

Joint Statement on Sexual Harassment Reporting Platform – Go Live 6 April 2022

From:

John McKenzie NSW Legal Services Commissioner;

Joanne van der Plaats, President, Law Society of NSW

Michael McHugh SC, President NSW Bar Association

Like many other industries and broader society, sexual harassment remains prevalent within the legal profession. As co-regulators of the profession, the NSW Legal Services Commissioner (OLSC), the Law Society of NSW and the NSW Bar Association have taken steps in recent years to address this behaviour and its corrosive impacts.

We are committed to eliminating harassment and other inappropriate conduct in the legal profession.

As Sex Discrimination Commissioner Kate Jenkins said in the release of the Australian Human Rights Commission's Respect@Work inquiry in 2020 "there is the urgency for change. There is momentum for reform."

While great inroads have been made in creating safe working environments, we recognise that doing more, especially when it comes to reporting, is vital.

We want those who experience harassment in the legal profession to feel secure and safe in reporting harassment and supported to recover.

That is why we are jointly launching an online reporting platform to make it easier to make safe, informal and, if desired, anonymous reports of instances of harassment and bullying.

This platform is easily reached via live links on both professional bodies' websites as of today 6 April.

The online reporting platform, encrypted to the highest privacy standards, will facilitate informal disclosures, including anonymous if preferred, that can be made anytime 24/7.

The OLSC has a dedicated, trained team who will implement a welcoming, approachable disclosure process. Only the OLSC will have access to the data reported on the platform. They can respond by way of encrypted chat to anyone who desires more information or a suitable referral for personal assistance.

The OLSC will continue to provide a confidential telephone service for informal disclosure during business hours, where those reporting can give as much or as little information as they are comfortable with.

The OLSC will regularly review the data received from the informal disclosures to inform targeted audits of law practices, without reference to alleged perpetrators or informants.

Transparency drives reform. Increasing the breadth of data will facilitate better directed interventions to more effectively deal with harassment and improve the workplace cultures where such behaviour persists.

Such audits will concentrate not only on policies to counteract sexual harassment, but also on the procedures and personnel who are

designated as confidential receivers of notifications. The audits will also examine the history of the outcomes of complaints in the practice.

Of course, if a formal complaint is initiated the usual processes under the Uniform Law to ensure procedural fairness to both parties will apply.

Our paramount objective is clear: that those experiencing harassment are given a safe avenue for disclosure, with their welfare at the centre.

This new reporting platform is an important next step in ensuring we as a legal profession support them.

Law Society of NSW link: <https://www.lawsociety.com.au/practising-law-nsw/sexual-harassment-law/reporting-harassment>

NSW Bar Association link: <https://nswbar.asn.au/bar-standards/sexual-harassment-at-the-bar>

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