



role of lawyers in law reform and as regulators. We are grateful that the Law Council of Australia, Australian Women Lawyers and others have specifically advocated for the *Respect@Work* recommendations to be adopted, which includes reform to the *Sex Discrimination Act 1984* (Cth), state and

territory anti-discrimination laws, the *Fair Work Act 2009* (Cth) and work, health and safety regulations.

We also heard that lawyers are frequently the primary advisers on sexual harassment complaints, with legal advice often focussing more on the misconduct by the perpetrator than the health and safety of workers. Our inquiry identified that lawyers and judicial members who were educated in the gendered drivers of sexual harassment, along with trauma-informed approaches, could reduce harm for complainants and better prevent sexual harassment.

We also heard of the legal sector as a workplace where sexual harassment persists. *Respect@Work* recommended workplaces develop strong leadership, identify risks and improve transparency; build cultures of trust and respect; and implement better approaches to workplace education and training. We recommended prioritising support for workers who have experienced sexual harassment; increasing the options available to workers to make a report; and better collection of data at a workplace and industry level. We called for industry-wide initiatives to better prevent and address sexual harassment.

Since June 2020 I have seen strong, coordinated and collaborative efforts to learn from the High Court experience in all parts of the profession, including courts and tribunals, the bar, law firms, in-house counsel, academia, regulators and within law schools. I have attended roundtables, delivered webinars, recorded podcasts, been consulted on reform and conducted briefings for lawyers and judges right across the profession. There is a new awareness of the particular power disparities in the law that put lawyers at risk of sexual harassment and makes them fearful of reporting it: the patronage training system; the interconnected and interdependent nature of the profession; gender inequality in the senior ranks; competition for opportunities; long hours and high-pressure work.

With renewed commitment to eradicating sexual harassment through strong leadership, the legal profession seems to have reached a turning point for more respectful workplaces. Yes, there is still work to be done. But I'd like for those six High Court associates to know that their complaints created such a legacy. It's up to us all to make that a reality. **BN**

## Launch of new OLSC online anonymous sexual harassment, bullying and discrimination reporting platform

### Announcement by the Office of the Legal Services Commissioner

The New South Wales Legal Services Commissioner, John McKenzie, says that the Office of the Legal Services Commissioner is launching its long-awaited new, online anonymous reporting tool to receive notifications of sexual harassment, bullying and discrimination in the legal profession, which is forecast to be operational by June or July 2021.

The OLSC currently has facilities to receive anonymous reports of sexual harassment, bullying and discrimination alleged against barristers and solicitors, with those reports able to be made by telephone, email or post, including via downloadable anonymous notification forms on the OLSC website.

John McKenzie says that, since the introduction of those facilities in mid 2019, reports of such conduct received by the OLSC has risen from 3-4 per year to between about 140 to 150 per year.

The OLSC predicts that the launch of its new online reporting platform in June or July 2021, which will be downloadable via smartphone and other smart devices, will be a further 'quantum leap' forward in its ability to receive notifications of sexual



harassment, bullying and discrimination. Where clusters or 'hotspots' of such alleged conduct are identified in chambers or law firms, or where it is identified that such conduct may be condoned, the Legal Services Commissioner carries out investigations.

Action that can be taken by the OLSC as a result of anonymous reports of sexual harassment, bullying or discrimination include compliance audits to assess how a chambers or law firm is managed or supervised. Disciplinary action can result in respect of any established findings, which would require the making of a formal complaint, of a breach of rule 123 of the *Legal Profession Uniform Conduct (Barristers) Rules 2015*.

Anonymous complaint making processes were among the recommendations made by the Law Council of Australia's *National Action Plan to Reduce Sexual Harassment in the Australian Legal Profession*, launched in December 2020, at [133].