



Law Council
OF AUSTRALIA

‘Zero Tolerance for Bullying and Harassment’

Speech delivered by Pauline Wright, Law Council of Australia President at the Presidents’ Roundtable dialogue, Law Society of Singapore.

6 January 2020

Thank you, I am delighted to co-facilitate this roundtable dialogue with Ms Melissa Pang and Mr Gregory Vijayendran on this complex and important topic – and one very close to my heart.

The Law Council of Australia has taken an active leadership role in improving inclusion and diversity in Australia's legal profession, and is guided by its Equal Opportunity Committee – of which I am an active member.

A truly inclusive legal profession should reflect the community it serves, and improving the diversity of the profession translates into improved access to justice in our communities.

While there is significant work still to be done, an increasingly multicultural legal profession provides culturally appropriate and multilingual legal services and representation to some of the most marginalised Australians, including Indigenous Australians and refugee and migrant communities.

Diversity is also crucial to the sustainability of the legal profession as a whole. The attrition rate of female lawyers is high, and experiences of sexual harassment remain a key reason why women leave the law. This is damaging and costly – for individuals, for firms, and for the current and future standing of the legal profession.

The Law Council has adopted a comprehensive approach to facilitating attitudinal and cultural change within the legal profession, and combatting bullying and harassment is a fundamental aspect of this work. Our initiatives include:

- Educational resources and programs for legal professional bodies, firms and practitioners;
- The development of ambitious targets and voluntary reporting; and
- Advocating for legislative reforms including positive duties to eliminate, respond to and report incidents of sexual harassment, and the strengthening of formal complaints processes.

These extensive programs reflect both the importance the Law Council places on a diverse and inclusive legal profession, and our 'zero tolerance' for bullying and harassment.

The interrelationship between bullying and sexual harassment is a complex one; and the two behaviours can, and do at times, intersect. Nonetheless, recognising the gendered and intersectional nature of sexual harassment and bullying is crucial in order to devise practical strategies to overcome these systemic issues.

In 2013, the Law Council conducted the National Attrition and Re-engagement Study (NARS) to investigate the progression, attrition, and re-engagement rates of male and female lawyers and identify gendered trends within the profession. The landmark 2014 Report is the basis of the Law Council's practical policy recommendations and initiatives directed at improving inclusion and diversity in Australia's legal profession.

The Law Council's Diversity and Equality Charter embodies a public commitment by the Australian legal profession to diversity and equality. Based on the principles of justice, integrity, equity and the pursuit of excellence upon which this profession is founded, the Charter has attracted 146 adoptions, including 99 organisations and 42 sole practitioners.

In 2016, the Law Council launched its Equitable Briefing Policy, which seeks to drive cultural change within the profession, support the progression and retention of women

barristers, and address the significant pay gap and underrepresentation of women in the superior courts.

It includes interim and long-term targets, with the ultimate aim of briefing women in at least 30 per cent of all matters, and for women barristers to be paid at least 30 per cent of the value of all brief fees by 2020. The Policy has been adopted by 453 entities, including 329 individuals and 124 organisations.

Adopting entities submit confidential reports to the Law Council Secretariat each financial year, which analyses submissions and presents findings in an Annual Report. The Law Council published its second Annual Report in October 2019, and is currently reviewing submissions and preparing the Report for the 2018-2019 period.

In March 2017, the Law Council launched its Unconscious Bias Training customised for the legal profession, which aims to train professionals to recognise unconscious cognitive biases and how they affect all our decisions. The program was developed on the basis of feedback from our constituent bodies, and in close consultation with diversity and inclusion specialists. It is available to all lawyers and legal practices via face-to-face workshops, trainer modules, and an online training course.

The Law Council has long been concerned by the high rates and low reporting of sexual harassment in Australia's legal profession. In 2013, the Law Council's [NARS](#) study found 25 per cent of women lawyers had experienced sexual harassment in the workplace. Recent studies suggest this figure has increased. Of the 125 respondents to a 2018 survey by NSW Young Lawyers, 51 per cent said they had been sexually harassed in their workplace.

The Law Council is currently working with its constituent bodies to devise and implement meaningful, practical changes aimed at reducing the rates of sexual harassment in the legal profession.

In its 2019 submission to the Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces, the Law Council advocated for a multifaceted approach to combat this systemic issue, including:

- simplifying the definition of sexual harassment;
- making sexual harassment unlawful in all areas of public life (including all Australian workplaces);
- introducing positive duties to eliminate, respond to and externally report incidents of sexual harassment; and
- strengthening formal complaints processes.

The Law Council has published a number of online resources and guidelines for legal practitioners, including specific pages on bullying and harassment in the workplace, sexual harassment in the workplace, and making a legal practice LGBTI+-friendly.

Our organisation lives its values through our own Diversity Policy, which actively manages and encourages diversity, equality and inclusion across our organisation, and upholds the right of every employee to work in an environment free from discrimination, harassment and bullying.

The Law Council is proud to be both a national and international leader on these issues.

In 2019, the IBA published the final report on its global survey 'Us Too? Bullying and Sexual Harassment in the Legal Profession'. Australia had the highest response to the IBA global survey, with 937 respondents comprising 13 per cent of total responses.

The Law Council is proud Australia is so strongly represented in the survey and candid in their responses, which shows both an awareness of the problem and a willingness to tackle it. More importantly, this indicates that the culture of silence around bullying and sexual harassment is being broken in the Australian legal profession.

I look forward to hearing your ideas and perspectives in today's roundtable, and hope that each of us may take away some ideas to advance our shared commitment to combatting bullying and sexual harassment in the legal profession.

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