Good morning.

I would like to begin by acknowledging the traditional owners of the land on which we meet today, the Wurundjeri people of the Kulin nation. I pay my respects to their elders past and present.

Thank you for the warm introduction.

I am delighted to be here this morning to discuss the findings of the International Bar Association’s report ‘Us Too? Bullying and Sexual Harassment in the Legal Profession’.  

I would like to acknowledge and thank the International Bar Association and co-hosts MinterEllison, the Law Institute of Victoria, the Law Council of Australia and the Victorian Bar for their efforts in putting this event together.

Thank you also to the ABC and ‘The Law Report’ for being here to record this morning’s discussion.

The ‘Us Too?’ report is a landmark piece of research, which analyses data collected from the largest-ever global survey on bullying and sexual harassment in the legal profession.

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1 International Bar Association, Us Too? Bullying and Sexual Harassment in the Legal Profession (May 2019) (‘Us Too’).
• The report demonstrates, in no uncertain terms, that bullying and sexual harassment are rife in the legal profession.

• The report comes at a time when communities the world over are reckoning with structures, attitudes and behaviours that have allowed bullying and sexual harassment to take place, and often go unpunished.

• The legal profession is not immune from these issues.

• Indeed, as the report demonstrates, it has certain characteristics that can foster them.

• Despite this, the ‘Us Too’ report is fundamentally constructive.

• It provides recommendations to aid the legal profession’s efforts to achieve meaningful change.

• It can also assist in guiding best practice, raising awareness, and sparking dialogue.

• The International Bar Association, and the report’s author Kieran Pender, who is here today to present the findings, should be commended on conducting the research.

• Its importance is no better demonstrated than by its international reach.

• I understand it has already been presented as widely as Budapest, Mexico City and New York, with presentations in Tanzania, Georgia and Chile still to come.

• Though it might seem a truism to say it, bullying and sexual harassment have, and should have, no place in the legal profession.

• This is for a number of reasons.

• Self-evidently, it is important to treat others with respect and dignity.
• Bullying and sexual harassment are expressions of disrespect and undermine the dignity of the individual.

• They should not be tolerated in any circumstance.

• All workplaces, including legal workplaces, should be safe and respectful.

• Further, lawyers occupy a privileged leadership position in society.

• Their behaviour should reflect the trust and confidence the community places in them.

• Lawyers should lead by example by stridently rejecting bullying and sexual harassment as acceptable norms in their workplace.

• Failing to do so risks jeopardising the reputation of the legal profession and undermining the operation of the justice system.

• What’s more, bullying and sexual harassment in the legal profession have gendered impacts.

• The report shows that bullying and sexual harassment in legal workplaces disproportionately affects women.

• This can have negative consequences for career progression, attrition and re-engagement.

• With female practising lawyers now outnumbering their male counterparts in Victoria,² this is just not acceptable.

• Finally, bullying and sexual harassment are, at their core, divisionary, isolating and exclusionary behaviours.

• Diversity and inclusion – in whatever form - cannot thrive where bullying and sexual harassment are also occurring.

• A lack of diversity and inclusion leads to poorer outcomes – both for lawyers and their workplaces.

• I am pleased to be able to say that there is work already being undertaken to identify and eliminate bullying and sexual harassment in the legal profession.

• Last year, the Victorian Bar conducted a landmark survey, ‘Wellbeing of the Victorian Bar’.

• Among other things, the survey captured data on discrimination, bullying and harassment encountered by barristers in the preceding year.

• The data was used to better understand the issues encountered by barristers and develop strategies to address them.

• Just last week the Victorian Legal Services Board and Commissioner launched a state-wide survey looking at the prevalence and nature of sexual harassment in Victoria’s legal workplaces.

• A separate survey, focussing on the training, policies and processes in place in Victoria’s legal workplaces to prevent and manage sexual harassment, has also been sent to principals of law practices.

• The surveys will assist in gaining an accurate and comprehensive understanding of sexual harassment in the legal profession, and the wider legal workforce in Victoria.

• The Law Council of Australia has for many years been committed to eliminating bullying and sexual harassment.

• In 2013, it conducted the National Attrition and Re-engagement Study.

• The study investigated the progression, attrition and re-engagement rates of lawyers, obtained data, and identified trends within the legal profession.
• Closer to home, last year I was proud to work closely with the Judicial College of Victoria to develop a stand-alone education program for judicial officers, ‘Leading the Justice System: The Court as Workplace’.

• As part of that program, many judicial officers attended sessions to learn more about bullying, judicial conduct, and advanced court leadership.

• As I’m sure we all agree, it is important to take action to address bullying and sexual harassment.

• Education, research, and awareness raising are all components of this.

• The ‘Us Too’ report and its worldwide rollout is an example of something that ticks each of these boxes.

• Robust legal frameworks and workplace policies are vital too.

• But at its core this issue can only be solved by real cultural change in legal workplaces as the actions I have just mentioned are not new suggestions.

• Many legal workplaces will have conducted training, or implemented a policy, in relation to bullying and sexual harassment.

• Yet, as the report shows, the numbers still remain high.

• So today I encourage you to think about how we might go about effecting real cultural change in our legal workplaces.

• Each of us in this room can make a significant contribution to achieving that change.

• I also encourage you to consider what barriers to change might exist.

• I am sure our panellists will have their own views on this too.

• I again commend the International Bar Association, and Kieran Pender, on the ‘Us Too?’ report – it is truly a ground-breaking piece of research.
• The report and the research that underlies it provide a solid foundation for positive progress and change.

• We are living at a time where the issue of bullying and sexual harassment – and ways of eliminating it – has significant momentum.

• I hope this report will contribute to that momentum, and keep this much necessary dialogue going.

• The report is, in the words of former Prime Minister Julia Gillard, a ‘clarion call for urgent action’.³

• I am sincerely looking forward to the discussion today.

• I have no doubt our panellists and our moderator, will have some valuable insights to offer.

• I hope this morning’s discussion will help us to identify barriers, generate solutions for change, and leave us with ideas to take back to our own workplaces.

• Thank you.

The Honourable Anne Ferguson
Chief Justice of the Supreme Court of Victoria

³ Us Too 5.