

Response to sexual harassment and bullying in the legal profession – July 2020

- It is important that all practitioners understand what sexual harassment is and what is work place bullying if we are going to all work together to bring an end to it.
- Sexual harassment inflicted by one person upon another within the workplace and/or any as part of any work related contact (conferences, work functions, trips, social or interactions with clients) is immoral and unethical. And, more importantly, it is illegal.
- Workplace bullying is verbal, physical, social or psychological abuse by your employer (or manager), another person or group of people within the workplace. It is immoral and unethical and some forms are illegal.
- It is 2020 and we should not be having to engage in conversations about working towards eliminating sexual harassment and bullying from the work place. It simply should not be happening.
- FLPA (Tas) does not endorse any form of sexual harassment and/or bullying. As individual members of the legal profession you can also contribute to ensure that your work place is free from bullying and sexual harassment. You should and you must call out this poor behaviour and support those who suffer as a result of it. It is incumbent on all members of the legal profession that we work together to address these issues. Change is difficult but we all have a personal responsibility to eliminate this unacceptable behaviour. Awareness and positive action will assist in achieving change.
- Like the wider community, FLPA (TAS) was alarmed to hear those recent allegations of sexual abuse within the legal profession. The ABC interview by former Family Court Chief Justice Diana Bryant is a reminder that these unacceptable behaviours are not new and has been a deep and longstanding problem within our profession for many years.
- It is clear that the legal profession are not alone in facing these issues and reports. We need to take the lead. Upon admission as a legal practitioner we present to the court that we are “*of good character*”. It is that quality that we need to remember and these issues arise we must respond and address these them. We need to ensure that the topic of sexual harassment and bullying remain high priority in our thoughts and discussions.
- It was refreshing to read the strong statements issued by the Chief Justice of the High Court on 22 June 2020, the Australian Women’s Lawyers and the Law Council of Australia on 27 June 2020 along with a number of media releases. Further on 15 July 2020, the Law Council of Australia made clear that it is committed to developing a national model sexual harassment policy and guidelines and enhancing professional training. FLPA (TAS) welcome those measures. We agree with the Law Council of Australia that there needs to be policies to address bullying and sexual harassment. There needs to be effective policies and better implementation.

- On 15 May 2019, the International Bar Association (IBA) released a report '*Us too? Bullying and sexual harassment in the legal profession*'. For those members who have not read this report, then we urge you to do so. It contains a significant amount of data and information regarding bullying and sexual harassment that has and is taking place within our profession across the globe. It highlights along with the recent disclosures that there remains a need for change and that the legal profession need to act for change to occur. This means our profession working together.

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