

Friday, 8 March 2019

Law reform, cultural change and honesty critical to combat sexual harassment in the legal profession

Cultural and structural change is as vital as legislative reform to combat sexual harassment in Australian workplaces and the legal profession, according to the Law Council of Australia.

In its [submission to the Australian Human Rights Commission's \(AHRC\) National Inquiry into Sexual Harassment in Australian Workplaces](#), the Law Council has called for consolidation of sexual harassment provisions across jurisdictions and an end to the "culture of silence" in the legal profession.

Law Council President, Arthur Moses SC, said: "sexual harassment in Australian workplaces is pervasive and damaging, and the legal profession is no exception. The legal profession cannot deny the self-evident truth that sexual harassment is a problem within its own ranks.

"Addressing sexual harassment is an issue of grave concern and one of the greatest challenges facing the legal profession. The Law Council's submission is the product of extensive consultation with Law Societies and Bars around the country. There is widespread and genuine support across the legal profession for action to be taken to address sexual harassment. While important initiatives are underway to address this behaviour, the reality is we can and must do more," Mr Moses said.

The evidence suggests more women than men experience sexual harassment, and that women in the legal profession experience sexual harassment at rates equal to or higher than the national average. The Law Council's 2013 [National Attrition and Reengagement Study](#) found 25% of women lawyers had experienced sexual harassment in the workplace. Recent studies suggest this figure has increased.

"As a traditionally hierarchical and male-dominated profession, it is critical for the legal profession to be honest, transparent and accountable about this issue and the scale of the problem. Unlawful conduct needs to be confronted and eliminated, not the subject of excuses. The legal profession advocates that all people should be treated equally and with dignity. These rights apply equally to women lawyers. Everyone deserves to be safe at work," Mr Moses said.

"The legal profession cannot turn a blind eye to unlawful conduct by individuals within our own profession who harm colleagues or create unsafe workplaces. Sexual harassment and discrimination are the greatest hindrances to a truly inclusive legal profession that reflects the community it serves. It is also one of the reasons why the legal profession loses talent to other professions or industries.

"The impacts of sexual harassment can be devastating to victims and their families. We welcome the opportunity to contribute to this important and timely inquiry, and to work with the AHRC, Government and the Australian community in coming months to drive meaningful change," Mr Moses said.

In its submission the Law Council suggests the current legal framework could be made simpler, firmer and more effective in preventing and responding to sexual harassment in all workplaces, such as by:

- Simplifying the definition of sexual harassment to improve the law's accessibility;
- Making sexual harassment unlawful in all areas of public life; and
- Strengthening formal complaints processes and raising public awareness of the law.

Patrick Pantano
P 02 6246 3715
E Patrick.Pantano@lawcouncil.asn.au

Anne-Louise Brown
P 0406 987 050
E Anne-Louise.Brown@lawcouncil.asn.au

The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.