

Sexual harassment in Victoria's legal workplaces

Victorian Legal Services
BOARD + COMMISSIONER

Our Strategy



Our strategy for decreasing the prevalence of sexual harassment in Victoria's legal workplaces comprises proactive and reactive regulatory measures.

These measures are based on the regulatory powers conferred on the Victorian Legal Services Board and the Victorian Legal Services Commissioner by the Legal Profession Uniform Law Application Act 2014.

The problem



From late July 2019 to September 2019, VLSB+C undertook two surveys on sexual harassment in Victoria's legal profession.

One survey was designed to gather data on the prevalence and characteristics of sexual harassment in Victoria's legal workplaces; the other was designed to gather information from principals about the training, policies and procedures in place to prevent (and respond to) sexual harassment in Victoria's law practices.

The findings of these surveys indicate that

1. Sexual harassment in Victoria's legal workplaces is common
2. Sexual harassment in Victoria's legal workplaces disproportionately affects female lawyers, and junior lawyers
3. There is a 'knowledge gap' about what constitutes workplace sexual harassment among women lawyers
4. Non-physical sexual harassment is most common, however, one in five people have experienced unwelcome physical behaviour, including physical assault
5. Harassers are generally male, and in a more senior role than the person affected
6. It is common for a sexual harassment incident to be part of a pattern of behaviour from the harasser and for the harasser to be known for being involved in similar incidents
7. Most personal experiences of sexual harassment go unreported
8. It is relatively common to witness sexual harassment in a legal workplace or hear about sexual harassment directly from someone affected by it
9. Management's perception of the prevalence of sexual harassment in the profession is significantly different from that of individual lawyers
10. Fewer than half of the organisations surveyed had a policy in place to address sexual harassment
11. Specific training on sexual harassment was rare among surveyed organisations



Proactive measures



These are measures that VLSB+C proposes to take on its own initiative, rather than in response to reports or complaints of sexual harassment. They are designed to improve awareness and understanding of sexual harassment as an issue in the profession, and to improve the capacity of law practices to prevent, and appropriately respond to and manage, sexual harassment in legal workplaces.

We propose to work with the profession and other agencies to implement these measures, which fall into three categories.

Below are examples of the strategies we propose working with stakeholders in the profession on.

1. Awareness-raising

- Meet with law firms and representative bodies to discuss current policies, training and procedures and how complaints are managed. We will discuss principals' obligations and set our expectations.
- Work with the profession to improve their understanding of sexual harassment and related issues.
- Develop training and information for Practical Legal Training students and early career lawyers.

2. Knowledge and skills development

- Develop regulatory guidance for the profession on topics relating to sexual harassment.
- Create tools to help practices develop high quality training, policies, and procedures on sexual harassment in the workplace.
- Provide advice on how to deal with, and report sexual harassment as both a bystander/witness and victim.

3. Influencing culture change

- Collect data about workplace culture from employee lawyers and principals.
- Convene and support discussion groups to identify opportunities for change in culture and practice.

Reactive Measures

Reactive measures are measures that we may contemplate taking, where we receive reports, complaints or other intelligence raising concerns:

- that a legal workplace has a culture of condoning unacceptable behaviour or is complacent about its obligations to provide a safe workplace for employees, or
- about an individual lawyer's conduct.

These measures may include:

- Monitoring reports to identify 'hotspots' of sexual harassment behaviour and either meeting with principals to discuss the issue and develop a solution, or undertaking a targeted compliance audit to assess how a firm is being managed and supervised.
- Investigating individual lawyers where necessary.
- Taking disciplinary action where appropriate.



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