

Sexual Harassment Policy

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CEO message

At Legal Aid NSW we want to ensure that we are providing a safe workplace where everyone feels valued and respected. We are committed to protecting and promoting staff members' right to work in an environment that is free from violence, discrimination, and harassment. Sexual harassment has no place in our workplace.

We have zero tolerance for sexual harassment in any form. It is against the law and is counter to everything our organisation stands for.

A national survey conducted by the Australian Human Rights Commission in 2018 found that almost two in five women (39%) and just over one in four men (26%) had experienced sexual harassment at work in the last five years. This survey also found that around two in five instances of workplace sexual harassment had been witnessed by someone else, a bystander. Another survey conducted by the Women's Lawyers Association of NSW in 2018 found that more than 70 per cent of female lawyers reported being sexually harassed.

Clearly, and unfortunately, there is still a need to set expectations and put in place policies and processes to prevent and respond to sexual harassment in the workplace. Previously, our policies around sexual harassment focused only on sexual harassment that occurred within our organisation. This new, standalone sexual harassment policy now also includes sexual harassment by third parties, such as other members of the legal profession who do not work at Legal Aid NSW. Our intention in creating this policy is to ensure that our reporting systems are genuinely accessible, transparent and efficient.

This policy sets out how we respond to complaints of sexual harassment. It also outlines what you need to know about the law around sexual harassment, how to identify and respond to sexual harassment as well as some of the drivers of sexual harassment. The policy is also supported by training sessions that will raise awareness about the prevalence of sexual harassment and what we can do to stop it.

We have a strong focus on preventing sexual harassment from occurring in our workplaces in the first place. However, if you do experience sexual harassment at work, know that you will be treated with respect and given the support you need if you come forward. I also implore anyone who witnesses sexual harassment to speak up. Bystanders have such an important role to play in protecting colleagues from sexual harassment and supporting those who experience it.

Sexual harassment has traumatic and long-lasting impacts on victims. It also negatively affects workplace culture, staff morale and productivity.

It is everyone's job to build a safe workplace free from sexual harassment. Every one of us has a responsibility to treat each other with respect and professionalism.

Monique Hitter
Acting CEO, Legal Aid NSW

Executive Summary

We are living through a reckoning when it comes to sexual harassment. Individuals are speaking up, and our institutions and public figures are on notice. The harm caused by sexual harassment, and the need for robust policies and processes to prevent and respond to sexual harassment in the workplace, have never been clearer.

At Legal Aid NSW, we stand for respect, safety and equality in the workplace.

Our own response to sexual harassment has been determined in close consultation with staff. Our aim was to review and renew our policies and processes to ensure they are understood and trusted by everyone in the organisation and align with best practice.

This policy outlines what constitutes sexual harassment in our workplace, how to report sexual harassment and how Legal Aid NSW responds to complaints of sexual harassment. The policy also sets out the law in relation to sexual harassment and outlines the obligations that employees and others have to act respectfully and appropriately in the Legal Aid NSW workplace.

Purpose of the policy – The purpose of this policy is to ensure that everyone in our organisation is clear about the standards of behaviour that are expected of them in our workplace and understands how they can expect to be treated when they are at work. The policy also aims to increase awareness about the incidence and impacts of workplace sexual harassment, as well as common barriers to reporting sexual harassment and the key drivers of sexual harassment at work (see Appendix 5).

Workplace culture and behaviours – As the Human Rights Commission states in its Respect@Work report, “Workplace sexual harassment is not inevitable. It is not acceptable. It is preventable.” Legal Aid NSW has zero tolerance for sexual harassment against our staff as they go about their work, whether that be in the office, in courts, tribunals or at work meetings or functions.

Leadership and accountability – This policy signals a clear expectation that if you see something, you should speak up. Managers have particular obligations to act to stop sexual harassment and report it when they become aware of it.

Complaints processes and wellbeing systems – We have used flow charts to describe how to address or make a complaint about sexual harassment to make the process as clear and accessible as possible. We want our processes to be robust, but we also want people to feel safe and supported if they ever need to engage with them. We have appointed a Sexual Harassment Officer in HR to provide specialist guidance and support to staff.

Training – These policies go hand in hand with Sexual harassment prevention and Response training that Legal Aid NSW is running for staff in conjunction with the Australian Human Rights Commission.

We thank those who have participated in the consultation processes and shared their experiences so that we can strengthen our systems. We also thank those who were involved in developing this important policy and accompanying training.

The Legal Aid NSW approach to sexual harassment

Our goal is to eliminate sexual harassment in our workplaces and cultivate a professional, supportive working environment.

The following overarching principles guide the Legal Aid NSW approach to sexual harassment in the workplace.

A zero-tolerance approach

Legal Aid NSW has a zero-tolerance approach to sexual harassment. Our policies and procedures are designed to support employees to know and understand their obligations under the law not to engage in conduct which constitutes sexual harassment and to support complainants to resolve any incidents of alleged sexual harassment through either informal or formal channels. When responding to complaints of sexual harassment we prioritise the safety and wellbeing of the person disclosing or formally reporting sexual harassment. Key to our approach is the belief that no complainant should experience professional repercussions for speaking up.

Our complaint-management process is transparent and supportive

Our response to any complaint of sexual harassment must be transparent, timely, sensitive and supportive. We will ensure that the complainant is given a say in the process and not penalised for making a complaint.

The complaints process is overseen by Human Resources (HR) and complainants will be made aware of their options to pursue their complaint through internal and external avenues.

The complainant and respondent both have a right to a support person and will be kept informed throughout the complaint-management process. Referrals will also be made for additional support where necessary.

Eliminating sexual harassment in the workplace is everybody's responsibility

The onus of reporting sexual harassment doesn't rest entirely with complainants. This responsibility is shared by the whole organisation, including those in management and leadership positions.

We encourage bystanders to act, safely. Legal Aid NSW supports and encourages bystanders to intervene, safely, and report incidents of sexual harassment. Bystander intervention can include helping someone who is experiencing sexual harassment to get away from the harasser, calling out sexually explicit material and sexist jokes as unacceptable or even diffusing a situation. Support and relevant referrals will also be provided to bystanders.

What is sex-based harassment and sexual harassment?

Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. The relevant Commonwealth and NSW legislation contains the following, very similar, definitions.

Commonwealth: A person harasses another person on the ground of sex if: because of the person's sex or characteristics that a person of that sex generally has or is thought to have, the person engages in unwelcome conduct of a seriously demeaning nature in circumstances in which a reasonable person would have anticipated the possibility that the person would be offended, humiliated or intimidated.¹

NSW: Sexual harassment is an unwelcome sexual advance, or an unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature, in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.²

Examples of sexual harassment include:

- staring, leering or unwelcome touching
- suggestive comments or jokes
- unwanted invitations to go out on dates or requests for sex
- comments or intrusive questions about a person's private life or body
- unwelcome touching
- unnecessary familiarity, such as deliberately brushing up against a person
- emailing pornography or rude jokes
- sending sexual text messages including photos or memes
- displaying images of a sexual nature around the workplace, or
- communicating content of a sexual nature through social media or text messages.

Remember that behaviour may be unwelcome even where it is not explicitly rejected.

It should not be assumed that behaviour is consensual simply because the individual has not complained about it. Complex workplace dynamics, including power imbalances and concerns about reprisal, may prevent the individual from expressly objecting to the conduct.

Examples of sexual harassment in the workplace

Shiva and Thomas

Shiva and Thomas are grade I-III solicitors employed by Legal Aid NSW. Shiva and Thomas both moved out of Sydney to a regional town to take up their positions. Neither Shiva nor Thomas know anyone in the regional town. Shiva and Thomas start going out for drinks after work and seeing each other on the weekend from time to time. After a few weeks of spending time together, Thomas tells Shiva that he's developed feelings for her and wants to take their relationship 'to the next level'. Shiva is shocked by Thomas's confession. Shiva tells Thomas that she enjoys hanging out with him but that she just wants to be friends.

¹ *Sex Discrimination Act 1984* (Cth) section 28AA.

² *Anti-Discrimination Act 1977* (NSW) section 22A.

After work on the following Friday, Shiva and Thomas go for a drink at a local pub with some of their colleagues. Thomas tells Shiva that he can't stop thinking about her and he thinks that they have something really special. Shiva tells Thomas that she thinks that he's a great guy but that she doesn't have feelings for him. Over the next few weeks Thomas texts Shiva telling her that she's sexy and beautiful. Shiva starts to feel uncomfortable with Thomas and stops seeing him after work. Thomas texts Shiva saying that she led him on by going out with him.

Clare and Stephen

Clare is a legal support officer at Legal Aid NSW. Clare works in a busy practice and loves her job. She works with several solicitors including the senior crime solicitor, Stephen. There have been a few instances lately where Stephen has touched Clare and she feels uncomfortable about it. In the last week, Stephen put his hand on Clare's lower back as they were stepping into the lift. Later that afternoon he brushed past her as he went to wash up his coffee cup in the staff kitchen.

Yesterday, while they were waiting in the line to get lunch, Stephen made a joke about Clare needing to relax, gave her shoulders a few quick squeezes and said 'I know what you need to relax'. This morning he made a point of tucking in the label on her shirt as it was sticking out. As he did this, he remarked on Clare's appearance, saying she looked dishevelled and had 'bed hair'.

When does this policy apply?

This policy applies when a Legal Aid NSW employee is sexually harassed at work, including when:

- an employee or group of employees sexually harass another employee or employees
- a manager sexually harasses an employee
- an employee sexually harasses a manager, or
- a third party, not employed by Legal Aid NSW, such as another member of the legal profession, sexually harasses an employee.

This policy also applies to job applicants and unpaid interns, such as Practice Legal Training students, in our workplace.

Sexual harassment constitutes 'workplace sexual harassment' when it occurs:

- at Legal Aid NSW premises, including in common areas like lifts or bathrooms.
- when carrying out work for Legal Aid NSW or attending work-related functions or activities outside Legal Aid NSW premises, including at court, when visiting other government agencies and community organisations, travelling for work, at a conference or a work social event.
- in online spaces, including by email, on Microsoft Teams and social media platforms where the conduct is in connection with the employment (for example, during remote work).
- between people who share the same workplace (for example, in a co-working space).

Understanding the law on sexual harassment

Sexual harassment is unlawful under the *Sex Discrimination Act 1984* (Cth) and the *Anti-Discrimination Act 1977* (NSW) in different areas of public life, including employment. Some types of sexual harassment may also be criminal offences. The following information sets out some of the detail of the law on sexual harassment. Our Workplace Standards unit can help you understand this information and respond to questions or concerns you may have about your rights in the workplace.

Anti-Discrimination Act 1977 (NSW)

The *Anti-Discrimination Act 1977* (NSW) makes sexual harassment unlawful. Under NSW law, sexual harassment is behaviour that a reasonable person would anticipate would make someone feel offended, humiliated or intimidated. It includes unwelcome sexual advances, unwelcome requests for sexual favours, and other unwelcome conduct of a sexual nature.³

The Sex Discrimination Act 1984 (Cth)

The *Sex Discrimination Act 1984* (Cth) also makes sex-based harassment unlawful. Under the *Sex Discrimination Act* it is unlawful to harass another person on the ground of sex if, by reason of the sex of the person harassed, or

- a characteristic that appertains generally to persons of the sex of the person harassed; or
- a characteristic that is generally imputed to persons of the sex harassed (eg. gender stereotypes)

the person engages in unwelcome conduct of a seriously demeaning nature in relation to the person harassed and the person does so in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Under the *Sex Discrimination Act* and *Anti-Discrimination Act* it is unlawful for an employee to sexually harass:

- a fellow employee (or future employee) – this means a colleague, your manager and your staff; and
- another person working in your workplace.⁴

For our purposes, 'workplace' does not only mean Legal Aid NSW offices. Courts, community organisations where we provide services to clients, and venues where work functions take place outside of working hours are all examples of relevant workplaces.

Sexual harassment or sex-based harassment can also arise where a work environment or culture is sexually charged or 'hostile', even if the conduct is not directed at any particular employee.

Complainants may bring legal proceedings against someone who they allege has sexually harassed them to enforce the protections of the *Anti-Discrimination Act* or the *Sex Discrimination Act* and respondents could be found to be personally liable to pay damages to a successful complainant.

³ Section 22A *Anti-Discrimination Act 1977* (NSW).

⁴ Section 22B *Anti-Discrimination Act 1977* (NSW)

The Anti-Discrimination Act and Sex Discrimination Act apply to Legal Aid NSW. Legal Aid NSW may be 'vicariously liable', or legally responsible, for sexual harassment committed by employees or agents if Legal Aid NSW fails to take all reasonable steps to prevent sexual harassment.⁵

It is also unlawful under the Anti-Discrimination Act and Sex Discrimination Act to cause, instruct, induce, aid or permit another person to engage in sexual harassment.

Work health and safety

Workplace sexual harassment can cause physical and psychological harm to victims and those who witness it in the workplace. Work health and safety laws require employers to ensure workers and others are not exposed to risks to their health and safety, including from sexual harassment. This means Legal Aid NSW has an obligation to manage the risk of sexual harassment. If it is not possible to eliminate the risk of sexual harassment altogether, we must minimise the risk as far as is reasonably practicable.

Government Sector Employment Act 2013 (NSW) – Ethical Framework

Sexual harassment is inconsistent with the ethical framework for government sector employees outlined in the *Government Sector Employment Act 2013 (NSW)*.

Employee responsibilities

The *Government Sector Employment Act 2013* establishes a legal requirement for all people employed in the government sector to act ethically and in the public interest, and it sets out an ethical framework for all government sector employees.

The Legal Aid NSW Code of Conduct, which all employees are required to read and sign, specifies responsibilities and reporting obligations for employees and managers consistent with the ethical framework.

All government sector employees have responsibilities to:

- demonstrate high levels of personal conduct consistent with the ethical framework
- seek assistance when unsure about how to implement the ethical framework
- promote the implementation of the ethical framework to their colleagues, and
- report possible breaches of the ethical framework to relevant officers.

Managers' responsibilities

In addition to employee responsibilities above, all managers and executives have responsibility to:

- lead and promote implementation of the ethical framework in their workplace
- ensure their workplace culture, practices and systems (including recruitment and promotion) operate consistently with the ethical framework

⁵ Section 53(3) *Anti-Discrimination Act 1977 (NSW)* and section 106 *Sex Discrimination Act 1984 (Cth)*

- recognise and promote employee and team conduct that exemplifies the ethical framework
- act promptly and with due process to prevent and address any breaches of the ethical framework
- in the case of a senior executive (including an acting senior executive), declare in writing private interests that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive, and
- ensure that any real or perceived conflicts of interests are avoided or effectively managed.

Staff who hold senior roles with a management function⁶ in the organisation are expected to take steps to prevent the conduct from occurring including addressing the issue with the harasser if they observe incidents of sexual harassment and report these incidents to HR. This expectation arises because Legal Aid NSW has a legal responsibility to take all reasonable steps to prevent sexual harassment and may be held 'vicariously liable' for sexual harassment committed by employees or agents if it doesn't.⁷

Sexual assault

Some forms of sexual harassment are also criminal offences. Sexual assault, commonly referred to as rape and attempted rape in the community, is a serious criminal offence and must be reported to police unless there is a reasonable excuse not to.⁸ Reports of sexual assault must be referred to the Deputy CEO immediately. The Deputy CEO will ensure that a report is made to police in appropriate circumstances. The complainant's wishes will be taken into account in this process.

The way that you support your colleague following a report of sexual assault could have a real and lasting impact on how they recover what they have experienced. Think about how you can be there for them. They may benefit from accessing a specialist sexual assault support service (refer to Appendix 4), or visiting a health service. It is okay not to have all the answers – you can contact HR for support and advice too.

What can I do if I experience or see sexual harassment?

There are various options available to employees, bystanders and managers to respond to and report incidents of sexual harassment in the workplace, including from other Legal Aid NSW employees and from others, such as members of the legal profession. These include self-resolution, informal and formal internal complaints processes, as well as formal external complaint options. These options are explained in more detail below.

⁶ This includes grade V solicitors and above, grade 9/10 clerks and above, and office managers.

⁷ Section 53(3) *Anti-Discrimination Act 1977* (NSW) and section 106 *Sex Discrimination Act 1984* (Cth)

⁸ Note: Section 316 of the *Crimes Act 1900* (NSW) obliges Legal Aid NSW to report a sexual assault in the workplace to the police as it is a serious indictable offence. Pursuant to section 316 of the *Crimes Act 1900* (NSW), a person who fails to report a serious indictable offence without a 'reasonable excuse' risks imprisonment for up to 5 years. However, section 316(1A) of the *Crimes Act 1900* (NSW) provides that a person has a 'reasonable excuse' if the alleged victim was an adult at the time the information was obtained by the person and the person believes on reasonable grounds that the alleged victim does not wish the information to be reported to police or another appropriate authority. Therefore, if the victim asks Legal Aid NSW not to report the matter to the police, Legal Aid NSW employees will not contravene section 316 of the *Crimes Act 1900* (NSW) if they do not do so.

You can report an incident of unacceptable behaviour to the Workplace Standards team via workplacecomplaints@legalaid.nsw.gov.au or call 02 9219 6383 for advice.

If you have experienced sexual harassment in the workplace and are unsure about whether you want to report the incident formally, we encourage you to contact Workplace Standards to discuss your experience. Even if you decide not to proceed to a formal complaint, discussing your experience with someone can be helpful. The staff in Workplace Standards can also help you access other support that you may need.

The important role of bystanders

What if I witness sexual harassment?

Bystanders play an important role in preventing and minimising risks associated with sexual harassment in a workplace.⁹ When all of us are committed to preventing sexual harassment and reporting it when it does occur, we make our workplaces safer. If you witness an incident, you can intervene to stop it and confront the harasser about the unacceptable behaviour.

Bystanders are strongly encouraged to report incidents to the Sexual Harassment Officer in HR, manager, another manager, HR business partner or Workplace Standards, as appropriate. The corroborating evidence of witnesses and bystanders can play an important role in complaint and legal processes.

Observing and hearing about sexual harassment can cause distress for witnesses. Support is also available for anyone who witnesses sexual harassment in our workplace.

Reporting and complaints procedure

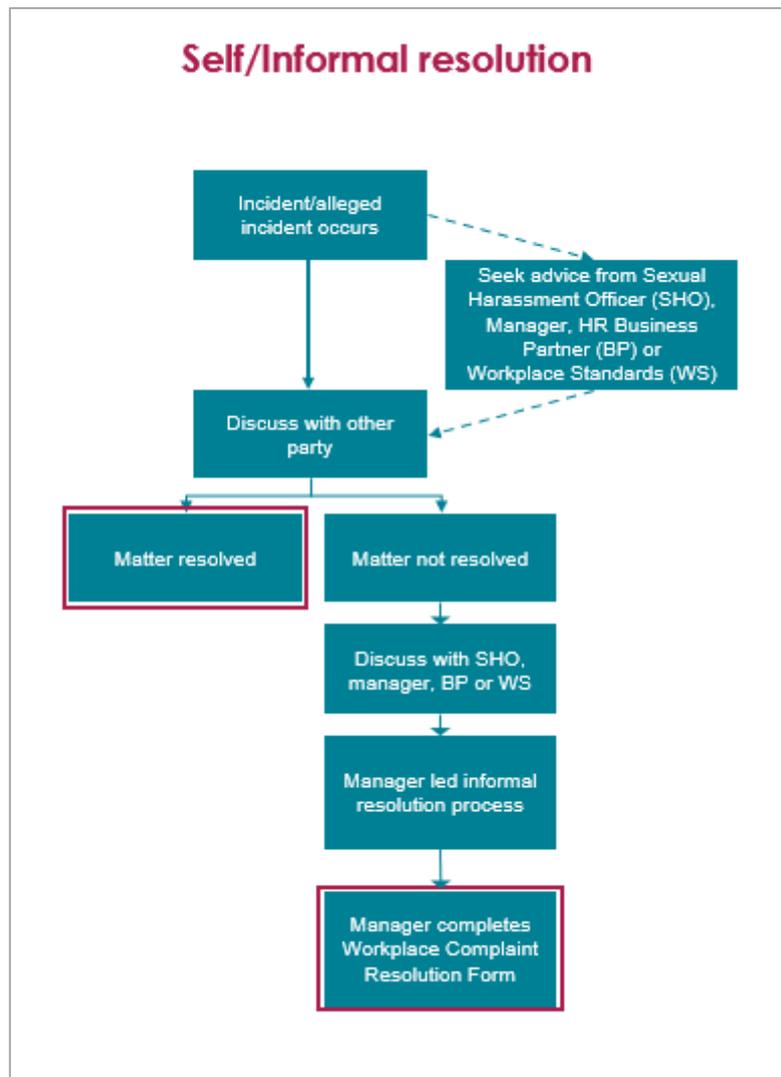
There are various options available to employees, bystanders and managers to respond to and report incidents of sexual harassment in the workplace, including from other Legal Aid NSW employees and from external parties. These include self-resolution, informal and formal internal complaints processes, as well as formal external complaint options.

The self-resolution approach is illustrated below and outlined in more detail at Appendix 2. Managers who become aware of an instance of sexual harassment must inform the Sexual Harassment Officer, their HR business partner or Workplace Standards, even if the matter has been resolved informally, so that appropriate records can be kept of the incident.

Where self-resolution is not appropriate or does not resolve the matter, employees should report the incident to their immediate manager, another manager, the Sexual Harassment Officer, their HR business partner, or directly to Workplace Standards. Where appropriate, a manager can take steps to address the matter such as speaking to the other party about their conduct, arranging a facilitated meeting between the parties or writing a letter outlining the behaviours expected in the workplace. Managers must notify HR by sending a

⁹ Australian Human Rights Commission, *Encourage. Support. Act! Bystander Approaches to Sexual Harassment in the Workplace*, accessed 9 April 2021
<https://humanrights.gov.au/sites/default/files/content/sexualharassment/bystander/bystander_june2012.pdf>

Workplace Complaint Resolution Form to their business partner at the completion of an informal resolution process.



If an incident involves indecent assault, sexual touching or sexual assault, Workplace Standards should be contacted immediately. Again, all managers who receive a report of sexual harassment must advise Workplace Standards.

There is absolutely no expectation for complainants to attempt self-resolution if they do not feel safe in doing so.

The person who receives the complaint should put in place a safety plan to manage any potential ongoing risk to the complainant. This plan can be made in consultation with a more senior manager, Workplace Standards, or both. For example, if the complainant is currently required to interact directly with the respondent in the workplace, alternative arrangements may be put in place so that contact is avoided. In cases of serious allegations of sexual harassment or assault, the respondent's employment can be immediately suspended by the CEO, and they will be notified of this by HR.

Efforts should be made to document the sexual harassment incident in writing as soon as possible. The Workplace Complaint Reporting Form at Appendix 3 can be used to assist with this, but it is not mandatory to use this form.

Responding to complaints

Under the *Government Sector Employment (General) Rules (2014)*, Legal Aid NSW is required to follow certain processes when an allegation of misconduct is received. Rule 38 details the initial stage for dealing with allegations of misconduct, which involves an initial assessment. Initial assessments are conducted when a formal complaint is received in writing or if a Workplace Complaint Reporting Form is received by Workplace Standards.

Initial assessment

When Workplace Standards receives a report about an alleged incident of sexual harassment, team members contact the complainant within 48 hours to discuss next steps and offer support. In certain circumstances contact will be made immediately.

Workplace Standards assesses the matter, in consultation with the complainant, and determines the appropriate response – further informal resolution options or formal investigation. The respondent is not normally notified of the complaint until after initial enquiries are made with the complainant and any relevant witnesses. However, there are circumstances where a respondent may need to be notified sooner, for example, if supervision arrangements need to be adjusted. This assessment process is confidential. Only those who need to know about the incident and process, including the complainant's support person, are informed.

Workplace Standards aims to conduct the initial assessment within 20 days of receiving the complaint. The assessment process will have regard to:

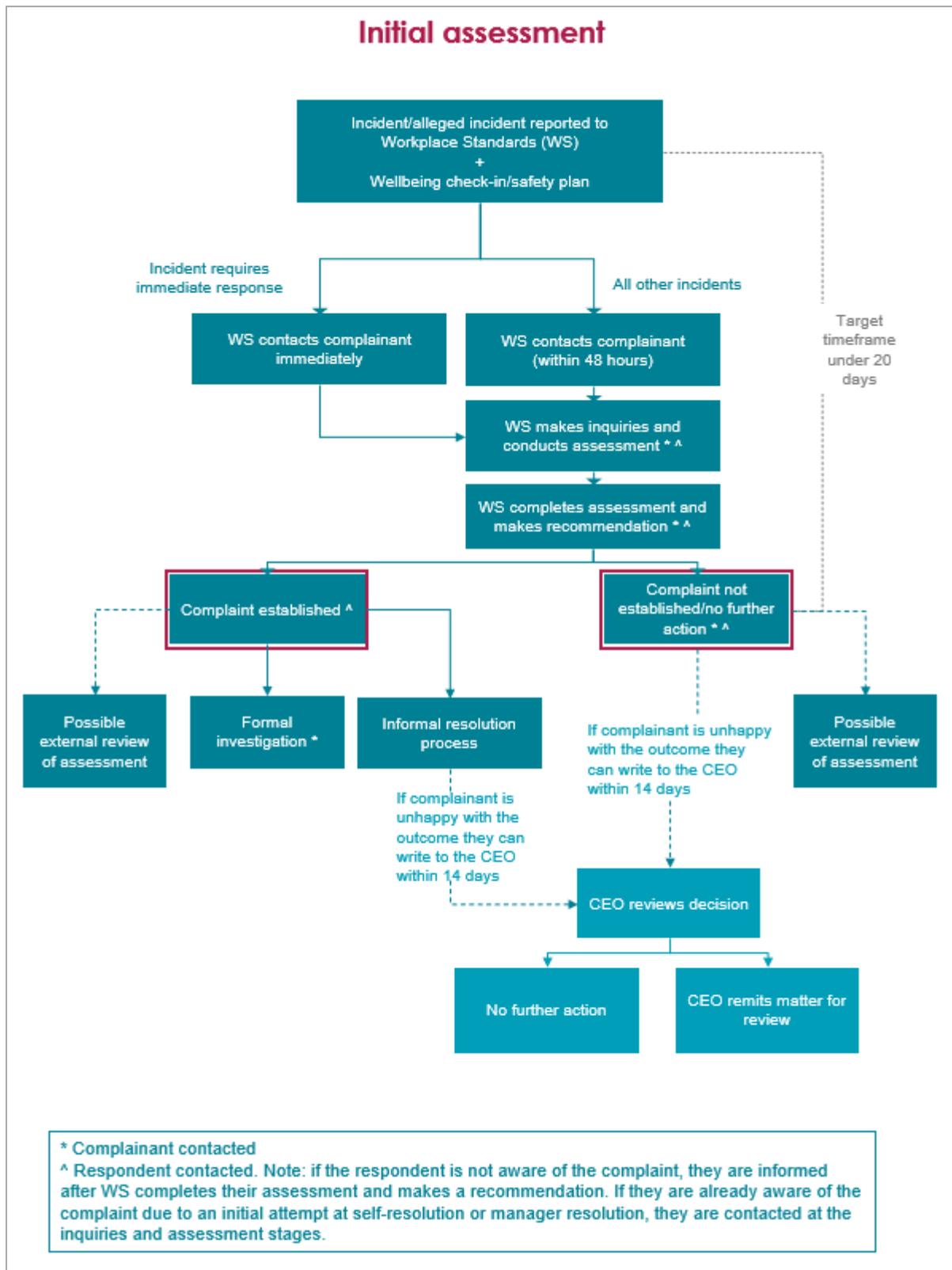
- the seriousness of the matter
- whether the conduct was wilful, blatant, accidental, unintentional (an 'honest mistake')
- whether the alleged misconduct occurred as part of a pattern of behaviour or was an isolated incident
- complaint history and/or any previous conduct issues raised in relation to the respondent
- likelihood of establishing the facts of the matter, and
- public interest considerations.

Following initial assessment of the complaint, Workplace Standards may decide not to proceed with the matter or to resolve the matter informally in consultation with the complainant. This decision will be made after making necessary enquiries with the complainant and any relevant witnesses. The respondent is notified at this point and informed that a complaint was lodged and assessed but no further action is to be taken, and that there will be no record on their personnel file if the matter is informally resolved. The complainant is kept informed as the assessment progresses and is notified of the complaint assessment outcome as soon as finalised.

The initial assessment conducted by HR can be externally reviewed. The decision whether to undertake an external review of the initial assessment is made by the CEO, in consultation with the Director HR.

If the complainant is not happy with the outcome of the initial assessment, they can write to the CEO to request a review of the decision. The CEO can remit the decision for review or confirm the decision made by Workplace Standards.

A record of the outcome will be maintained in the Workplace Standards register to meet record-keeping requirements.



Informal resolution

There are several options available to informally resolve a complaint of sexual harassment without a formal investigation. The focus is on trying to educate the harasser about acceptable standards of behaviour and mitigating the risk of the conduct repeating in the future rather than making a determination as to whether the conduct occurred. These options are set out in more detail in Appendix 2 and include facilitated resolution either by a manager, a Sexual Harassment Officer or an independent external facilitator.

Formal investigation

Workplace Standards may proceed to a formal investigation following an initial assessment of the complaint if there is substantive evidence to indicate that sexual harassment may have occurred. This process requires approval from the CEO. Once approval is given to proceed with a formal investigation, the respondent is notified. The relevant employee will be advised of the details of the allegation of misconduct, and of the action that may be taken under section 69(4) of the GSE Act. The relevant employee is to be given a reasonable opportunity to make a statement in relation to the allegation in accordance with procedural fairness (GSE Rule 38(4)). The complainant and respondent will also both be notified of their right to have a support person assist them throughout the process.

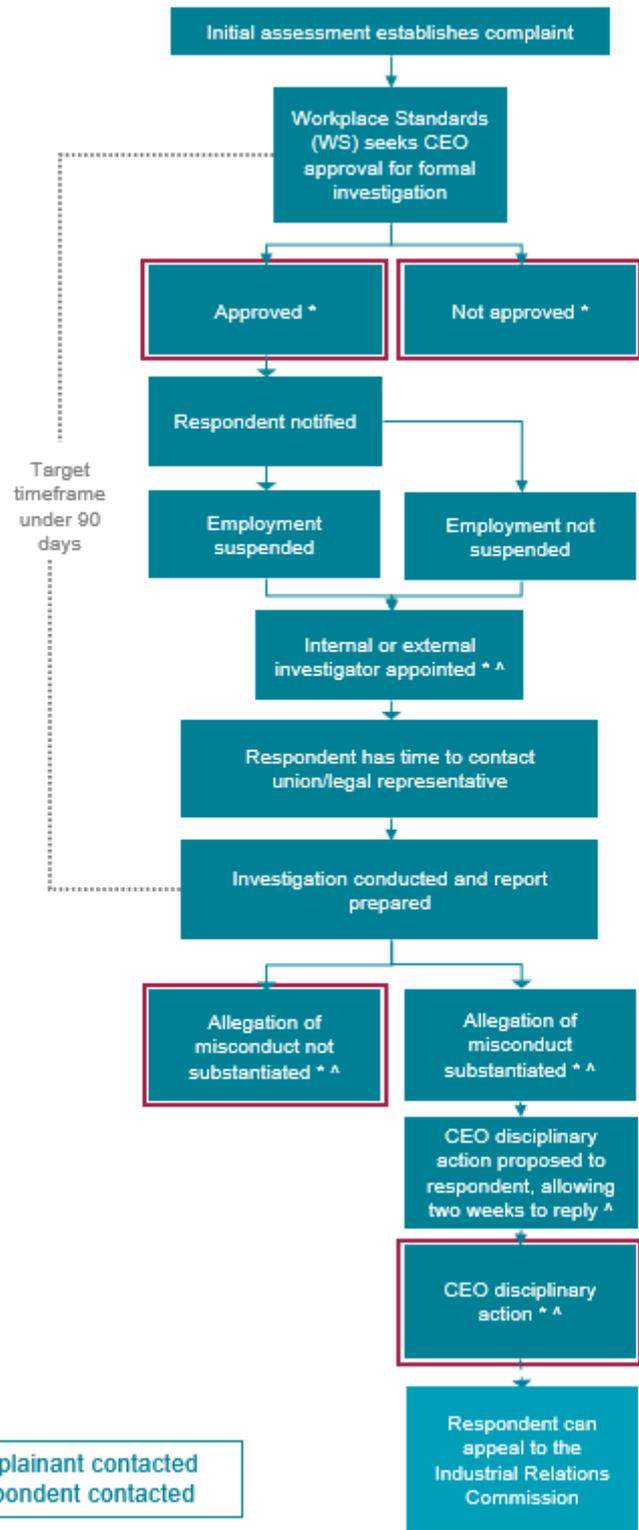
A formal misconduct investigation may be conducted in-house by Workplace Standards or we may engage an external investigator. There are a few different companies that Legal Aid NSW uses. If you would prefer an external investigator you can request this. The target timeframe for a formal misconduct investigation is up to 90 days. There are factors that influence the timeliness of investigations including, but not limited to, witness/complainant availability, extension requests for submissions by the respondent, legal representation, and the complexity of the allegations.

Following the gathering of relevant evidence and necessary interviews, the investigator will submit a detailed investigation report with findings for each allegation – either substantiated or unsubstantiated. The report is submitted to the CEO as the relevant delegate for them to make a final recommendation based on the investigation findings.

If an allegation of misconduct is substantiated, the CEO may take certain actions under section 69(4) of the GSE Act, ranging from a caution up to termination.

The complainant will be provided with a letter setting out the outcome of the formal investigation.

Formal investigation



Reporting sexual harassment from external parties

Legal Aid NSW recognises that sexual harassment is a workplace hazard which is not confined to conduct by Legal Aid NSW employees. Managing the risks of sexual harassment by third parties is an important part of our approach to work health and safety. We strongly encourage employees to report sexual harassment by third parties.

There are several ways in which employees can report sexual harassment by external parties, such as private solicitors, barristers, magistrates and judges. Depending on the circumstances of the incident, an individual may make the complaint or it may be more appropriate for Legal Aid NSW to lodge a complaint. You can discuss the available options with your manager, the Sexual Harassment Officer, your HR Business Partner or Workplace Standards.

An employee's preferred way of managing the complaint and desired outcome will be priority considerations when dealing with a report of sexual harassment from external parties and any referral to other agencies.

Example of sexual harassment by third parties

A young Legal Aid NSW solicitor is in court making submissions at the bar table. A private male practitioner sitting behind her says in a low voice, 'Is that a ladder in your stocking or a stairway to heaven?' The solicitor hears the comment, and is distracted during her submissions. As she leaves the bar table and passes the private practitioner, he says to her 'I wouldn't mind climbing up that ladder and climbing onto you.'

Internal reporting

The first step in the reporting process, whether you have experienced a sexual harassment incident yourself or witnessed an incident involving another Legal Aid NSW staff member, is to notify your manager, another manager, the Sexual Harassment Officer in HR or your HR Business Partner. They will work with the affected staff member to ensure their safety and wellbeing and consult with HR. Managers are responsible for supporting the affected staff member's safety and wellbeing, in consultation with HR if required, and taking detailed notes about the incident. If you don't feel comfortable reporting to your manager, you can contact Workplace Standards directly or approach a different manager for assistance. For example, in the above case study, the manager could meet with the employee, understand the impact of the incident on her and make arrangements so that the young lawyer did not have to interact with the private practitioner in future. In the short term, this could mean making arrangements so that the lawyer didn't have to return to court for the rest of the day or having another colleague or manager by her side if it was essential that she return to court that day.

The manager must report the incident to their relevant Director and Deputy CEO promptly. The Deputy CEO will consult with the CEO and notify the head of the relevant agency, organisation or firm within 24 hours of receipt of the complaint. The complainant's wishes will be taken into account in this process.

Bystanders who hold senior roles with a management function¹⁰ in the organisation must also report matters to their manager, another manager, Director or the Deputy CEO. Information and statements provided by bystanders can also assist to strengthen any formal complaints made to external bodies. Other staff are encouraged and supported to report matters in appropriate circumstances.

Reporting to external bodies

In addition to making an internal complaint, complainants may report sexual harassment to a range of external bodies including the:

- Office of the Legal Services Commission
- Judicial Commission of NSW
- Australian Human Rights Commission
- Anti-Discrimination NSW, or
- Fair Work Ombudsman.¹¹

Individuals may also complain to professional bodies such as the Law Society of NSW, NSW Bar Association or NSW Police Internal Standards Command. They can also make an application to the Fair Work Commission for an order to stop sexual harassment.¹²

In some circumstances it will be appropriate for Legal Aid NSW to take action on behalf of the staff member and in these instances, Legal Aid NSW is the complainant. In these circumstances, Legal Aid NSW will work with the staff member to determine whether they are identified or not as part of the complaint process. There may also be circumstances where it is determined in consultation with the complainant that the external body will be notified of the incident for their information but no formal action in relation to the incident will be pursued.

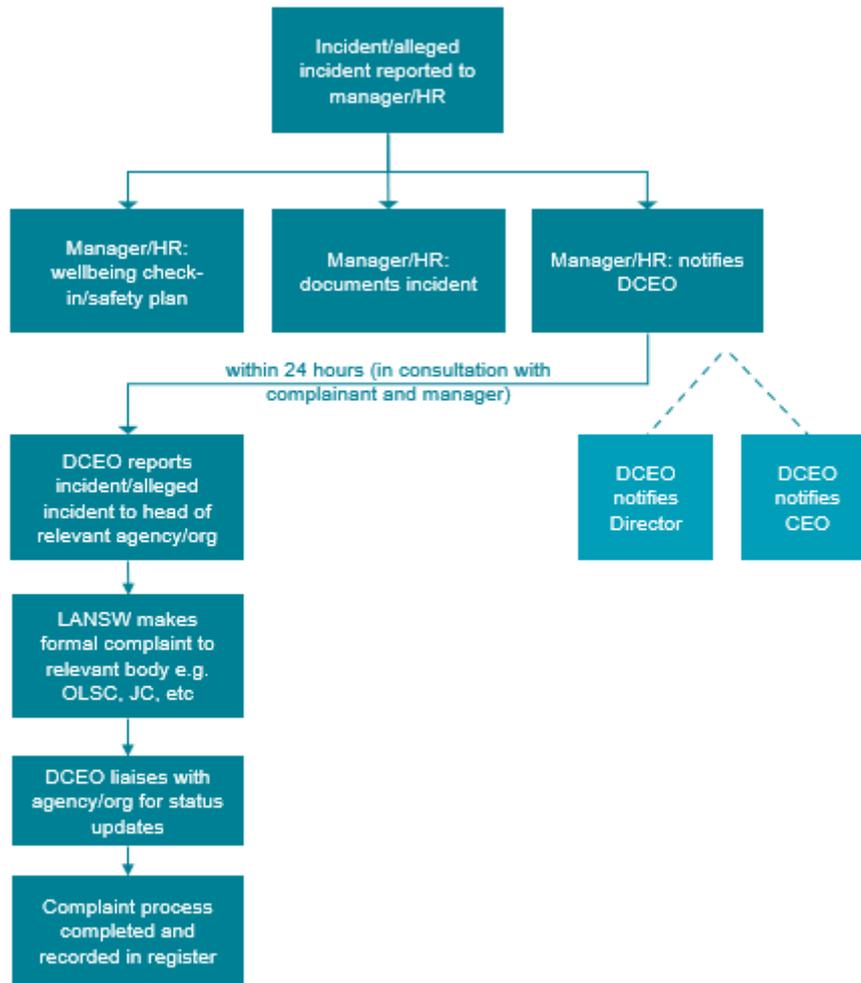
It is not necessary to make an internal report before making a report of sexual harassment to an external body.

¹⁰ This includes Grade V Solicitors and above, Grade 9/10 Clerks and above, as well as Office Managers.

¹¹ Note: this avenue is available following the commencement of the *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021*. The *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021* passed Parliament on 2 September 2021.

¹² Note: this option is available following the commencement of the *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021*. The *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021* passed Parliament on 2 September 2021.

Reporting sexual harassment from external parties



JC	Judicial Commission
OLSC	Office of the Legal Service Commissioner

Am I protected if I make a complaint or a report of sexual harassment?

It is against the law to penalise or victimise a person for coming forward and making a complaint of sexual harassment unless the complaint is false and not made in good faith.¹³

Section 50 of the *Anti-Discrimination Act 1977* (NSW), provides that it is unlawful for a person (the discriminator) to subject another person (the person victimised) to any detriment in any circumstances on the ground that the person victimised has:

¹³ See section 50 *Anti-Discrimination Act 1977* (NSW) and sections 7A and 94 of the *Sex Discrimination Act 1984* (Cth).

- Brought proceedings against the discriminator or any other person under the Anti-Discrimination Act
- Given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under the Anti-Discrimination Act
- Alleged that the discriminator or any other person has committed an act which, whether or not the allegation so states, would amount to a contravention of the Anti-Discrimination Act, or
- Otherwise done anything under or by reference to this Act in relation to the discriminator or any other person
- Or by reason that the discriminator knows that the person victimised intends to do any of those things, or suspects that the person victimised has done, or intends to do, any of them

Further, taking action against an employee for making a complaint can also constitute misconduct under section 69 of the *Government Sector Employment Act 2013* (NSW).

Victimisation can include, but is not limited to:

- demoting or threatening to demote someone because they have made a complaint or might make a complaint
- ostracising or excluding a worker in the workplace because they helped a colleague make a complaint
- denying a promotion to a complainant because they alleged that someone in the workplace sexually harassed them
- moving a worker who has made a complaint to another office without first checking if they want to move, or
- sacking, or threatening to sack, someone who has made a complaint.

Victimisation includes behaviour towards people who have, or might, complain of sexual harassment, as well as bystanders or people perceived to have helped a person make a complaint of sexual harassment.

Where it is reasonably practicable to do so, six months after a complaint or report of sexual harassment has resolved, Workplace Standards will contact all complainants and bystanders to ensure that no detriments have occurred as a result of them reporting sexual harassment.

Confidentiality

Legal Aid NSW is committed to creating an environment where employees feel confident to talk about their experiences of sexual harassment and feel supported throughout the process. Legal Aid NSW will maintain confidentiality as far as possible and endeavour to limit the disclosure of information to only those that need to know, such as the relevant manager and HR Business Partner.

Ensuring confidentiality will not prevent the employees involved from seeking support, such as through the employee assistance program, or bringing a support person or representative to meetings.

However, it may be necessary to disclose aspects of the information reported in order to properly investigate or otherwise resolve the issue, for example, by speaking with witnesses to determine what happened, to afford fairness to those against whom a complaint has been made and to senior management or external advisors.

Further, where there is reason to believe that a person is a risk to themselves or others, and in the case of reportable conduct, such as child protection (see Child Protection Policy for further information), Legal Aid NSW may need to notify appropriate authorities. As noted above, there will be circumstances where police need to be notified of an incident of sexual harassment and/or assault.

However, it is expected that the complainant and the respondent will not speak to anyone other than those Legal Aid NSW representatives involved in the process. This includes not speaking to others in Legal Aid NSW. This is necessary to preserve the integrity of the investigative process and to reduce any adverse effects for the complainant and the respondent.

Legal Aid NSW Workplace Standards contact details

HR oversees the response to formal complaints of sexual harassment at Legal Aid NSW. Formal complaints of sexual harassment should be reported to the Manager, Workplace Standards in HR as soon as possible.

Formal complaints can be made in person, in writing or on the phone. If you wish to make a complaint in writing, refer to Appendix 3 for a form that can assist you to do this. Reports can be sent directly to workplacecomplaints@legalaid.nsw.gov.au or call (02) 9219 6383 for advice.

Support for our employees

Legal Aid NSW encourages all staff to engage in an appropriate level of debriefing when necessary. Following an incident of sexual harassment, employees may do this with a supervisor or senior manager, family, friends, or colleagues. However, following an incident of sexual harassment employees may require more formal mental health support. All employees who are involved in a workplace incident involving sexual harassment will be advised of the availability of and provided time to attend counselling with a registered clinician.

Legal Aid NSW has partnered with an external counselling service provider, Converge International, to provide short-term counselling support to employees through our employee assistance program (EAP). To make an appointment call 1300 687 327. You can also visit www.convergeinternational.com.au and click on 'Contact Us' to access the Live Chat service or download the EAP Connect App and connect with them through the appointment icon.

In addition to the EAP, employees can seek support from a psychologist of their choice, their GP or another mental health service provider.

Records and data collection

The Workplace Standards team within HR regularly collects and assesses reporting and complaints data for trends, patterns and lessons to drive continuous improvement. These trends (de-identified) are reported to the Board, the Executive, and to employees during induction, Manager Essentials and Code of Conduct training sessions.

Legal Aid NSW complies with NSW State Archives administrative record-keeping requirements specified in the *General retention and disposal authority: administrative records (GA28)* and the *Government Sector Employment (General) Rules (2014)*.

Review

This document will be reviewed every two years. It was produced in November 2021.

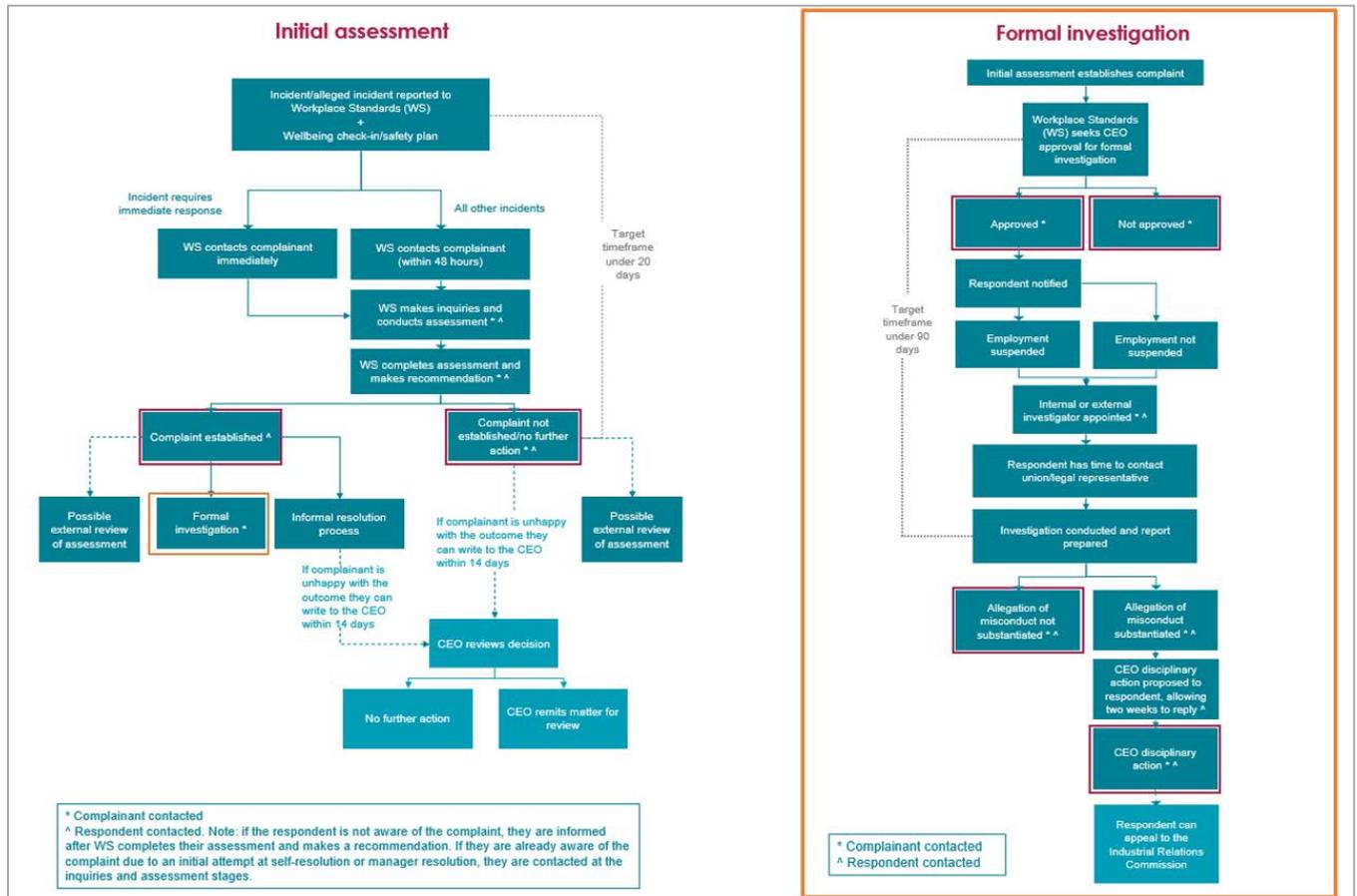
This document should be read in conjunction with the Unacceptable Behaviour Policy, Legal Aid NSW Code of Conduct and Workplace Complaint Guidelines as well as the Public Service Commission's 'Behaving Ethically Guide'.

How this policy was developed

This policy was drafted by staff from HR, Strategic Policy, the Civil Law Division and the Executive Unit and it was reviewed by Senior and Junior Counsel.

We consulted with the Legal Aid NSW Board, staff and union representatives about the draft policy. All staff were given an opportunity to express their views and provide feedback before the policy was finalised. We provided a range of avenues for staff to provide input into the policy, including in person through focus groups, in writing and in private one-on-one consultations.

Legal Aid NSW complaint reporting process



Informal resolution options

Self-resolution

Sexual harassment is best dealt with as soon after an incident as possible. To resolve an issue yourself, the first step will be to discuss the issue with the other person(s) involved and try to resolve the issues directly. Sometimes people behave unacceptably without realising, or make decisions without considering the repercussions. Telling them of your concerns will give them a chance to stop or change what they are doing.

As the speaker:

1. State the purpose of the conversation.
2. Describe the behaviour specifically.
3. Describe the effect of the behaviour on you.
4. Give the other person an opportunity to respond.
5. State what you would like them to do differently.
6. Return responsibility to the person and offer support.

As the listener:

1. Have the conversation.
2. Act respectfully.
3. Clarify critical information.
4. Don't argue thoughts, feelings or perceptions.
5. Respect reasonable requests.

Seek advice

If you are unsure about how to handle the problem yourself, or wish to get more information about what you can do, contact the Sexual Harassment Officer, your relevant HR Business Partner or Workplace Standards.

Resolution

Many issues can be resolved at this point, in which case nothing more needs to be done.

Management resolution

If you are not able to resolve the matter yourself, or it is not appropriate to do so, you should talk to your manager, another manager, the Sexual Harassment Officer in HR or Workplace Standards about the issue or incident. If your concern is about your manager, you should report to the next available manager in your line of reporting. If this is not possible you

should contact your relevant HR Business Partner or the Sexual Harassment Officer for advice on how to proceed.

Having raised the matter with your manager, they will need to consider it. Wherever practical, this should be completed as soon as possible (usually within two to five working days of your talk). During this process the manager may consult confidentially with a more senior manager or the relevant HR Business Partner.

If the matter is considered suitable for local resolution your manager may, depending on the particular circumstances of the matter, take a range of approaches to addressing the matter. This may include speaking to the other party, arranging a meeting between the parties to discuss and resolve the issue, reviewing local policies and procedures that may have given rise to the issue and/or by providing informal guidance, counselling, training and reminders.

At the conclusion of the resolution process the manager must notify HR by completing the **Workplace Complaint Resolution Form** and sending it to the relevant Business Partner.

This information will not be included on any employee's personal file but the matter will be recorded on the confidential complaints database.

Facilitated resolution

Your manager will meet with you and with the other(s) involved as soon as possible and will help you to work out with the other person(s) involved:

- What happened?
- How were people affected?
- What can be improved?
- Recommendations from all parties about how the issue may be resolved.

Your manager will monitor the situation to ensure that all parties are abiding by the agreed resolution. In the event that any of the parties or the manager considers that the agreement is not being adhered to, the matter may be referred to HR.

Facilitated resolution by external third party

It is sometimes worthwhile for an independent third party external to Legal Aid NSW to seek to resolve complaints swiftly and informally. At the discretion of Legal Aid NSW, an external third party may be appointed to facilitate an informal resolution where appropriate.

Resolution by determination

If the matter is not resolved by mutual agreement or an employee remains dissatisfied with the resolution of their complaint, they may request a review.

In this process the relevant reviewer – a more senior manager or ultimately the CEO – will consider the matter, determine whether further strategies should be implemented to resolve the matter and issue a written direction as to the action to be taken (if any) to conclude the matter.

Workplace Complaint Form

Complainant Details

Name: Position: Location: Preferred method of contact: Date:

Details of Workplace Complaint

Describe your complaint and have regard to the what, where, when, who, and how. Please provide as much detail as you can.

Witness/es: Other relevant information:

Have you reported this matter to anyone else?

Yes

No

If yes, please provide details:

Attachments

Please list any attachments provided with this report:

Support Services

EAP: 1300 687 327

[WHS Support](#)

Further information

[Conduct, Ethics and Complaints intranet page](#)

[Workplace Complaints Guidelines](#)

[Code of Conduct](#)

[Respect Guidelines](#)

[Fraud and Corruption Prevention Framework](#)

Contact us

Workplace Standards Team

Email: WorkplaceComplaints@legalaid.nsw.gov.au

Tracey Macmillan, A/Manager: (02) 9219 9683

Glen Phillips, IR & Investigations: (02) 9219 5963

Angelique Barnes, Project Officer: (02) 9219 5784

Support services

Legal Aid NSW employee assistance program (EAP), delivered by Converge International

1300 OUR EAP (1300 687 327)
24/7 access, toll free

NSW Rape Crisis

1800 424 017
24/7 access for anyone in NSW affected by sexual assault (including friends, families and supporters) <https://www.rape-dvservices.org.au/>

Lifeline Australia

13 11 14
24/7 Crisis Support <https://www.lifeline.org.au/>

1800 RESPECT

1800 737 732
24/7 access for those impacted by sexual assault, domestic or family violence, and abuse.
<https://www.1800respect.org.au/>

LGBTIQ+ Violence Service

1800 497 212
24/7 access for anyone from the LGBTIQ+ community whose life has been affected by sexual domestic and/or family violence <https://www.rape-dvservices.org.au/about/our-counselling-services>

QLife

1800 184 527 (3pm – midnight)
Provides anonymous and free LGBTI peer support and referral for people in Australia wanting to talk about sexuality, identity, gender, bodies, feelings or relationships
<https://qlife.org.au/>

Sexual Assault Counselling Australia

1800 211 028
For adult survivors of childhood institutional sexual abuse. Supporting anyone accessing the Redress Scheme and alternative compensation <https://www.rape-dvservices.org.au/about/our-counselling-services>

Resources

SafeWork NSW

13 10 50
<https://www.safework.nsw.gov.au/hazards-a-z/bullying/workplace-bullying>

[Connect to Support Guide](#)

Wellbeing Support

Sexual harassment

Who experiences workplace sexual harassment?

Since 2003, the Australian Human Rights Commission has been conducting regular national surveys to investigate the prevalence, nature and reporting of sexual harassment in Australian workplaces and the community more broadly. The fourth national survey, conducted in 2018, found that:¹⁴

- 71% of Australians have been sexually harassed at some point in their lifetimes.
- More than four in five Australian women and over half of Australian men over the age of 15 have been sexually harassed at some point in their lifetimes.
- One in three people have experienced sexual harassment at work in the last five years.
- In the last 12 months, 23% of women in the Australian workforce have experienced some form of workplace sexual harassment compared with 16% of men in the workforce.¹⁵

We also know that the legal profession is no different. The Law Council of Australia states that based on all available statistics, as well as anecdotal evidence, sexual harassment within the Australian legal profession is a prevalent and persistent problem.¹⁶ In 2013, the Law Council conducted the National Attrition and Re-engagement Survey to investigate the progression, attrition, and re-engagement rates of male and female lawyers, obtain qualitative and quantitative data, and identify gendered trends within the profession. The survey found that approximately one in four women experienced sexual harassment in their legal workplace.¹⁷

There have also been more recent surveys and reports relating to the prevalence of sexual harassment within the Australian legal profession, which confirm it remains a persistent problem in our profession.

In 2018, the Women Lawyers Association NSW survey of 242 respondents, 96 per cent of which were women, where 71 per cent of respondents reported having experienced sexual harassment.

In 2018, the NSW Young Lawyers Human Rights Committee's survey on the incidence of sexual harassment in the legal profession, distributed to the NSW Young Lawyers membership, where 51 per cent of the respondents reported having experienced sexual harassment.

In 2019, the International Bar Association's final report on its global survey, entitled *Us Too? Bullying and Sexual Harassment in the Legal Profession*, where 47 per cent of the female lawyers and 13 per cent of the male lawyers who responded to the survey from Australia reported having experienced sexual harassment.

¹⁴ Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces*, (August 2018) 7-10.

¹⁵ *Ibid* 8.

¹⁶ Law Council of Australia, *National Action Plan to Reduce Sexual Harassment in the Australian Legal Profession* (23 December 2020), 9.

¹⁷ Law Council of Australia, *National Attrition and Re-engagement Study Report* (2014).

People may experience workplace sexual harassment differently due to characteristics such as gender identity, sexual orientation, culturally and linguistically diverse background, Aboriginal and Torres Strait Islander status, disability status and age.

The risk of experiencing harm from sexual harassment rises when a person faces multiple forms of discrimination. Attributes such as gender, sexuality, migration status, race, disability and literacy can combine (intersect) and increase a person's vulnerability. These factors can also make workers less likely to report sexual harassment.¹⁸

What are the impacts of workplace sexual harassment?

Sexual harassment can have significantly harmful impacts on the victim, the workplace, and the wider community. The impacts of sexual harassment are immediate and temporary, but can last a lifetime. We also know that where the risk of experiencing harm from sexual harassment rises when a person faces multiple forms of discrimination, so too can the ongoing impact to that person. For example, people who have prior experiences of discrimination and exclusion may be particularly affected by sexual harassment.

For individuals, sexual harassment can lead to:

- hurt, humiliation, stress, anxiety and fear
- leaving the workplace, or time away from work
- reduced financial security and career prospects
- adverse impacts on physical and mental health
- adverse impacts on personal and family relationships.

These impacts can have significant social and economic costs for workers, their family, their organisation and the wider community. For the workplace, sexual harassment can lead to:

- reduced productivity
- decreased job satisfaction, team morale, performance and reduced credibility of managers
- reputational damage
- economic loss and business risk associated with WorkCover claims, litigation, increased insurance premiums and higher staff turnover.

What prevents people from reporting sexual harassment?

Evidence shows that most incidents of sexual harassment are not reported. The Australian Human Rights Commission's 2018 survey found that the majority of people who were sexually harassed in the workplace in the past five years did not make a formal report or complaint. In fact, fewer than one in five people (17%) who experienced sexual harassment in the workplace in the last five years made a formal report or complaint.

¹⁸ Australian Human Rights Commission, *Everyone's business: Fourth national survey on sexual harassment in Australian workplaces*, (August 2018) 8; Victorian Equal Opportunity and Human Rights Commission, *Guideline: Preventing and Responding to workplace sexual harassment* (August 2020) 23.

Common reasons why people do not make a formal report or complaint include:

- not knowing what constitutes sexual harassment or where to go for help
- community attitudes that condone, excuse, minimise or deny sexual harassment
- inadequate support from supervisors, those in management and co-workers to make a complaint
- lack of job security
- the victim believes that people would think they are overreacting
- it is easier to keep quiet
- the victim thinks that it would not change things or that nothing would be done
- the victims does not think that the incident is serious enough
- fear of reprisal and victimisation, such as being sacked, losing shifts or being denied promotions or opportunities.

Some groups face additional barriers to reporting workplace sexual harassment, accessing their legal rights and being believed. This includes young people, people with a disability, Aboriginal and Torres Strait Islander Peoples and people for whom English is a second language.

What drives sexual harassment at work?

Gender inequality

There is significant evidence that gender inequality is a primary driver of workplace sexual harassment, which is compounded by low rates of reporting and poor responses by many organisations.¹⁹ Specifically, male dominated workplaces have a higher prevalence of workplace sexual harassment.²⁰ However, even where workplaces are not male-dominated in gender ratio or senior leadership, they may still be male-dominated in their work practices, culture, or behavioural expectations.

As well as gender inequality, attitudes about gender, including rigid stereotypes about the way women and men should behave, can also enable sexual harassment, excuse it, influence people's understanding of whether sexual harassment has occurred, affect people's perception about what forms of behaviour are acceptable, and can also affect people's views about the credibility of the victim-survivor. This can lead to victim blaming and prevent harassers from being held accountable.

Sexual harassment and intersectionality

Other inequalities can also drive sexual harassment at work and can make it difficult for people to report the harassment. People who experience inequality or disadvantage on the basis of disability, religious or political belief, race, gender identity, sexual orientation, socioeconomic background, marital status, age, educational background or visa status, may be disproportionately affected by

¹⁹ Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth, *Change the Story: A Shared Framework for the Primary Prevention of Violence against Women and their Children in Australia* ('Change the Story') (Our Watch, 2015) 6, 8; Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 149–50, referring to women's inequality demonstrated by women's under-representation in Australian parliaments, senior leadership roles in Australian workforces, the gender pay gap and higher levels of unemployment than men.

²⁰ Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 227.

workplace sexual harassment. Sexual harassment and discrimination against people in these groups is driven by harmful attitudes and stereotypes, and existing power imbalances. These intersect with and contribute to the gendered drivers of sexual harassment.

It is critical that workplaces acknowledge that workplace inequality and resulting harms, including sexual harassment, are never the result of a single factor such as sex, race, disability, gender identity or sexual orientation. Rather, they arise due to intersecting power relations and experiences.²¹

Workplace characteristics that produce risk

Workplace characteristics, including the circumstances of an individual's employment and the nature of the work and workplace, can also create opportunities for sexual harassment to occur.

The Australian Human Rights Commission found that certain workplace characteristics meant those workplaces had higher rates of sexual harassment including:

- male-dominated workplaces, such as in the construction, mining and financial services industries
- work involving high levels of contact with customers, clients or patients, such as in the retail and hospitality industries and the health care and social assistance industry, and
- hierarchical workplace structures, such as in police and defence organisations and the medical and legal professions.

Other workplace characteristic that may also inadvertently create opportunities for sexual harassment to occur include:

- requirements including travel and overnight stays or the expectation to attend events where alcohol is served
- workplaces where there is high staff turnover, or a concentration of men in senior positions
- a male-dominated workforce or client base, or a cohort of workers who are casually employed, or on short-term contracts, or
- isolated work areas or the open display of sexual materials, or sharing of sexual images via phones and computers.

The Australian Human Rights Commission, in its national workplace sexual harassment inquiry, heard that the legal profession is characterised by entrenched hierarchies and marked power imbalances in the relationships between colleagues, and that this hierarchical structure, together with a male-dominated and highly competitive culture, has contributed to sexual harassment in the profession.²²

In recent years, sexual harassment in the workplace by customers and clients has been increasingly recognised. For example, a recent publication by UN Women and the International Labour Organization noted that 'working with third parties—such as clients, customers, patients or users—is a significant risk factor for violence and

²¹ Victorian Equal Opportunity and Human Rights Commission, *Guideline: Preventing and Responding to workplace sexual harassment* (August 2020) 23.

²² Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 2020) 243.

harassment against women'. This is particularly relevant to our solicitors and frontline staff at Legal Aid NSW, who deal with clients, other lawyers and barristers.

What are the benefits for organisations who show leadership in working to prevent and effectively respond to workplace sexual harassment?

Employers must protect their staff from injury and harm. Beyond that, there are considerable benefits not only for the broader workplace environment, but also clients, and the broader community, in working together to prevent and effectively respond to workplace sexual harassment.²³

Benefits for workplaces <ul style="list-style-type: none">• A workforce who respect and value each other.• Improved worker wellbeing, morale, job satisfaction and productivity.• A safer, more cohesive environment free from workplace harm.• Increased ability to attract and retain diverse, talented workers.• Reduced legal, reputational and financial risk.• Improved corporate social responsibility.
Benefits for clients <ul style="list-style-type: none">• Improved client experience and service delivery.• Improved safety and respect for vulnerable clients.• A more diverse workplace that may better reflect its client base.
Benefits for the community <ul style="list-style-type: none">• Positive role modelling and leadership.• Building safer and more equitable and respectful communities.• Workplaces that reflect community attitudes and expectations.

²³ Victorian Equal Opportunity and Human Rights Commission, *Guideline: Preventing and Responding to workplace sexual harassment* (August 2020) 11.