



Sexual harassment in Victoria's legal profession

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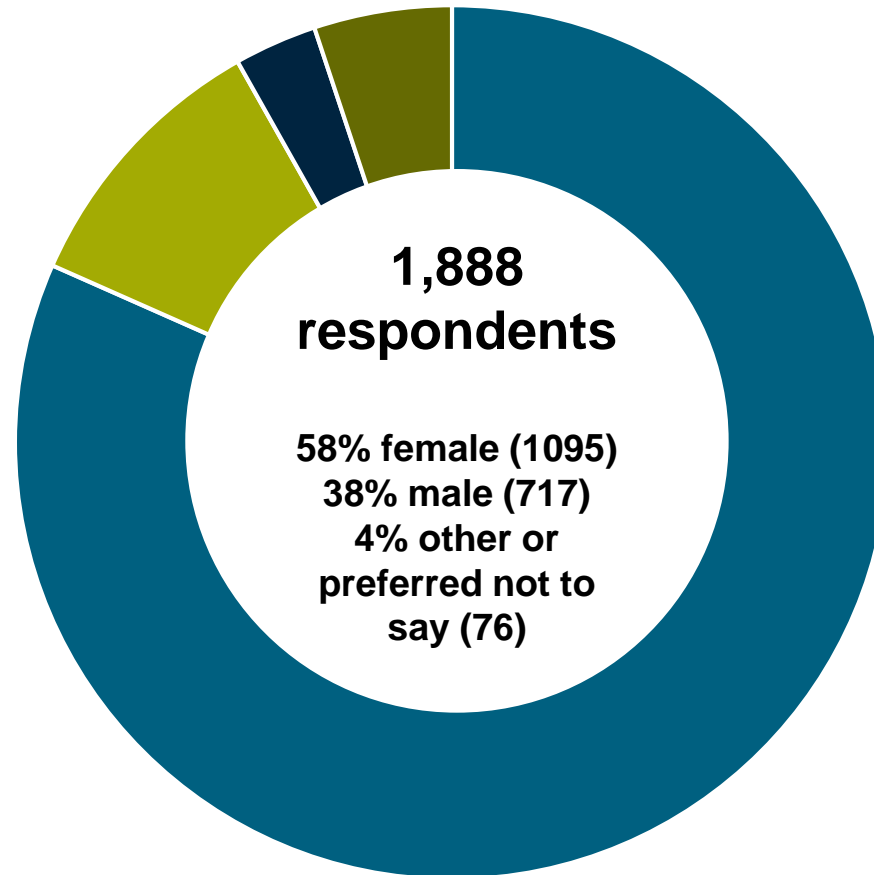
Victorian Legal Services Commissioner
CEO, Victorian Legal Services Board

Overview of VLSBC Sexual Harassment Project

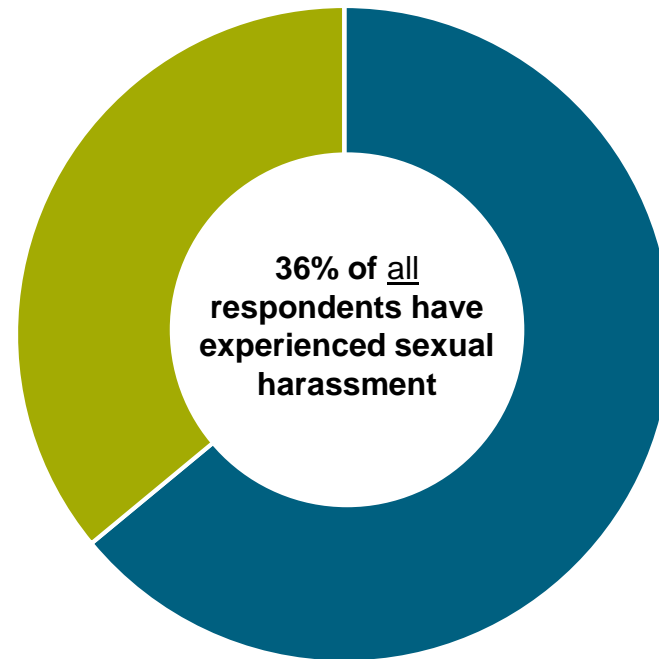


Topline findings – interim data*

Based on practitioner survey results collected as at 29 August 2019



Sexual harassment is a problem in the legal profession



61% of female and 11% of male respondents have experienced sexual harassment

36% of all respondents have **seen** others subjected to sexual harassment in the workplace

There are similar results for lawyers in both metropolitan and regional areas of Victoria

59% of all respondents have **heard about** at least one form of sexual harassment

There is an apparent knowledge gap in women's understanding of sexual harassment



11%

of men reported experiencing sexual harassment when **prompted**



11%

of men reported experiencing sexual harassment when **unprompted**



51%

of women reported experiencing sexual harassment when **prompted**



61%

of women reported experiencing sexual harassment when **unprompted**

Sexual harassment disproportionately affects certain members of the profession

Sexual harassment by post admission experience



- › 43% of respondents with less than **5 years** post admission experience have experienced sexual harassment

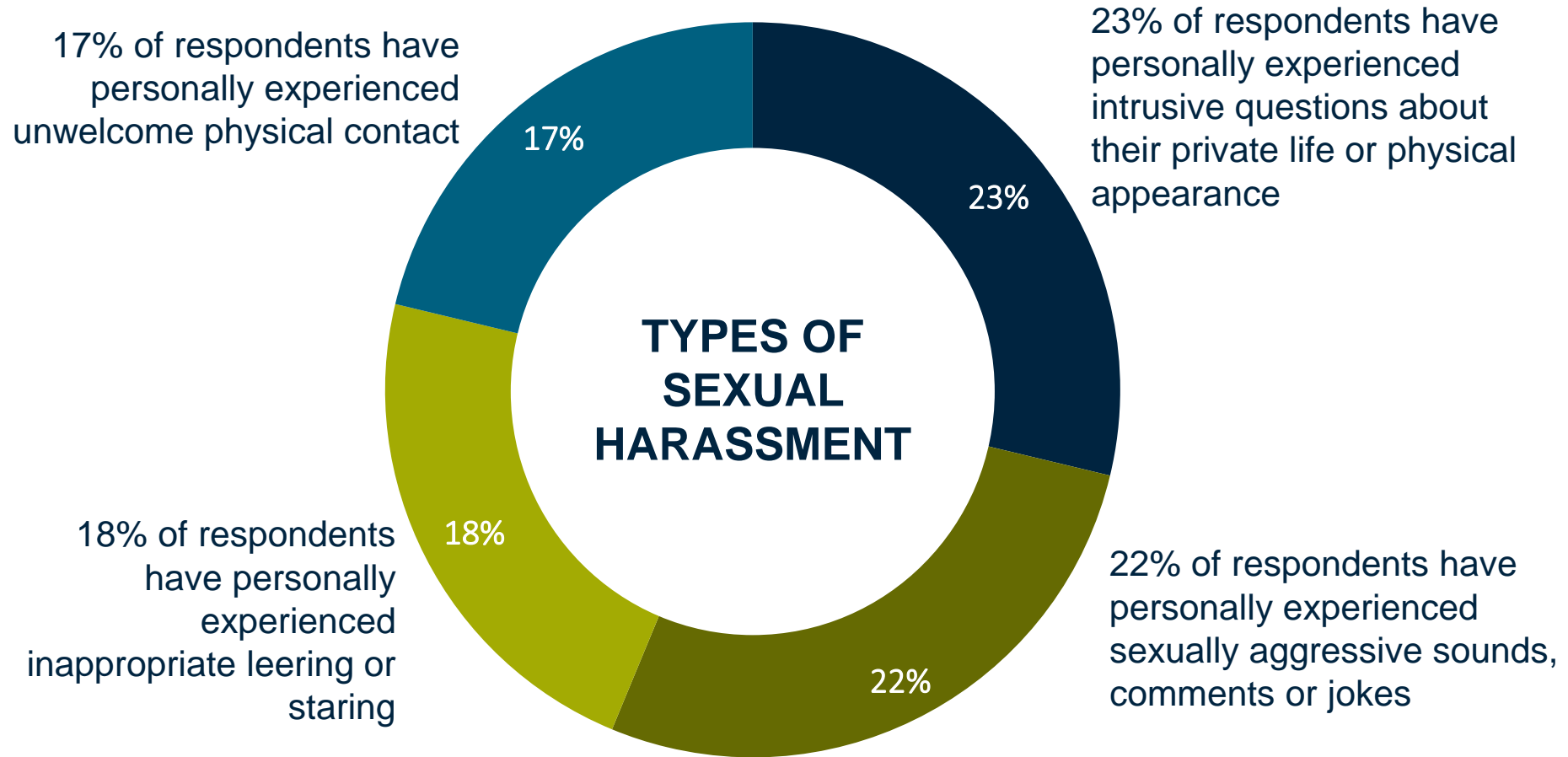


- › 45% of respondents with between **6 to 10 years** of post admission experience have experienced sexual harassment



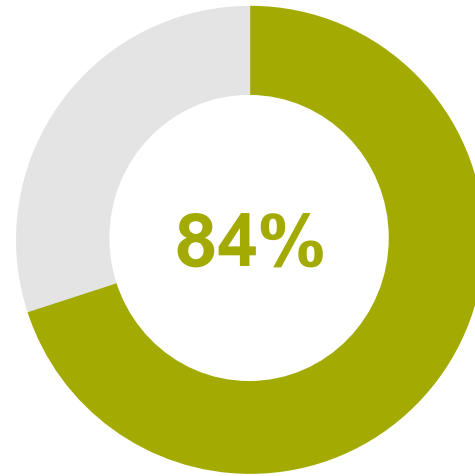
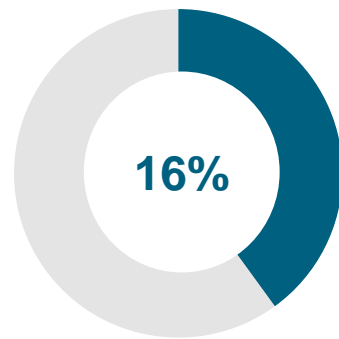
- › 29% of respondents with **11 or more years** of post admission experience have experienced sexual harassment

Most common forms of sexual harassment

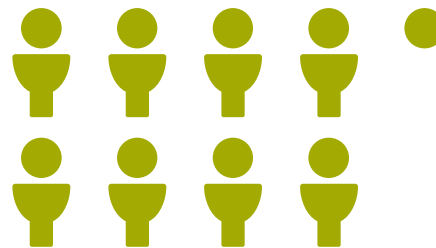


Sexual harassment is significantly underreported

Only 16% of respondents **reported** their own experience of sexual harassment

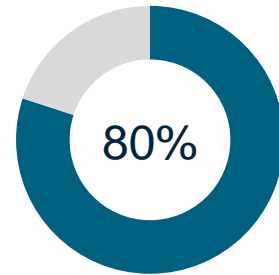


84% of respondents **did not report** their own experience of sexual harassment

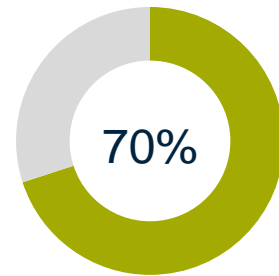


There are many reasons why sexual harassment is not reported

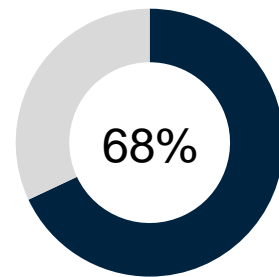
Of the 84% of respondents who did not **report** their personal experience of sexual harassment



80% didn't report because it was easier to keep quiet



70% didn't report because they wanted to avoid confronting the harasser



68% didn't report because they were concerned others would think they were over-reacting

The consequences of reporting

Of the 16% of respondents (302 people) who reported their own personal experience of sexual harassment

45% indicated there was no consequence for the harasser

44% indicated they were treated less favorably after reporting

38% indicated their report was ignored or not taken seriously

14% were asked to sign a non-disclosure agreement

33% indicated the harasser was informally spoken to

The perpetrators of sexual harassment

In 94% of incidents, one harasser was involved

In 95% of incidents, the harasser was a man

In 65% of incidents, the harasser was over 40

**In 73% of incidents, the harasser was more senior
than the victim**

Online Information



@LSC_Victoria (Commissioner)
@LSB_Victoria (Board)



RPA Alerts, prosecutions, updates, news
www.lsbc.vic.gov.au

International Bar Association (IBA)

- Established in 1947, the IBA is the world's leading international NGO representing the legal profession
- Our membership includes more than 80,000 lawyers, 190 bar associations and law societies and 200 group member law firms, spanning over 170 countries
- The IBA is headquartered in London, with offices in Brazil, the Netherlands, the United States and South Korea
- The Legal Policy & Research Unit (LPRU) undertakes research and develops initiatives that are relevant to the rule of law, the legal profession and the broader global community
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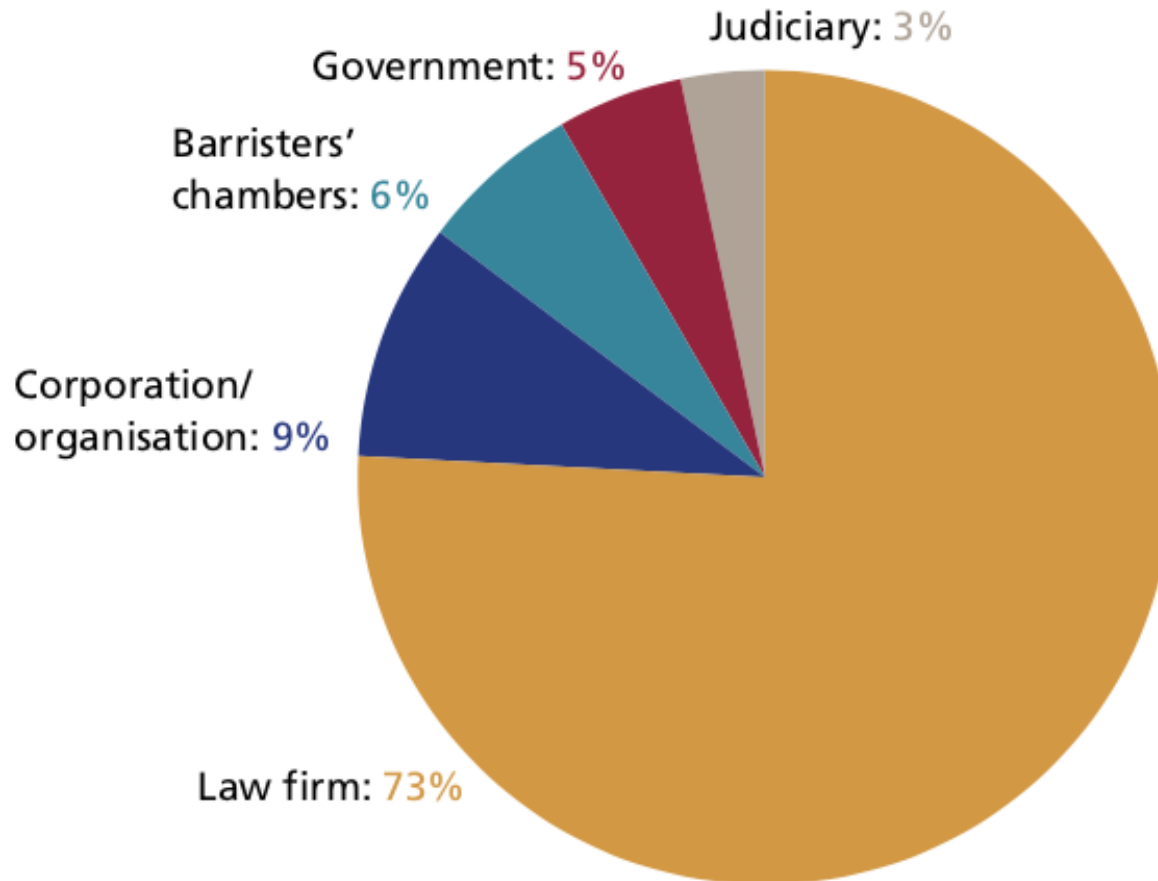
I was sexually assaulted when a senior member of the legal profession grabbed one of my breasts repeatedly at a work social event. I did not report it as I believed, and still do believe, that it would have affected my employment prospects. Having had knowledge of how a colleague from another firm was treated by some members of the profession when she reported a much more serious sexual assault, I decided to take no action.

Female, United Kingdom

Respondents were:



67% female **32% male** **0.2% non-binary/self-defined**



The legal profession has a problem

- Bullying and sexual harassment are common across all regions and workplace types



Bullying is rife in legal workplaces, affecting:

1 in 2 female respondents and 1 in 3 male respondents.

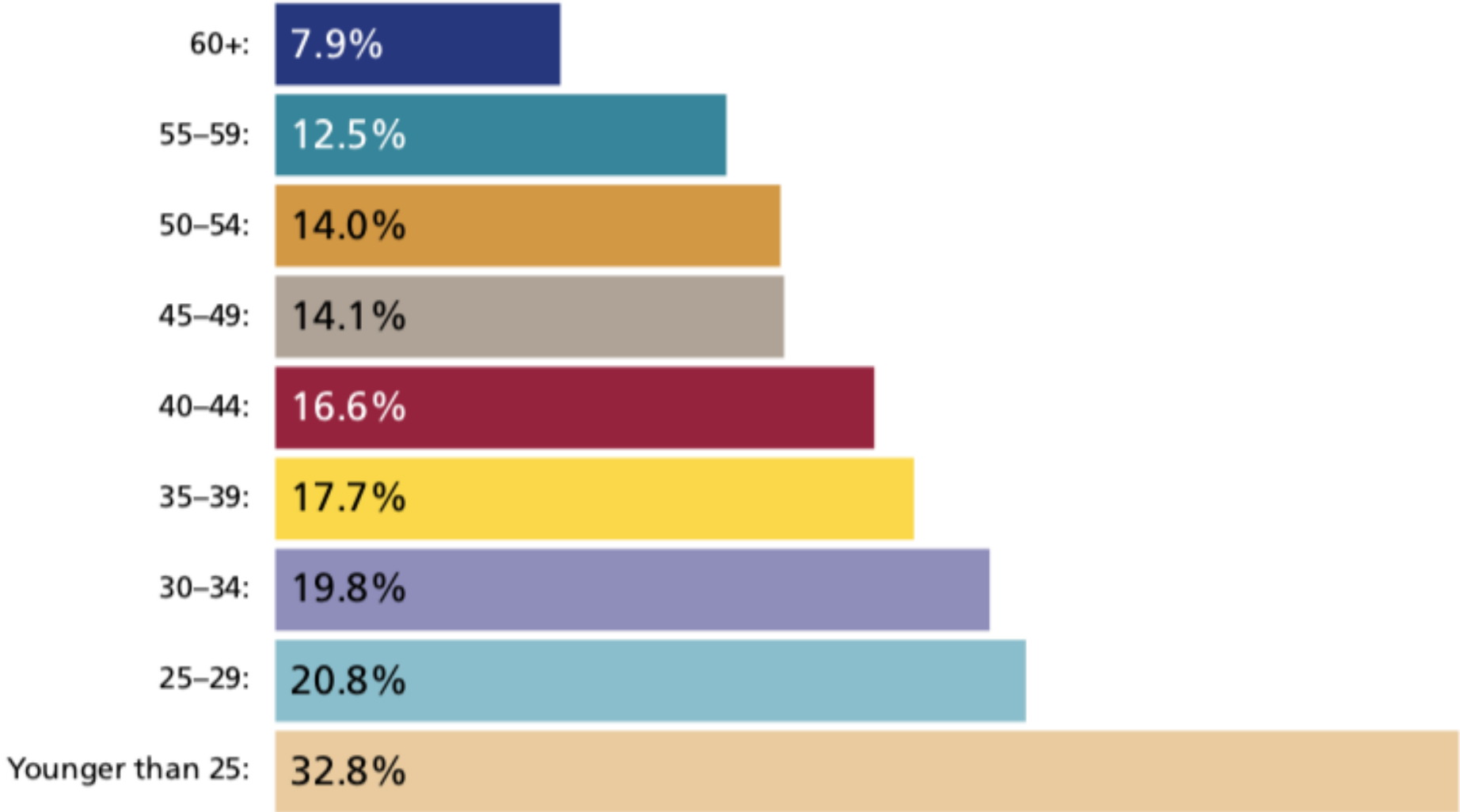


Sexual harassment is also common, with:

1 in 3 female respondents and 1 in 14 male respondents

having been sexually harassed in a work context.

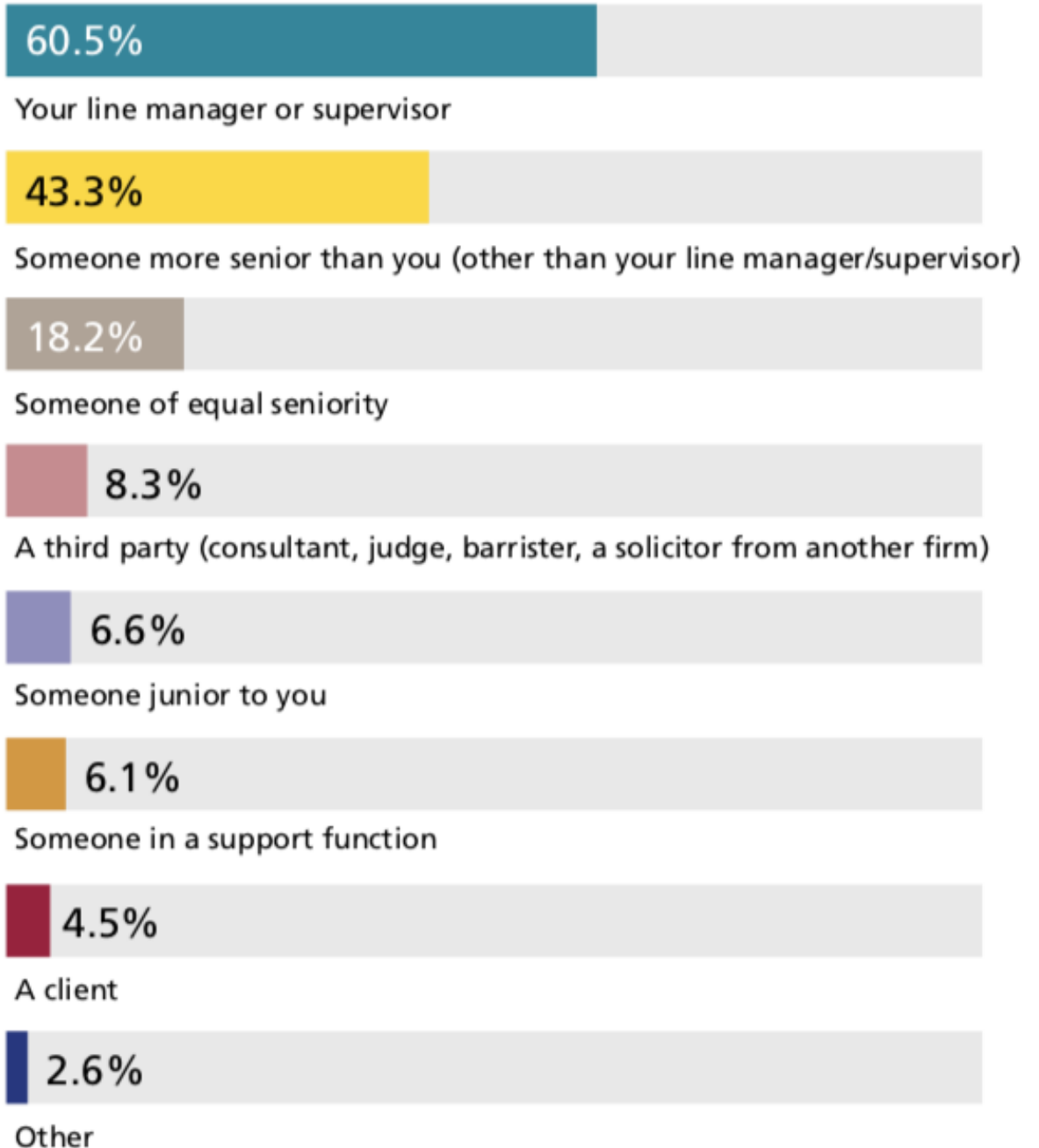
Bullied within the past year (% of total respondents)



*Gender-weighted

Bullies

- Supervisors were the most frequent perpetrators of bullying
- Bullying by supervisors decreased with age, while bullying by a third party increased



Sexual Harassers

- Like bullying, most incidents were perpetrated by senior colleagues
 - *However, victims were most likely to be harassed by non-supervisor senior colleagues, rather than line-managers/supervisors*
- Relative to bullying, colleagues of equal seniority and junior colleagues were significantly more likely to be the perpetrators of sexual harassment

The partners closed ranks around the perpetrator. The firm did nothing to sanction him and later promoted him into a more senior, but marginally less public position. They offered me no support or reassurances about my career if I stayed at the firm. I felt I had no choice but to leave.

Female, United Kingdom

Reporting

**Targets do
not report. In:**



**57% of bullying cases and
75% of sexual harassment cases,
the incident is never reported.**

Workplace Response

- When targets report, workplace responses are inadequate
 - *In three quarters of cases, the perpetrator was not sanctioned*
 - *The majority of targets rated their workplace's response to incidents of bullying and sexual harassment as insufficient or negligible*

My self-esteem has drastically dropped. I didn't eat for two weeks after one incident. It has occasionally made me think of harming myself.

Female, South Africa

Policies and Training

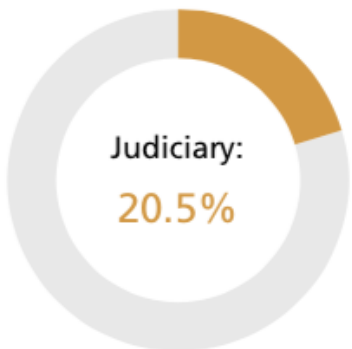
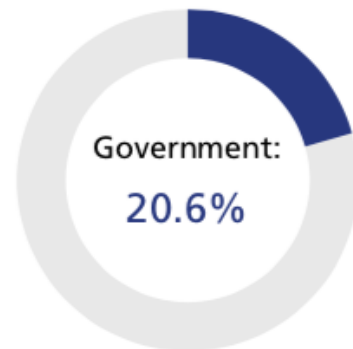
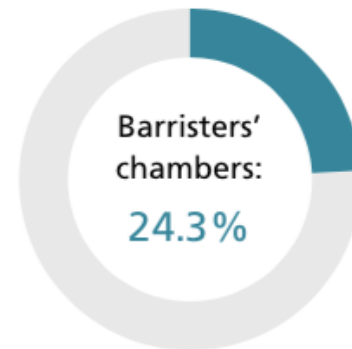


More needs to be done. Of respondents' workplaces, **53% had policies and 22% undertook training** to address bullying and sexual harassment.

Overall Assessment of Workplace Response

- Policies and training had a significant positive impact on perceptions of workplace response

Rated workplace approach as 'good' or 'excellent'



This is hurting the profession

- These incidents are affecting targets' mental and physical health
- The adverse impact is not limited to the target
- The legal profession is losing talent – targets are leaving their workplaces and the law altogether



[The sexual harassment I have experienced has] contributed to my depression. It has made me less trusting of colleagues or willing to participate in professional and social events.

Female, United States

1. Raise Awareness
2. Revise and Implement Policies and Standards
3. Introduce Regular, Customised Training
4. Increase Dialogue and Best-Practice Sharing
5. Take Ownership
6. Gather Data and Improve Transparency
7. Explore Flexible Reporting Models
8. Engage with Younger Members of the Profession
9. Appreciate the Wider Context
10. Maintain Momentum

There should be absolutely no place in this profession, nor any other, for bullies or sexual harassers. At the very least, people deserve dignity and a safe, supportive environment in return for their work.

Female, United Arab Emirates