

Statement

6 February 2019

Sexual harassment in the Victorian Legal Profession

Sexual harassment of any kind is unacceptable. For lawyers, it is also conduct that is capable of constituting professional misconduct. The Victorian Legal Services Board and the Victorian Legal Services Commissioner, as regulators of the legal profession in Victoria, do not tolerate sexual harassment. We will investigate any complaints that come to us about such conduct by lawyers.

Employers have a responsibility to ensure their workplaces are free of sexual harassment. Where incidents of sexual harassment occur in legal workplaces, we expect that the issue is dealt with in an appropriate and effective manner. Organisations, including law practices and professional bodies, must ensure there are procedures in place to allow people to make complaints confidentially.

In making this statement, as an organisation we are also making a commitment to ensuring we are engaged with, and embodying, best practice complaints management. As leaders in the profession, we are dedicated to ensuring our staff are safe, supported and empowered to call out any problematic behaviour, and to report any sexual harassment with full confidence it will be managed with integrity and conscientiousness.

Based on experience in other jurisdictions we suspect that sexual harassment in the legal profession is under reported and we are seeking to quantify the issue. Therefore, we want to be clear that we expect the principals of law practices to tell us directly if their practice has a problem with sexual harassment and the steps they are taking to address that problem.

We are calling on the legal profession to partner with us to address sexual harassment together. We will be inviting other leaders to join with us to discuss sexual harassment in the legal profession as we commence a 12-month initiative which will examine appropriate organisational responses to, and prevention of, sexual harassment.

The initiative will include:

- A state-wide survey to quantify sexual harassment affecting the legal profession;
- Development of guidance for legal professionals on the proper drafting and use of non-disclosure agreements;
- Efforts to build partnerships with WorkSafe Victoria, the Victorian Equal Opportunity and Human Rights Commission and other authorities to ensure sexual harassment is dealt with at both the individual and organisational level.

It is our intention, through this statement and the body of work that is to follow, to contribute to broader discussions about appropriate behaviour in the workplace, and what our expectations are of the legal profession as a whole. The Victorian Legal Services Board and Commissioner will prioritise the outcomes of this work, encouraging the continued awareness of, and raising of standards in all workplaces.

The kind of behaviour we tolerate in our organisations ultimately reflects on us as members of the legal profession. As leaders, we expect other leaders in the profession to stand with us to call out inappropriate behaviour and ensure that all employees have a safe environment, with equal opportunities to succeed in their careers.

Sexual harassment in the profession is unprofessional and unacceptable, and can lead to serious professional consequences, as well as possible civil and criminal liability. It will be a key focus area for us in the coming years: we will investigate sexual harassment complaints we receive, initiate our own complaints where appropriate, and in either case use the powers we have to address it.

The legal profession, as a fundamental pillar of the Victorian justice system, cannot be quiet in addressing this kind of conduct.

If you wish to discuss a matter confidentially, or make a complaint relating to sexual harassment by a lawyer, please use one of the following contact details:

- Call the Victorian Legal Services Board and Commissioner on (03) 9679 8001 and ask to talk to Danielah Iacono or Georjeana Brennan;
- Email harassmentcomplaints@lsbc.vic.gov.au ; or
- Send mail addressed to Danielah Iacono,
Victorian Legal Services Board and Commissioner,
GPO Box 492,
Melbourne VIC 3001.

Fiona Bennett
Chairperson
Victorian Legal Services Board

Fiona McLeay
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Commissioner