mobility, they cannot “run in the career”.

Regarding meritocratic criteria, CNJ Resolution 106/2010 aims to objectively measure, but the issue still has problems related to gender (CNJ, 2010). In art. 4 of the resolution, performance is related to the qualitative aspect of judicial provision and productivity is related to the quantitative aspect, taking into account technical improvement and provision in the exercise of functions. In this way, Yoshida (2022) points out that the promotion barrier, mainly due to merit, has caused a decrease in the number of female judges as the upward flow of the career follows, becoming increasingly distant from parity with the male judges, which causes the so-called glass ceiling.

Although some male judges have pointed out that the criteria are objective and that there are no difficulties for women judges in promoting by merit, others highlighted the inequality in this issue, such as interviewee 13: “There was a very experienced and long-time judge competing for the position of merit and although she was much older and as good a judge as a competitor, she was passed over. This was not said, but we understand, she was passed over

because the other was like that, “the person from home”. Thus, it is noted that male judges also perceive difficulties for women in promotion based on merit.

Thus, the data collected demonstrate, for the most part, that there is no equality in promotion based on merit, a factor that has also been verified in other studies. The “Diagnosis of female participation in the Judiciary”, carried out by Ajufe in 2019, confirmed that the higher the career level, the lower the participation of women. Furthermore, research by Ajufe (2019) showed that, in the Brazilian Judiciary, in 2019, there were only 16% of ministers in the superior courts. In another study by Ajufe, in 2020, called “Female Participation in Contests for the Judiciary”, it was again identified that the difficulty in accessing higher positions in the hierarchy of the Judiciary is linked to the subjectivity of the promotion process by merit. With this, it becomes important to think about the development of HR policies and practices that focus on the needs of women so that they can receive equal working conditions and promotion in organizations (Valadares, 2022).

Regarding the telework variable, most of the interviewees identified this issue as positive for their personal life and for the provision of jurisdiction, but some of them pointed to negative factors. Telecommuting was seen as positive for greater productivity and for solving barriers to the promotion of judges who are concerned with moving to the interior, as can be seen in the speech of interviewee 7: “The adoption of telecommuting, above all, here in the northeast, in relation to indoor units, would encourage colleagues who would usually give up career advancement to indoor units, with the possibility of teleworking, to opt for this promotion.” and from interviewee 6: “telework can have a more decisive impact on women’s lives, in a positive way regarding this issue of, for a colleague from the countryside, part of her services are done remotely, so she would be able to stay in the city more and better quality of life.”

The data found in this research are similar to the data collected during the Empirical Research Seminars Applied to Judiciary Policies in 2021, where it was found that most judges claim telework (CNJ, 2021) and the adoption of specific policies for pregnant women, those who have children at an age that require greater care or with a disability, among other claims.

In line with the greater productivity achieved and better judicial provision with telework, interviewee 3 points out that: “I defend that yes, this year [2022] I had 1045 hearings. Of these 1045 audiences, 1025 were virtual. I think it is beneficial for everyone, especially for

the parties that need to move, it reduces costs, helps with speed, reduces procedural time.”. Interviewee 10 also highlighted positive factors of telework related to personal life: “In the personal aspect too. I participate in groups of national judges in which telecommuting is desired by all. On the issue of productivity, the numbers of the pandemic were very clear, where teleworking was stipulated and the numbers increased”.

These data are shown according to research carried out by the Judicial Research Center (CPJ) of the Brazilian Magistrates Association (AMB) (CPJ, 2022). For 89% of the responding judges, productivity and quality of work improved with telework and 97% consider the experience of working remotely to be positive. However, these results need to be compared with real productivity data in order to confirm whether there has been an improvement or not.

In relation to telework seen as a negative factor, in most of the answers, the loss of freedom and separation of personal moments with those of work and the preference for being in the work environment physically were indicated, as can be identified in the interviewee's speeches 9: “No, I don't. Telework for me does not work. I like being with people. I like talking to people and welcoming them.”

For some male and female judges interviewed, when there is no clear separation between the work space and the rest space, as occurs in telecommuting, work obligations or matters that are specific to them can end up spreading throughout the day, invading , thus, the hours of leisure, rest, in addition to weekends or holidays. The reports confirm the studies by Tanus et al. (2020), Aderaldo et. al (2017) and Rosenfield et al. (2011), according to which the flexibility generated by telework, in some circumstances, can transform into the feeling of endless work or an effective intensification of work, thus causing difficulties in relation to the balance between professional and personal life, damage to health workers' mental health and increased anxiety and stress.

Another factor raised is that telecommuting can be more negative for the woman due to the domestic responsibilities, because the woman is at home, they can end up increasing, as can be seen in the speech of interviewee 11: “I have a colleague that she and the husband are magistrates. In the pandemic, she reported that, for him, life went on. His productivity doubled with him at home and hers decreased because she had to handle household chores.

The fact that telework can be more negative for women is in line with the findings of Araújo (2021), according to which the introduction of telework led to an increase in workload,

physical exhaustion, depression, anxiety, among others. Thus, for the author, mainly due to the double shift of women and the role of caregiver imposed by society on women, telecommuting has had a major impact on their lives by having to reconcile work activities and household chores in the same environment. In the author's research, it was found that the woman is more affected because she is still required to take care of the children and the house, while her husband works.

Despite the positive reports on the lives of some judges, provided by teleworking, in November 2022 the CNJ defined the rules for the return to face-to-face work of magistrates and public servants, which had been partially carried out remotely since March 2020. Judgment for the return criteria, associations of magistrates and the Brazilian Bar Association made oral arguments. The defense of telework was highlighted, due to the budget savings and access to Justice conferred by the adoption of this technology. However, the argument of the need for a symbolic and physical presence of the figure of the judge in the region where he operates prevailed, in addition to the decision aimed at guaranteeing access to Justice in a country that has a great digital divide, which affects 40% of the population (CNJ, 2022). However, based on the data from this research, it is still necessary to think about teleworking for specific situations, such as high-risk pregnancies and health treatments.

5.4 Leadership

In the “leadership” construct, the following variables were found throughout the analysis of the interviews: training in management and leadership, relationship between leaders and followers, impact of the exercise, by female judges, of a high hierarchical position in the Judiciary and leadership style. These variables had a frequency of citations, which is shown in Table 6:

Table 6 - Variables and number of citations of the leadership construct

Variable	Amount of citations
Leadership style	70
Relationship between leaders and followers	9
Impact of the exercise, by female judges, of a high hierarchical position in the Judiciary	49

Training in management and leadership	8
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Source: survey data

As seen in table 6, in the “leadership” construct, speeches about leadership style were the ones with the most citations, with 70 citations, followed by impact of the exercise, by female judges, of a high hierarchical position in the Judiciary, with 49 citations, Relationship between leaders and followers, with nine quotes and training in management and leadership, with eight quotes.

Regarding the “leadership style” variable, some interviewees related to different forms of leadership due to the gender issue, while others highlighted that gender does not impact leadership, with responses in this style being more omitted by male judges. This can be seen in statements such as that of interviewee 7: “It is a more affective, sensitive style, concerned with people, but I also cannot assess whether this was a matter of personal characteristics or a matter of gender. I think it may be more connected to personality than to gender”, Interviewee 3: “I didn't see a difference due to the issue of gender” and Interviewee 24: “Female leadership is a little more horizontal, of division of tasks, of understanding, dialogue, compassionate communication and many of my male colleagues, not all, do not have this horizontal vision, but a more vertical administration”. These findings are similar to those of Renesch (2003), who points out that men have the characteristic of having a more authoritarian and transactional leadership and women have a more transformational, dialogic and horizontal leadership. For this author, men use more the power of their positions, while women seek to rely on their interpersonal skills.

Some interviewees highlighted particular traits of the female gender impacting the “leadership style of female judges” code, such as interviewee 6: “a trait that is normally attributed to women is greater sensitivity, perhaps the ability to judge a little more empathetically, a little more emotion. and from interviewee 17: “The judges end up having a more empathetic leadership. Logical, with many exceptions, but it ends up having a leadership that is a little more built on dialogue, less on authority, on order. It's not top-down.”

Thus, there was a division in relation to the opinion about female and male leadership in the position of judge. While some interviewees relate the leadership style to gender, others do not identify the difference in this sense, but in the training that the person receives to exercise

leadership or in the personality of each leader. However, it was evidenced by the speeches, both of male and female judges, that women have a leadership that is very close to people, horizontal and servant. These characteristics are in line with studies in the literature on the subject, which attribute the leadership style to the female or male sex, such as the study by Renesch (2003), but the findings of the interviews carried out with male and female judges also pointed out opinions that the leadership style is not related to being male or female, a finding that had not been found in the literature before.

Issues related to the lack of confidence of some judges in relation to the moment of leadership were also cited, with the idea that there is a need to lead like fellow judges so that they have respect from other officials or judges. This can be identified in the excerpt from interviewee 11: “some women tell me “I tried, but it's no use if I don't hit the table, don't scream””. Thus, some judges do not feel confident in exercising leadership in the way they understand best, but in order to imitate the behavior of fellow judges, with the idea that in this way they will obtain greater respect from those around them. This thought affects your self-confidence in your career, especially when exercising leadership with your team.

Regarding the variable “training in management and leadership”, the eight judges who mentioned this subject, about 33% of the total number of respondents, highlighted that there are no training courses in the court aimed at female leadership, but there are courses offered in general, for both sexes. This can be seen in the lines of Interviewee 2: “There is none, but it is something I hope there is. I know of some initiatives in other courts that do not go ahead.”, from interviewee 23: “Certainly as management programs, I don't remember them existing, but here we have a very expressive female participation in leadership.” Interviewee 11 also highlights the issue of the lack of confidence of some colleagues in relation to the moment of leadership, as can be identified in the interview excerpt: “some women say to me “I tried, but it's no use if I don't hit the table, don't shout ””. Thus, it is clear that the presence of courses focused on female leadership would also be important so that some women do not feel the need to copy “masculine” leadership behaviors.

With regard to the variable “relationship between leaders and followers”, the issue of respect from other employees towards women in leadership positions in the Judiciary was frequently mentioned. All responses on the subject stated that, when it comes to leadership, there is respect from other employees towards the judges. This can be seen in the statements of

Interviewee 2: “You are the highest authority there. So you are the manager of the servers, you are the president of the audiences, it is more difficult for a disrespect towards leadership to happen.” and from interviewee 1: “No, I never felt any difficulty with employees or any kind of disrespect coming from servers. I have never felt this difficulty.” The findings contradict the literature of different studies, such as that of Glass and Cook (2016), which addresses that, when reaching leadership positions, women report difficulties in getting support and authority from other subordinate employees to achieve strategic objectives.

In relation to the variable “impact of the exercise, by female judges, of a high hierarchical position in the Judiciary”, the male and female judges interviewed mentioned positive or negative impacts of a high hierarchical position occupied by a judge. There were divergences in the responses of the interviewees, as some claim that a high hierarchical position occupied by a judge generates positive impacts, while others claim that it generates negative impacts. The positive impacts found in the interviews are related to “setting an example” for other judges and also for their children. These issues can be seen in the statements of interviewee 6: “The presence of a woman in the top leadership is a very important example for our colleagues who are in the first grade” and of interviewee 3: “I believe so, then I don’t see how negative side. I believe that, in fact, she ends up having greater respect, a closer relationship with people. I don't see it as a negative thing.”

In this sense, the study by Diniz (1999) reports that the access of Brazilian women to the labor market and to high leadership positions has brought benefits and relevant impacts on their personal and professional development and on their dependents, both in relation to the example that is given, as to one more income for the family.

The negative impacts found in the interviews are related to overload, degree of exposure, little time with the family and change of residence. These issues can be seen in the lines of interviewee 9: “I think it does. It depends on whether the family is welcoming. All were socialized with the woman's eternal presence in the home. It impacts a lot. There are many colleagues, including, who have marriage problems, problems with rejecting their children, precisely because of the absence.”, from interviewee 23: “I believe so, the degree of exposure ends up being very high for the person. It has an overload.” and from interviewee 18: “It generates a lot, because for you to occupy this position, you will usually have to change cities.

So if I'm inland, I'll have to go to the capital. If I received an invitation today, I don't know if I would be able to accept it, because I would have to move.”

Therefore, in relation to leadership, the data collected in the interviews are contrary to the literature, especially in relation to the lack of respect, support and authority, not evidenced in this research. The literature addresses that when they reach leadership positions, women report difficulties in getting support and authority from other subordinate employees to achieve strategic objectives. Glass and Cook (2016) and Liu (2013) highlight this fact and portray the great difficulty of subordinates in recognizing a female leadership and, for these authors, this makes it difficult for the female leader to have the legitimacy she needs to advance in the defined objectives. Within the scope of judges, this fact was not verified, considering that all the interviewees reported that there is respect and support from other subordinate officials in their courts. On the other hand, it was reported by the judges that there are situations of disrespect coming from lawyers, police or parties to the process.

Factors that are very evident in the research are the dichotomy between the impacts generated by a high hierarchical position occupied by a judge, which are positive due to the example, but negative due to the overload and family impacts; the dichotomy between leadership linked to gender or to one's own personality or courses as incentives for the development of a leader, whether male or female; and the lack of court mechanisms focused on female leadership.

6. Conclusions and Recommendations

The present study had as general objective to characterize and discuss the social relations of work and gender in the judicial career in Brazilian courts. In order to achieve this objective, interviews were conducted during the months of October and November 2022, with the support of Microsoft Teams software, through semi-structured interview scripts. 11 male judges and 13 female judges from the five regions of Brazil were interviewed, with the support of the script in Appendices A and B. The total number of interviews was defined based on the concept of theoretical saturation, that is, when new interviews did not add significant information to the understanding of the researched phenomenon.

With the support of the Atlas T.I software, it was possible to prepare a final report, where the data collected in all stages of the research were analyzed with the objective of creating a model that identified the different dimensions of the studied phenomenon and that allowed the identification of factors that influence the whole process. For the treatment and analysis of the interview data, 14 codes were used, translated into four constructs, which were defined according to the research objectives and the topics addressed in the interview script, namely: career entry and permanence, balance between personal life and work, career and work and leadership.

Regarding career entry barriers for women, both male and female judges responded that the main barrier is the public tender itself, which demands a lot of study and is made up of a set of written and oral tests. Regarding the career barrier for women, the biggest career barrier for female judges is the need to move to an interior district at the beginning of the exercise or for some promotions. With this, it is clear that judges are not proportionate to ambition to grow in their careers in the same proportion as judges and that the need to change domicile for career advancement is a factor that prevents a greater number of female judges from holding more senior positions. high up in the judicial hierarchy. In the career entry phase, several judges also prioritize living together and taking care of the family or maintaining residence in municipalities that have more infrastructure, which contributes to delaying their careers.

Regarding the balance between personal life and work, it was verified that there is a high impact of work on the female judge's family. Female judges generally choose to become pregnant some time after entering office, a factor not yet identified in other studies on the subject. Some interviewees mentioned that they even had high-risk pregnancies, a factor that

may be linked to the age at which they decide to get pregnant, to the detriment of the responsibilities of a judge's career. Another highlighted factor was the issue of support from the spouses, which, in most of the responses of judges, it was indicated that there is greater support from wives to husbands than vice versa. Women usually accompany their judge husbands on a possible change of city to the detriment of the position, but the opposite is rarer. The judges mentioned that this affects their self-confidence in their careers, as it may end up depriving them of accepting promotions that require a change of address or even weakening their love and family relationships, given that their husbands do not usually accompany them in an eventual move.

Most of the female judges interviewed indicated that domestic issues are very demanding, mainly because they identify the division of responsibilities with husbands as unequal. They identify themselves as more responsible for the children and household management. Although the judges are not directly dedicated to housework, it was mentioned that they need to guide who will perform these tasks and take more direct care of the children. The judges indicated that the career of a judge demands a lot of dedication to work and that it is a very demanding career. In this way, their self-confidence is shaken because it is difficult to maintain a balance between personal life and work, and they constantly think that they are lacking in one aspect or the other.

Female judges, despite having the social prestige of a career, are women who carry many of the routine domestic and childcare responsibilities. It was often mentioned that there is more domestic responsibility on the part of women. Most male respondents commented that their wives have greater responsibilities and that this fact contributes to greater visibility and projection in their careers as judges.

Responsibility for housework impacts women especially during their career growth process, as men are less committed to housework, leaving it to women. Therefore, the woman, in addition to carrying out her work during business hours, also performs most or all of the domestic activities. This factor impacts on the performance and dedication to women's work activities, as well as impacts on visibility for higher positions. However, one factor to be highlighted is that it became noticeable that family and domestic responsibilities impact women more when the children are younger.

In the same sense, in relation to the autonomy to define working hours, some judges interviewed mentioned that there is freedom, while others mentioned that this freedom does not exist. This issue proved to be dependent on the judge's forum of action and the age of the children.

With regard to career and work, the question of prejudice against female judges was frequently mentioned. Factors such as promotion by merit of male judges based on relationships and not on merit itself, the judge's clothing, image in society when the judge lives alone, disrespectful speeches by colleagues in relation to maternity leave and situations of disrespect in the forum, were some of the most cited questions in this regard. A factor to be highlighted, which was different from what was found in the literature, is that, in the case of female judges, the lack of respect and support does not come from subordinate officials, but from external agents, such as lawyers, police or, sometimes, from fellow judges themselves. It is also important to point out that many judges emphasized that they had never witnessed prejudice against judges due to the fact that they were women in the position, and all the judges interviewed reported situations of prejudice throughout their careers.

Regarding the measures to ensure greater representation of women in the judiciary, judges pointed out as the main ones: telework for pregnant women, greater participation in commissions, movements and associations, an increase in the number of women in examination committees of contests, greater incentive from the CNJ in equity gender and inclusion and parity policies in the appointment of male and female judges to occupy the position.

In addition, the issue of affirmative actions for gender parity was frequently mentioned, with some respondents in favor of the measure to increase representation, while others are against it. It was verified in the literature that quotas are important to achieve equality between men and women, but they must be addressed together with the structural disadvantages faced by women, such as the fight against gender stereotypes and intersectional discrimination. It was also highlighted by some judges interviewed that attention should be paid not only to female quotas, but also to female racial quotas for entering the career.

Regarding the variable "promotion by merit", most male judges and all female judges identified a difficulty in this factor. Different speeches of the judges pointed out that promotions based on merit are resolved at "dinners", "drinking wine", "smoking a cigar", "at football", "at happy hours" and "at coffee", environments that, according to them, do not have participation

of women judges. This implies fewer female nominations for occupying higher positions when subjective criteria are used, as with promotion based on merit. On the other hand, some of the judges interviewed indicated that merit-based promotion is not discussed in environments outside the courtroom, as pointed out by all the judges, but that it is still discussed in predominantly male environments. Thus, the data collected demonstrate, for the most part, that there is no equality in promotion by merit between male and female judges, a factor that was also verified in other studies.

Regarding telework, most of the interviewees identified this issue as positive for their personal life and for judicial provision, but some of them pointed to negative factors. Telecommuting was seen as positive for greater productivity and for solving barriers to the promotion of judges who are concerned with moving to the interior, while telecommuting, seen as a negative factor, in most of the answers, indicated the loss of freedom and separation of personal moments from work and the preference for being in the work environment physically.

Regarding the variable “leadership style”, a division was noted in relation to the opinion on female and male leadership exercised by judges. While some interviewees relate the leadership style to gender, others do not identify the difference in this sense, but in the training that the person receives to exercise leadership or in the individual personality. However, it was evidenced by the speeches, both of male and female judges, that women have a leadership very close to the led and horizontal. These characteristics are in line with studies in the literature on the subject, which assign the leadership style to female or male. Regarding the variable “training in management and leadership”, all interviewees who mentioned this subject highlighted that there are no training courses in the court aimed at female leadership, but there are courses offered in general, for both sexes.

In relation to the variable “impact of the exercise, by female judges, of a high hierarchical position in the Judiciary”, male and female judges mentioned positive or negative impacts of a high hierarchical position occupied by a judge. There were divergences in the responses of the interviewees, as some claim that a high hierarchical position occupied by a judge generates positive impacts, while others claim that it generates negative impacts. The positive impacts found in the interviews are related to “setting an example” for other judges and also for their children. It was verified in the literature that the access of Brazilian women to the labor market and to high leadership positions brought benefits and relevant impacts on

their personal and professional development and for their dependents, both in relation to the example that is set and to an additional income. to the family. The negative impacts identified in this research are related to work overload, degree of exposure, time with family and change of location.

This research has methodological limitations, as it was based on comprehensive interviews with federal and state judges in the five regions of Brazil. In order to deepen further, interviews could be carried out with a larger number of judges in each region. In order to mitigate the effects of limitation, this research interviewed men and women who occupy the position of judge, so that there was no bias in thinking.

Also, although women's performance at work is the subject of research in different studies, in the career of a judge this topic remains little studied. No research was found that addressed the barriers encountered by female judges in their careers. This area of study is a field that still needs to be explored and, as a result, it was not possible to thoroughly examine all possible answers, especially since there are few studies on the subject in the world. In addition, this research focused on interviews with judges from state courts and a few federal courts, but there are barriers of a structural aspect, which were not addressed in this research because the treatment is more comprehensive.

As a recommendation for improvement in public policies and judicial administration practices, the glass ceiling phenomenon should be better investigated, especially in the matter of merit-based promotion to the position of judge. Even though the CNJ defined objective requirements for promotion based on merit, such as scores for performance factors and criteria for productivity and speed in the exercise of jurisdiction, all judges still reported interpersonal issues favorable to men in promotion.

Regarding meritocratic criteria, CNJ Resolution n° 106/2010 seeks to make the assessment objective, but the issue still has difficulties related to gender (CNJ, 2010). In art. 4 of the resolution, performance is linked to the qualitative sense of jurisdictional provision and productivity is linked to the quantitative sense, taking into account, also, technical improvement and provision in the exercise of functions. Thus, the promotion barrier, especially by merit, has generated a decrease in the number of female judges as the upward flow of the career follows, becoming more distant from parity with the male judges, which generates the so-called glass ceiling.

Thus, a review of the female judges' scoring system is suggested, with the aim of assessing different scores in the criteria where women are known to have greater impairment. Due to greater family responsibilities, for example, the judges do not have much time for training, and thus may have a different score for the professional development criterion.

As a research agenda, it is important to pay attention to the fact that the affirmative action of quotas increased the entry of black men, in a space left by the coincident decrease in the entry of women in the period, keeping unchanged the number of entry white men. Thus, it becomes relevant to investigate to what extent this affirmative action can further increase gender inequality, especially with regard to black women. In addition, investigating the impacts of the female judge's career directly on their personal lives with issues related to high-risk pregnancy and affective relationships, factors often cited in this research.

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APPENDIX A

Interview script for female judges

Interviewee data
Name:
Age:
Job:
Length of service in the public sector:
Length of service in the job:

Term of Free and Informed Consent

Introduction and initial greetings (greetings, name, etc.). I am a student of the Master's in Business Administration at the University of Brasilia and I carry out research on female role in the Brazilian Judiciary in order to analyze the exercise of the role of judge exercised by women. Your name was chosen because (explain the reasons for the choice) and I would like to interview you for this purpose. I also ask permission to record the interview, in order to make the most of the content. The research has an academic purpose and is one of the partial requirements for obtaining the Master's degree, under the responsibility of Professor Tomás de Aquino Guimarães.

If you agree to participate in the research, I would like to point out the following aspects: a) you are free to, at any time, refuse to answer questions that cause you embarrassment of any kind; b) you can stop participating in the research and you do not need to provide justifications for this; c) if you want, you can be informed of the results obtained from the research, regardless of the fact of changing your consent to participate in it. I emphasize that there is no type of identification that will cause damage to the searched. There are no right or wrong answers. What matters is your perception of what will be asked. The questions follow a script, which can be changed due to your answers.

The research complies with the criteria of Ethics in Research with Human Beings, according to Resolution CNS n. 466, of December 12, 2012. The survey was not submitted to prior registration with the Research Ethics Committee, as it does not involve a vulnerable population, as it does not require the identification of respondents, as it is carried out electronically and as it is oriented towards understanding processes and work routines, without targeting people.

By advancing to the questions, you agree to participate in the survey.

Factors	Theoretical basis	Questions
General questions	-	<i>1. What's your job?</i>
		<i>2. Which court do you serve?</i>
		<i>3. How much career time do you have?</i>

Family and household responsibilities	Coutinho & Coutinho, (2011), Moore (2004)	4. Do you have children? If so, how many?
Difficulty entering a career, Female self-confidence	Menkel-Meadow (2013), Liu (2013)	5. Please comment on possible difficulties you encountered in entering the judicial career.
Number of female judges	CNJ (2019)	6. Are there, in your opinion, reasons why there are fewer women than men in the Brazilian judicial career? If so, what reasons would those be?
Family and domestic responsibilities, Female self-confidence	Coutinho & Coutinho, (2011), Moore (2004), Liu (2013)	7. Compared to your fellow (male) judges, to what extent is your personal life affected by being a judge?
Discrimination, Female self-confidence	Kuper (2015), Chávez e Rios (2014), Liu (2013)	8. As a judge, have you ever experienced a negative reaction from others because you are a woman? Please comment if so.
Prejudice, Female self-confidence	Kuper (2015), Liu (2013)	9. Have you ever suffered any prejudice in the exercise of the position of judge, for being a woman? Please comment if so.
Driving Demographics, Female Self-Confidence	Glass e Cook (2014), Nekhili e Gatfaoui (2013), Liu (2013)	10. In general, compared to your fellow (male) judges, how do you perceive merit promotion processes in the Court?
Leadership style	Akpinar-Sposito (2013), Evans (2014), Adams e Funk (2012)	11. How do you perceive possible similarities and differences in the leadership styles of male and female judges?
Organizational structure and culture	Kuper (2015), Liu (2013), King et al. (2012)	12. Please comment on policies and/or mechanisms used in your Court for female judges to achieve leadership skills and abilities
Family and household responsibilities	Coutinho & Coutinho, (2011), Moore (2004)	13. How do you see the balance between responsibilities pertaining to your work and domestic responsibilities and to what extent do the latter impact your career?
Balance between personal and work life	Kuper (2015), Liu (2013), Pinnington e Sandberg (2013)	14. In your opinion, does the occupation, by a female judge, of a high hierarchical position in the Judiciary have any impact on the family? Please comment in case of positive response.

Representation of women in the judiciary	Wurster, (2020)	<i>15. What measure(s) are appropriate to ensure greater representation of the female judge in the Judiciary?</i>
Flexibility of schedules	Kuper, (2015), Slaughter (2012)	<i>16. Please comment on your working hours and your degree of freedom in setting your hours.</i>
Respect, support and authority	Glass e Cook (2016), Liu (2013), Huffman (2016)	<i>17. Have you held or hold any leadership position in the Judiciary? If so, did you find it difficult to gain support and authority from other subordinate employees to achieve goals at work?</i>
Inclusion policies	Bibi (2016), Lazzaretti et al. (2013), Hejasea e Dah (2014)	<i>18. Are there policies for including female judges in your Court? If so, in your opinion, are these policies effective, that is, applied in practice?</i>

APPENDIX B

Interview script for male judges

Interviewee data
Name:
Age:
Job:
Length of service in the public sector:
Length of service in the job:

Term of Free and Informed Consent

Introduction and initial greetings (greetings, name, etc.). I am a student of the Master's in Business Administration at the University of Brasilia and I carry out research on female role in the Brazilian Judiciary in order to analyze the exercise of the role of judge exercised by women. Your name was chosen because (explain the reasons for the choice) and I would like to interview you for this purpose. I also ask permission to record the interview, in order to make the most of the content. The research has an academic purpose and is one of the partial requirements for obtaining the Master's degree, under the responsibility of Professor Tomás de Aquino Guimarães.

If you agree to participate in the research, I would like to point out the following aspects: a) you are free to, at any time, refuse to answer questions that cause you embarrassment of any kind; b) you can stop participating in the research and you do not need to provide justifications for this; c) if you want, you can be informed of the results obtained from the research, regardless of the fact of changing your consent to participate in it. I emphasize that there is no type of identification that will cause damage to the searched. There are no right or wrong answers. What matters is your perception of what will be asked. The questions follow a script, which can be changed due to your answers.

The research complies with the criteria of Ethics in Research with Human Beings, according to Resolution CNS n. 466, of December 12, 2012. The survey was not submitted to prior registration with the Research Ethics Committee, as it does not involve a vulnerable population, as it does not require the identification of respondents, as it is carried out electronically and as it is oriented towards understanding processes and work routines, without targeting people.

By advancing to the questions, you agree to participate in the survey.

Factors	Theoretical basis	Questions
General questions	-	<i>1. What's your job?</i>
		<i>2. Which court do you serve?</i>
		<i>3. How much career time do you have?</i>

Family and household responsibilities	Coutinho & Coutinho, (2011), Moore (2004)	4. Do you have children? If so, how many?
Difficulty entering a career, Female self-confidence	Menkel-Meadow (2013), Liu (2013)	5. Please comment on possible difficulties you encountered in entering the judicial career.
Number of female judges	CNJ (2019)	6. Are there, in your opinion, reasons why there are fewer women than men in the Brazilian judicial career? If so, what reasons would those be?
Family and domestic responsibilities, Female self-confidence	Coutinho & Coutinho, (2011), Moore (2004), Liu (2013)	7. Compared to your fellow judges (women), to what extent is your personal life affected by the exercise of the judiciary?
Discrimination, Female self-confidence	Kuper (2015), Chávez e Rios(2014), Liu (2013)	8. As a judge, have you noticed any negative reaction from others towards a fellow judge (female)? Please comment if so.
Prejudice, Female self-confidence	Kuper (2015), Liu (2013)	9. Have you ever seen any colleague experiencing any prejudice, in the exercise of the position of judge, for being a woman? Please comment if so.
Driving Demographics, Female Self-Confidence	Glass e Cook (2014), Nekhili e Gatfaoui (2013), Liu (2013)	10. In general, compared to your fellow judges (women), how do you perceive the processes of promotion by merit in the Court?
Leadership style	Akpinar-Sposito (2013), Evans (2014), Adams e Funk (2012)	11. How do you perceive possible similarities and differences in the leadership styles of male and female judges?
Organizational structure and culture	Kuper (2015), Liu (2013), King et al. (2012)	12. Please comment on policies and/or mechanisms used in your Court for female judges to achieve leadership skills and abilities.
Family and household responsibilities	Coutinho & Coutinho, (2011), Moore (2004)	13. How do you see the balance between responsibilities pertaining to your work and domestic responsibilities and to what extent do the latter impact your career?
Balance between personal and work life	Kuper (2015), Liu (2013), Pinnington e Sandberg (2013)	14. In your opinion, does the occupation, by a female judge, of a high hierarchical position in the Judiciary have any impact on the family? Please comment in case of positive response.

Representation of women in the judiciary	Wurster, (2020)	<i>15. What measure(s) are appropriate to ensure greater representation of the female judge in the Judiciary?</i>
Flexibility of schedules	Kuper, (2015), Slaughter (2012)	<i>16. Please comment on your working hours and your degree of freedom in setting your hours.</i>
Respect, support and authority	Glass e Cook (2016), Liu (2013), Huffman (2016)	<i>17. Have you held or hold any leadership position in the Judiciary? If so, did you find it difficult to gain support and authority from other subordinate employees to achieve goals at work?</i>
Inclusion policies	Bibi (2016), Lazzaretti et al. (2013), Hejasea e Dah (2014)	<i>18. Are there policies for including female judges in your Court? If so, in your opinion, are these policies effective, that is, applied in practice?</i>