



Report to



LAW SOCIETY
OF IRELAND

Dignity Matters Report
Final Version
September 2021

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1 Executive Summary

1.1 Introduction

Following publication of the IBA “Us Too?” report, the following motion was passed at the Law Society’s 2020 Annual General Meeting:

“That the Law Society implement the recommendations set out from pages 99-111 of the International Bar Association (IBA) Report titled “Us Too? Bullying and Sexual Harassment in the Legal Profession”. That the Law Society commission a profession wide survey in similar terms to that carried out by the IBA on bullying and sexual harassment.”

With this mandate from the profession, the Law Society commissioned Crowe, following a tender process, to conduct a nationwide survey on bullying and sexual harassment across the solicitors’ profession in Ireland.

The aim of the study was:

1. to provide an objective assessment of the current work environment as it relates to bullying, harassment, and sexual harassment in the solicitors’ profession in Ireland.
2. to provide recommendations to the solicitors’ profession on how to tackle bullying, harassment and sexual harassment and best prepare for challenges ahead, as guided by the IBA “Us Too?” report recommendations.

Definitions

Irish definitions of bullying, harassment and sexual harassment were used in the study to ensure the research and consultation would address incidents presented in terms of the legal position in Ireland, which would, prima facie, be regarded as examples of bullying, harassment or sexual harassment in Ireland.

Method of Approach

The Dignity Matters study consisted of desk research based on internal documentation, external research and stakeholder consultation. The consultation process was carried out through survey distribution/analysis, individual conversations with solicitors and representatives of sectors who are also addressing the issue of bullying, harassment and sexual harassment in their respective sectors.

1.2 Context Dignity Matters Report

Bullying, harassment and sexual harassment are workplace experiences that have occupied a particularly prominent position in public consciousness of late. While both policy and legislation pertaining to Dignity at Work have been in place for quite some time, a more open and frank dialogue about peoples’ lived experiences (and the reality of how policies are or are *not* implemented) has been gathering pace in the wake of a number of notable international cases.

For the legal profession, recent discussions regarding bullying, harassment and sexual harassment arose when the International Bar Association (IBA) undertook its 2017 survey of almost 6,000 legal professionals for the *Women in Commercial Legal Practice* report¹. To further examine the issues arising from the *Women in Commercial Legal Practice* report⁷, the IBA commissioned *Us Too? Bullying and Sexual Harassment in the Legal Profession*², published in 2019.

¹ Ellis, J, and Buckett, A, *Women in Commercial Legal Practice* IBA, 2017.

² Pender, K, *Us Too? Bullying and Harassment in the Legal Profession*, IBA, 2019.

Overall, the IBA report⁸ indicated that the legal profession had a problem: one that required a substantial response. With this in mind, its ten recommendations, requiring collaborative effort, focused on a number of actions that would respond to the findings in a meaningful and targeted manner.

In this Dignity Matters report, there are several noteworthy themes which resonate strongly with the “Us Too?” report. This report highlights a need for sectoral culture change in Ireland and culminates in recommendations guided by the “Us Too?” report. Recommendations are based on improving knowledge and awareness of the issues reported, developing sectoral dialogue, revised or renewed policies that are workable and usable by staff and combining these with tailored training and other capacity building to realise real sustainable change.

1.3 Key survey findings

A nationwide survey of practices was conducted and questions were broadly based on the IBA survey with additions agreed with the Law Society. The survey was distributed by means of an online survey tool. All survey questions were analysed and are presented in section 4.3 of this report in relation to:

- Profile of respondents, policies and training
- Personal and witnessed experience of respondents in relation to behaviours of bullying, harassment and sexual harassment
- Interventions
- Changes resulting from COVID-19

1.4 Analysis and Key Insights

Key insights from the Dignity Matters survey of the solicitors’ profession are outlined below and discussed in more detail in Chapter 4.

Key Insights – Experienced Bullying

- 1 in every 2.9 females and 1 in every 2.3 males who responded to the survey experienced bullying.
- Bullying was experienced in all age groups with the unweighted breakdown being that respondents aged 40-44 made up 20% of those who experienced bullying, 35-39 made up 15%, 45-49 made up 14%, 30-34 made up 12%, 60 years and over made up 10%, 25-29 and 50-54 each making up 9% and 55-59 equalling 8%.
- Of respondents who experienced bullying, their workplace was private practice (62%), in-house legal function (15%), public sector legal function (13%) and sole practitioner (7%).
- Respondents experienced a wide range of bullying behaviours in the workplace as outlined in 4.3.6.2.
- 90% of bullying experienced by respondents happened at work/in their office.
- The most common perpetrators were the respondent’s line manager or supervisor (57%) or another senior member of staff (47%).
- The perpetrators were male in 62% of cases and female in 56% of cases.
- Most of those who experienced bullying said it happened on more than one occasion (47% said occasionally and 44% said it was repeated behaviour).
- 48% of respondents said they experienced bullying by various individuals.

- Of respondents who experienced bullying, 67% experienced at least one of the incidences within the last 5 years: 7% within the past month; 19% in the last 1 to 12 months and 41% within the last 2-5 years. 9% experienced at least one of the incidences more than 20 years ago.
- The majority of respondents (73%) did not report their experience.
- Where reported, the main person to whom bullying was reported was either a designated member of staff (41%) or a member of HR (40%).
- The respondents' assessment of their workplaces response to the bullying was that it was inadequate (19%) or totally inadequate (42%) in the majority of circumstances.
- In the majority of circumstances (81%) of respondents said the result of reporting the bullying was that there was no change.
- The situation was resolved in only 10% of situations where it was reported.
- 88% of the reports resulted in no sanctions for the perpetrator.
- The most common reason for not reporting was the profile/status of the perpetrator (70%).
- Only 12% of respondents accessed supports to help them deal with their experience.
- In nearly half of the situations (46%), the bullying contributed to respondents leaving the workplace.

Key insights - Experienced Harassment

- 1 in every 2.3 females and 1 in every 8.6 males who responded to the survey said they experienced harassment.
- The unweighted breakdown of respondents across age groups was those aged 40-44 made up 25% of those who experienced harassment, 35-39 made up 22%, 45-49 made up 16%, 50-54 made up 11%, 30-34 made up 10%, 25-29 made up 6% and 55-59 and 60 years and above were each 5%.
- Of respondents who experienced harassment, their workplace was private practice (55%), in-house legal function (22%), the public sector legal function (12%) and sole practitioners (11%).
- Respondents experienced a wide range of harassment behaviours in the workplace as outlined in 4.3.7.2.
- The most common ground for harassment experienced by respondents was gender (77%).
- 92% of harassment experienced by respondents happened at work/in their office.
- The most common perpetrators were the respondent's line manager or supervisor (58%) or another senior member of staff (60%).
- Respondents said the perpetrator was male in 83% of cases and female in 42% of cases.
- Most of those who experienced harassment said it happened on more than one occasion (46% said occasionally and 45% said it was repeated behaviour).
- 60% said they experienced harassment by various individuals.
- Of respondents who experienced harassment, 73% experienced at least one of the incidences in the last 5 years: 6% within the past month; a fifth (20%) 1-12 months ago and just under half (47%) within the last 2-5 years. 7% experienced at least one of the incidences more than 20 years ago.
- The majority of respondents (71%) did not report their experience.

- Where reported, the main person to whom harassment was reported was either a designated member of staff (33%) or a member of HR (26%).
- The respondents' assessment of their workplaces response to the harassment was that it was totally inadequate (56%) or inadequate (12%) in the majority of circumstances.
- In the majority of situations (79%) respondents said the result of reporting the harassment was that there was no change.
- The situation was resolved in only 10% of cases where it was reported.
- In 89% of circumstances there were no sanctions for the perpetrator.
- The most common reason for not reporting was the profile/status of the perpetrator (76%).
- Only 12% of respondents accessed supports to help them deal with their experience.
- Half of respondents said the harassment contributed to them leaving the workplace.

Key insights - Experienced Sexual Harassment

- 1 in every 2 female respondents and 1 in every 8.3 male respondents said they experienced sexual harassment.
- The unweighted age profile of respondents who experienced sexual harassment was those aged 40-44 made up 23%, 35-39 made up 17%, 45-49 made up 17%, 30-34 made up 15%, 50-54 made up 10%, 25-29 made up 7% and 55-59 and 60 years and above made up 6% and 5% respectively.
- Of respondents who experienced sexual harassment, their workplace was private practice (61%), in-house legal function (18%), public sector legal function (12%) and sole practitioner (9%).
- Respondents experienced a wide range of sexual harassment behaviours in the workplace as outlined in 4.3.8.2.
- 71% of sexual harassment experienced by respondents happened at work/in their office and 41% at work-related social events.
- The most common perpetrator was a senior member of staff other than the respondent's line manager (46%).
- The perpetrator was male in 91% of situations and female in 10%.
- 63% of respondents said the sexual harassment was occasional, while 15% was considered repeated behaviour. Over a fifth (22%) of cases were a one-off.
- 54% of respondents said they experienced sexual harassment by various individuals.
- Of respondents who experienced sexual harassment, 54% experienced at least one of the incidences within the last 5 years; 2% of incidences within the last month, 10% within the last 1-12 months and 42% within the last 2-5 years. 10% experienced at least one of the incidences more than 20 years ago.
- The sexual harassment was not reported by respondents in 91% of cases and only reported on all occasions by 2% of respondents.
- Where reported, the main person to whom sexual harassment was reported was a designated member of staff (38%).
- Nearly half of respondents (46%) who reported sexual harassment stated that their workplace's response was totally inadequate and a further 13% inadequate.
- Over half (52%) of respondents who reported the sexual harassment said that there was no change as a result.

- The situation was resolved following reporting in only 10% of cases.
- In 78% of circumstances there were no sanctions for the perpetrator.
- The most common reason for not reporting (49%) was the profile/status of the perpetrator.
- Only 4% of respondents accessed supports to help them deal with their experience.
- 21% of respondents left the workplace because of their experience of sexual harassment.

Key insights in relation to witnessed bullying, harassment and sexual harassment are outlined at 4.3.10, 4.3.11 and 4.3.12 respectively.

1.5 Individual Conversations and Case Studies

Within the scope of the Dignity Matters survey and report, it was agreed with the Law Society that three individual conversations would be held with solicitors who indicated they would be willing to speak about their experience. The case studies were conducted as anonymised conversations with three survey respondents.

It was also agreed that case studies would be developed based on inputs from the legal sector internationally via the IBA, the theatre sector in Ireland via the Irish Theatre Institute and the third level sector in Ireland via Professor Louise Crowley, University College Cork (UCC). All case study interviewees agreed to their names and organisations being included.

1.6 Recommendations

Dignity Matters recommendations are derived from the findings and analysis and seek to recommend what could be done in future to address the emerging issues and create a positive future. We have developed the following localised recommendations guided by the “Us Too?” report recommendations, as required. The detail in relation to the overall recommendations below is provided in Chapter 6.

- Raise Awareness and Normalise the Conversation
- Implement and revise policies and standards
- Introduce regular and customised training
- Increase dialogue and best practice sharing
- Take ownership
- Gather data and improve transparency
- Explore flexible reporting models
- Engage with younger members of the profession
- Appreciate the wider context
- Maintain Momentum

1.7 Conclusion

A significant level of collective and positive change is required to move from an “endemic” culture of “acceptance” of behaviours that amount to bullying, harassment and sexual harassment to one that promotes, safeguards, and ensures dignity at work, for all members of the professional at all stages in their career.

The recommendations in this report, which largely reflect the recommendations in the IBA “Us Too?” report, are designed to, over time, result in workplaces that have and live policies, and provide supports that respond appropriately to incidences of bullying, harassment, and sexual harassment.

There is an opportunity, by acting individually, collectively and cross-sectorally to create a profession where Dignity at Work is “endemic” and normalised. Armed with knowledge provided by this report and recommendations, the profession now has the data and proposed actions that can be used to measure progress and the efficacy of strategies adopted by the profession in the future.

2 Introduction

2.1 Background

In 2018, the Law Society commissioned independent research into indicative levels of stress in the solicitors' profession. Overall, the results showed high and extreme levels of stress across the profession, with toxic workplaces, bullying, and fear cited by respondents as significant and contributing stressors.

In 2019, the International Bar Association (hereinafter referred to as the IBA) published its global report entitled "Us Too? Bullying and Sexual Harassment in the Legal Profession". Based on the findings of their survey of law firms, in-house, barristers' chambers, judiciary and governments in 135 countries, the report included 10 recommendations on how the legal profession can effectively and proactively address workplace bullying and sexual harassment.

Following publication of the IBA "Us Too?" report, and with particular reference to its recommendation to "Gather data and improve transparency", the following motion was passed at the Law Society's 2020 Annual General Meeting:

"That the Law Society implement the recommendations set out from pages 99-111 of the International Bar Association (IBA) Report titled "Us Too? Bullying and Sexual Harassment in the Legal Profession". That the Law Society commission a profession wide survey in similar terms to that carried out by the IBA on bullying and sexual harassment."

With this mandate from the profession, the Law Society commissioned Crowe, following a tender process, to conduct a nationwide survey on bullying and sexual harassment across the solicitors' profession in Ireland.

2.2 Terms of Reference

The purpose expressed in the Request For Proposals (RFP) was "to appoint an independent, research consultancy firm ("**Firm**") to gather and analyse data on bullying and sexual harassment in the solicitors' profession in Ireland, and to provide the Law Society with a report and recommendations for the profession based on this data" for the required consultancy services outlined below:

"A survey and report are sought from an independent, research consultancy firm on bullying and sexual harassment in the solicitors' profession in Ireland.

There will be two main parts to the final report. The first part will include a detailed summary and analysis of survey findings while the second part will provide a list of recommendations, informed by research findings and the IBA "Us Too?" report".

2.3 Definitions

While the IBA "Us Too?" report referred to the definition of harassment as encompassing bullying and sexual harassment, the project team proposed that consideration be given to behaviours including bullying, harassment and sexual harassment and proposed to use the definitions which apply in Ireland in respect of these behaviours³.

³ Definitions included in Appendix 1 for reference

The suggestion to use the Irish definitions was to ensure the research and consultation to address incidents presented in terms of the legal position in Ireland, which would, prima facie, be regarded as examples of bullying, harassment or sexual harassment in Ireland.

This was also designed to facilitate congruence with future climate surveys that may cover a broader remit as referenced in the RFT. It was agreed with the Law Society that bullying, harassment and sexual harassment would be researched and the survey was structured on that basis.

2.4 Method of Approach

Background

The Dignity Matters report consisted of desk research based on internal documentation, external research and stakeholder consultation. The consultation process was carried out through survey distribution/analysis, individual conversations with solicitors and representatives of sectors who are also addressing the issue of bullying, harassment and sexual harassment in their respective sectors.

Survey

All of those on the roll of solicitors with a current Practising Certificate and/or who are members of the Law Society, and who practise or formerly practised in Ireland were circulated an online survey. It was issued to the Law Society's database of the above-mentioned individuals via email from Crowe. The trainees were circulated the same survey directly from the Law Society Law School.

Individual conversations

Individual conversations were held with a small number of respondents to the Dignity Matters survey who indicated a willingness to have a confidential conversation with a member of the Crowe team. A cross-section of individuals was chosen based on criteria including gender, age, location, firm size and type of incident experienced.

Sector Case Studies

Interviews were held with representatives of sectors who were in a position to provide insights relevant to their professions'/sectors' experience of bullying, harassment and sexual harassment i.e. the legal profession internationally, the Theatre Institute in Ireland (who are currently finalising their research on the topic) and the higher education sector in Ireland (who have recently developed a National Framework to End Sexual Harassment and Violence).

Project Management

At the project initiation meeting, the following project stages were agreed:

- Project initiation and planning
- Review of primary and secondary research
- Research design
- Survey distribution
- Individual conversations
- Sector case studies
- Analysis
- Delivery of draft and final report

The Crowe project team included associate consultants/subject matter experts, Bernadette Treanor of Beo Solutions and Olwen Dawe. Throughout the various stages listed above, the project team worked closely with Teri Kelly, Director of Representation and Member Services and Julie Breen, Professional Wellbeing Executive, and also with Deirdre Byrne, Privacy Officer, Department of Finance and Administration in relation to the data agreement.

3 Context Dignity Matters report

3.1 Introduction

Bullying, harassment and sexual harassment are workplace experiences that have occupied a particularly prominent position in public consciousness of late. While both policy and legislation pertaining to Dignity at Work have been in place for quite some time, a more open and frank dialogue about peoples' lived experiences (and the reality of how policies are or are *not* implemented) has been gathering pace in the wake of a number of notable international cases.

Both women and men can and do experience bullying, harassment and sexual harassment - however, the prevalence of women's experiences of all three has emerged as a real and substantive issue to be confronted across society. In particular, the worldwide discussion ignited by the #MeToo⁴ movement in 2017, served to shine a spotlight on the extent and pervasiveness of bullying, harassment and sexual harassment in Film, Television and Theatre. However, these experiences are not confined to just one sector or profession.

In 2014, the European Agency for Safety and Health at Work⁵, estimated that some 55.6 million workers across Europe suffered from work-related stress - with experiences of bullying and harassment amongst these workplace stressors. In Ireland, the Irish Workplace Behaviour Study⁶ suggests that almost one-in-ten employees have experience of being bullied. More recently, stark statistics were also unveiled in 2020, through the Irish Congress of Trade Unions⁷ report on Sexual Harassment in the Workplace, which indicated that four out of five workers did not report sexual harassment to their employer - while only one in four (of the small amount of people who did report incidents) felt it was taken seriously and dealt with satisfactorily.

These experiences have the potential to take a substantial personal toll on individuals, including physical and mental health issues, increased reliance on substances such as alcohol and strain on personal relationships⁸. For organisations, bullying and harassment not only creates a workplace culture that is toxic and counter-productive, but it also poses significant risks due to absence, staff turnover, legal costs and potential loss of clients. Furthermore, it is estimated⁹ that workplace bullying, alone, can cost Irish employers up to €239 million per annum.

3.2 Bullying, Harassment and Sexual Harassment in the Legal Profession

For the legal profession, recent discussions regarding bullying, harassment and sexual harassment arose when the International Bar Association (IBA) undertook its 2017 survey of almost 6,000 legal professionals for the *Women in Commercial Legal Practice* report¹⁰. The impetus surrounding the survey was to determine why, despite gender parity at entry-point in many jurisdictions, women remained underrepresented at senior level within the profession.

⁴ OECD USA. *The Global Impact of #MeToo Movement*. Lexology Online <https://www.lexology.com/library/detail.aspx?q=fee77716-ac3b-4081-8a4d-b92409c12612>, 2021

⁵ European Agency for Safety and Health at Work. *Calculating the Costs of Work-Related Stress and Psychosocial Risks: Literature Review*; Publications Office of the European Union: Luxembourg City, Luxembourg, 2014.

⁶ Hodgins M, Pursell L, Hogan V, McCurtain S, Mannix-McNamara P and Lewis D. *Irish workplace behaviour study*. Wigston: IOSH, 2017.

⁷ Bambrick, L.,. *Sexual Harassment in the Workplace*. ICTU, 2020.

⁸ Cullinan, J, Hodgins, M, Hogan, V, McDermott, M, and Walsh, S. *Bullying and Work-Related Stress in the Irish Workplace*. Societies 2019.

⁹ Cullinan, J, Hodgins M, Hogan V, and Pursell L, *The value of lost productivity from workplace bullying in Ireland*, Occupational Medicine, Volume 70, Issue 4, June 2020.

¹⁰ Ellis, J, and Bucket, A, *Women in Commercial Legal Practice* IBA, 2017.

When the survey results emerged, they painted a stark picture: almost one in three female respondents reported being sexually harassed, while one in two female respondents and one in three male respondents had been bullied. Further themes emerging from the report indicated an alarming level of both women and men (women almost 50% and men 30%) had been subject to bullying and intimidating conduct during the course of their careers.

To further examine the issues arising from the Women in Commercial Legal Practice report⁷, the IBA commissioned *Us Too? Bullying and Sexual Harassment in the Legal Profession*¹¹, published in 2019. Similarly concerning themes emerged, including the fact that one in two females, and one in three male respondents had experienced bullying, while one in three females and one in fourteen male respondents had experienced sexual harassment. Notably, the report also uncovered an extremely low level of reporting of incidents, with 57% of bullying cases and 75% of sexual harassment cases not reported for a variety of reasons, including perceived fear of repercussions such as lack of career advancement.

The presence of policies, procedures or training did not appear to be having the impact required to achieve change, with respondents at workplaces where formal supports existed appearing just as likely to be bullied or sexually harassed as those without formal supports. Crucially, those experiencing bullying (65%) or sexual harassment (37%) left or were considering leaving the profession at the time of the report's publication, as a result of their experiences.

Overall, the IBA report⁸, indicated that the legal profession had a problem: one that required a substantial response. With this in mind, its ten recommendations focused on a number of actions that would respond to the findings in a meaningful and targeted manner. Encompassing awareness development, policy implementation, training and reporting, alongside broader measures to maintain a consistent focus on the issues uncovered, these recommendations act as a robust framework to promote Dignity at Work in the legal profession.

Ultimately however, the IBA report⁸ suggested that a collaborative effort, across the sector, would be central to the success of the recommendations - a theme which is further built upon in the Case Study section within this report.

3.3 Universal Themes

In this Dignity Matters report, commissioned by the Law Society of Ireland, there are several noteworthy themes which resonate strongly with *Us Too? Bullying and Sexual Harassment in the Legal Profession*⁸, as well as broad areas of similarity outlined within the Case Studies section.

In the first instance, the demographic detail relating to gender in both reports is almost identical - with a ratio of roughly two thirds to a third of responses split between female and male respondents. This suggests a somewhat gendered experience of the issues that the report seeks to analyse and address.

In terms of awareness development within organisations regarding bullying, harassment and sexual harassment, almost three quarters (73%) of respondents to Dignity Matters indicated that their workplace did not conduct training or information sessions relating to bullying, harassment or sexual harassment.

¹¹ Pender, K, *Us Too? Bullying and Harassment in the Legal Profession*, IBA, 2019.

Systemic under-reporting of incidents has been raised as a critical issue in both reports, with respondents to Dignity Matters on all three questions regarding bullying (73%), harassment (81%) and sexual harassment (91%) stating that they 'never' reported the incident(s). In parallel, respondents indicated that where reporting had taken place, the perpetrators had not faced sanctions in respect of bullying (88%), harassment (89%) and sexual harassment (78%). Furthermore, respondents cited their workplace's response in relation to reporting issues as mainly 'totally inadequate', in respect of bullying (42%), harassment (56%) and sexual harassment (46%).

Based on the responses to questions pertaining to perpetrators, there is an overall pattern indicating that those perpetrating negative behaviours tend to be managers or senior members of staff. This trend aligns closely with the IBA report⁸.

In terms of supports availed of to deal with respondents' experiences, the majority of responses in relation to bullying (65%), harassment (66%) and sexual harassment (67%) indicated that they did not know they 'could or should look for supports'.

Finally, it is notable that for the respondents to this survey, the impact of their workplace experiences ultimately led to them leaving the workplace due to bullying (46%), harassment (50%) and sexual harassment (21%).

3.4 Key Recommendations

Fundamentally, as outlined above, and in the case studies within this report, Dignity Matters highlights a need for sectoral culture change. This can be achieved through a number of interventions, as detailed in the Recommendations which follow in Chapter 6.

First and foremost, improving knowledge and awareness of the issues reported in this Dignity Matters report, and in so doing developing sectoral dialogue will be paramount. This, in parallel with revised or renewed policies that are workable and usable by staff, combined with tailored training and other capacity building, will realise real sustainable change.

4 Key Survey Findings

4.1 Context

The Law Society of Ireland commissioned an independent research study on bullying, harassment and sexual harassment in the solicitors' profession through Crowe.

The aim of the study was:

1. to provide an objective assessment of the current work environment as it relates to bullying, harassment and sexual harassment in the solicitors' profession in Ireland.
2. to provide recommendations to the solicitors' profession on how to tackle bullying, harassment and sexual harassment and best prepare for challenges ahead, as guided by the IBA "Us Too?" report recommendations.

As outlined in the survey introduction, inviting Law Society members (practising and formerly-practising) and Law School trainees to participate in the survey is the first step in transforming workplace culture in the solicitors' profession. The survey was for those who have experienced bullying, harassment and sexual harassment, those who have not been directly affected and those who have personally witnessed these behaviours in Ireland. All perspectives were considered relevant and will contribute to the Law Society's thinking in relation to creating the conditions necessary for dignity at work.

As it was understood that recollecting incidents of bullying, harassment and sexual harassment may be distressing, survey respondents were encouraged to seek appropriate support if needed and details of supports available were provided. They were signposted to LegalMind which is an independent and confidential mental health support that is available to Law Society members and or those holding a Practising Certificate at any time of the day or night on 1800 81 41 77. Participants who fall outside these categories were signposted to information about other independent wellbeing and mental health supports available on the Law Society's *Professional Wellbeing Hub*. Finally, trainee survey respondents were signposted to individual counselling available through the Law School Psychological Services.

An independent technical helpdesk was also provided by Crowe for queries regarding the survey content, accessibility or anything else related to the survey.

Each survey response has been treated in total confidence. Crowe have reviewed all survey responses and this study presents aggregated findings only. No individual survey responses were shared and the details of the privacy notice relating to this survey process was included with the survey and could be viewed by respondents.

4.2 Survey Methodology and Approach

A survey was conducted; questions were compiled in collaboration with the Law Society and were broadly based on the IBA survey with additions agreed with the Law Society. The survey was distributed by means of an online survey tool. The survey was distributed to the Law Society's database with individual "token" or access codes issued to each participant. Permission was already held by the Law Society for its database subscribers to be contacted by a 3rd party i.e. Crowe and therefore the invitation to participate in the Dignity Matters survey was issued through Crowe under the terms of the data agreement, a link which was available with the survey. The survey was sent to trainees via the Law Society directly.

A six-week completion period was allowed for participants to respond to the survey (from May 6th to June 18th 2021). A reminder link was sent before the closing date to encourage any final responses. A short extension was allowed for the survey; after which it was agreed with the Law Society to proceed with the analysis of the responses received and to arrange the individual conversations with a cross-section of those who were willing.

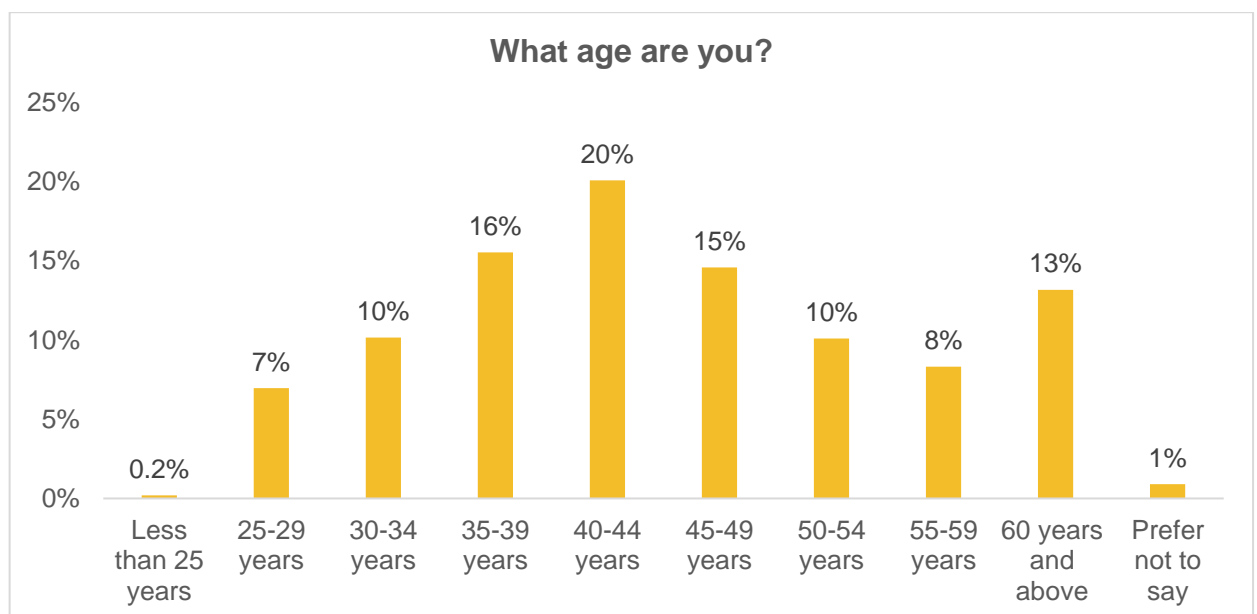
Following a quality review and clean-up of the responses received, e.g. disregarding submitted responses with little or no content, the analysis of the survey is based on 1,565 surveys. While 1,565 surveys were completed, not all of the questions were compulsory and therefore the number of responses may vary. In addition, some questions allowed respondents to select more than one option and therefore cumulative percentages will exceed 100%.

Where respondents were asked a binary question i.e. with a 'Yes' or 'No' answer, respondents were given the opportunity to further explain their answer if they responded 'No'. Where closed questions were asked with a finite number of possible responses, the analysis is provided in percentage terms. For open-ended questions, similar themes and topics are grouped with the number of mentions/references provided in brackets.

4.3 Dignity Matters Survey Analysis

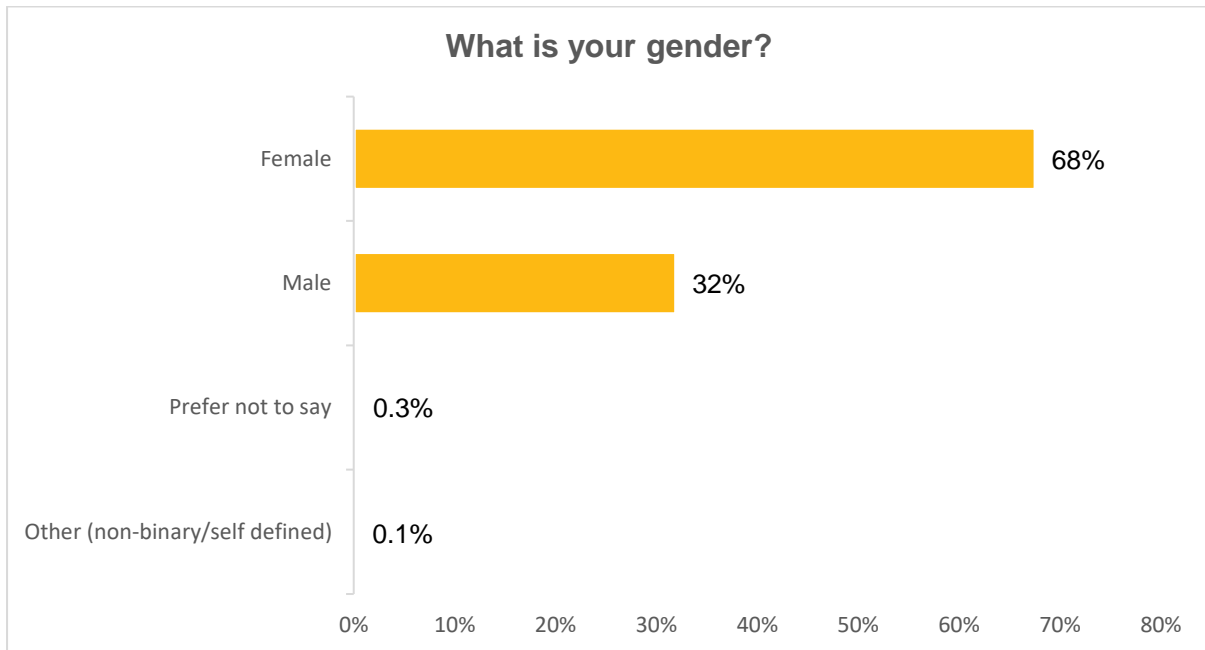
4.3.1 Profile of Respondents

4.3.1.1 Age profile



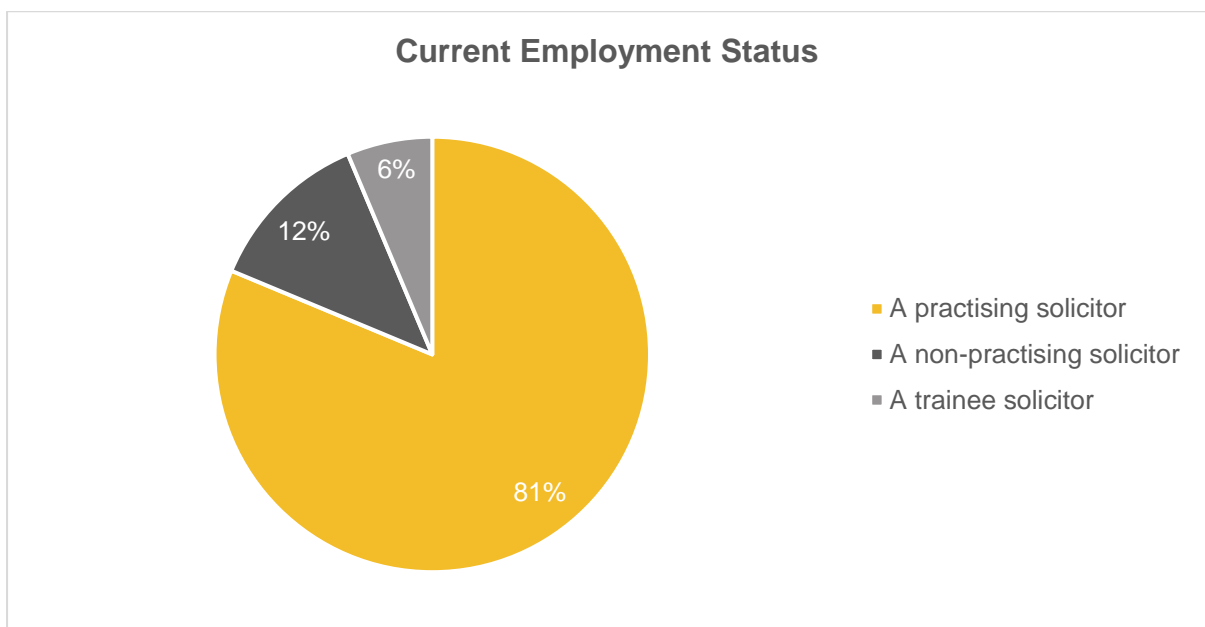
Respondents were asked to indicate their age between the range of less than 25 years to 60 years and above. While the age range is spread across all age groups, those aged 40-44 made up (20%) of respondents followed by those aged 35-39 at 16% and 45-49 at 15%. A small percentage (1%) preferred not to state their age group.

4.3.1.2 Gender



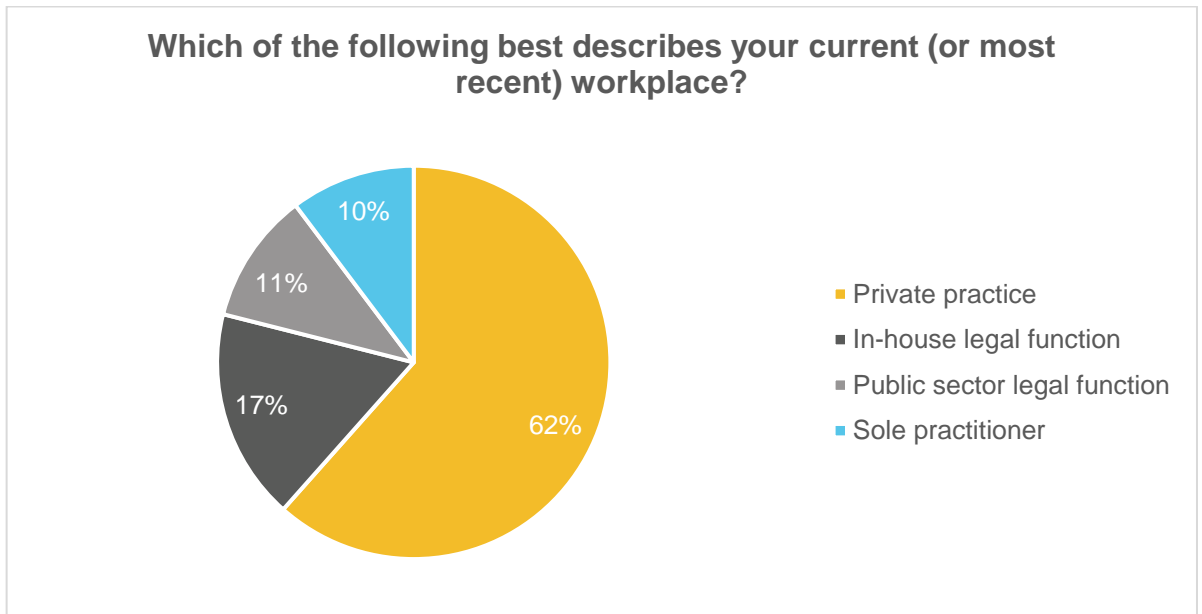
Over two thirds (67.6%) of the respondents to the survey were female, while just under a third (32%) were male and a small number (0.1%) were other (non-binary/self-defined). A few respondents (0.3%) preferred not to state their gender.

4.3.1.3 Current Employment Status



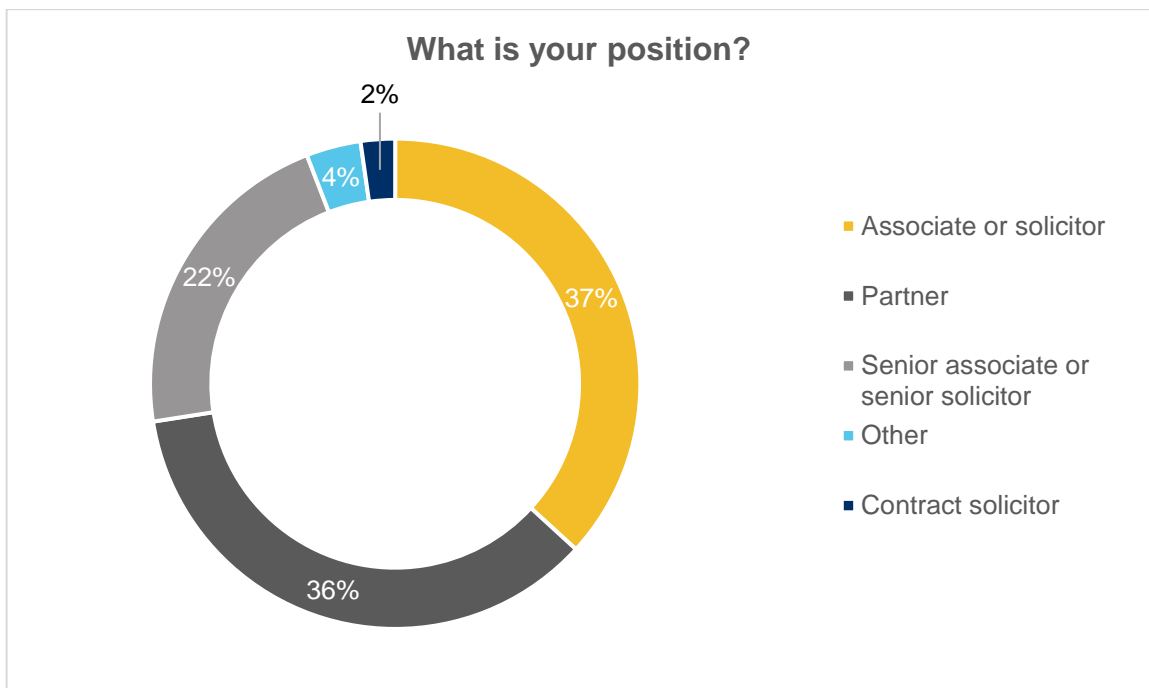
The majority of respondents to the survey (81%) were practising solicitors. Non-practising solicitors accounted for 12% of the respondents and the remaining (6%) were trainee solicitors.

4.3.1.4 **Current workplace**



The most common workplace for respondents was private practice (62%), with a smaller number of respondents coming from in-house legal functions (17%), public sector legal functions (11%) and sole practitioners (10%).

4.3.1.5 **Position in private practice**

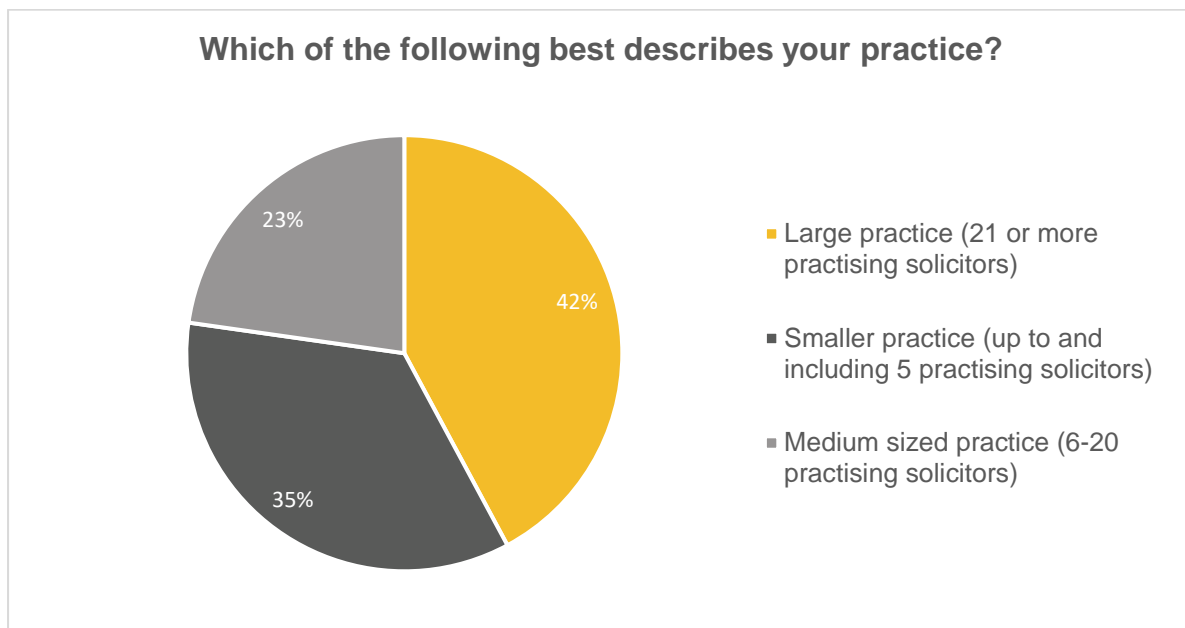


Those respondents who worked in private practice were asked to state their position. Associates or solicitors accounted for 37% of respondents in private practice, 36% were partners, 22% were senior associates or solicitors, 2% were contract solicitors and 4% stated they were “Other”.

Those who cited “Other” said their position was:

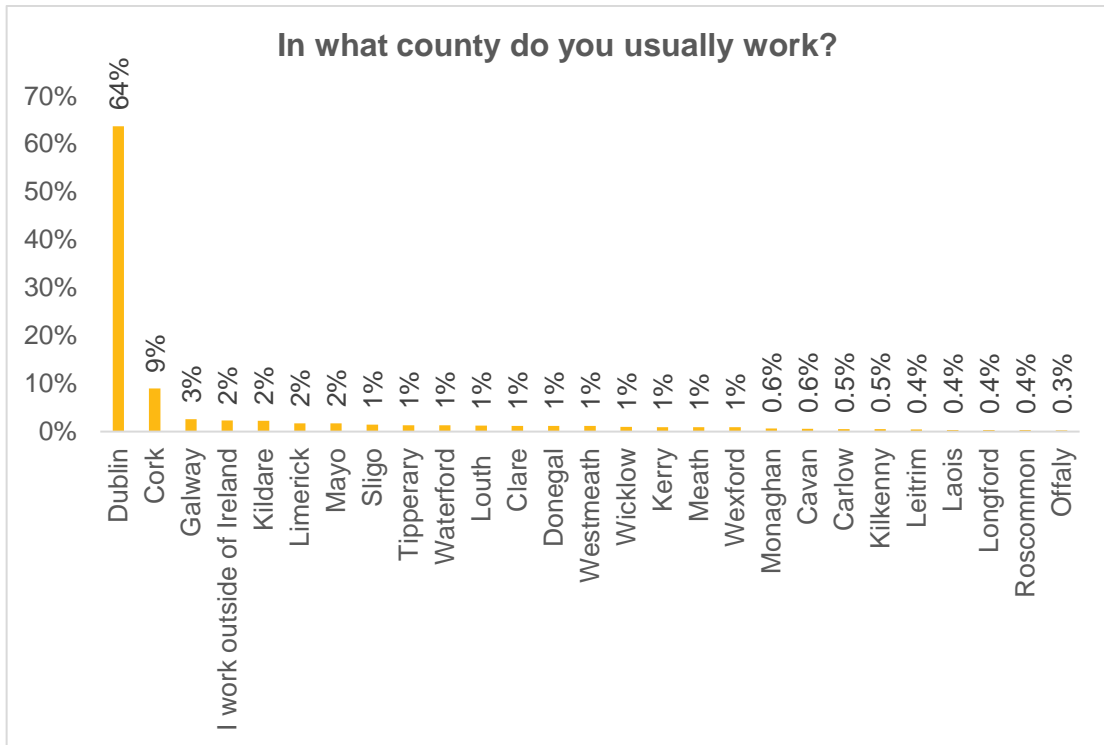
- Consultant solicitor (19)
- Principal (3)
- Largely retired (1)
- Claims handler and Assistant solicitor (1)
- Employed/salary partner (1)
- General counsel (1)

4.3.1.6 *Description of practice*

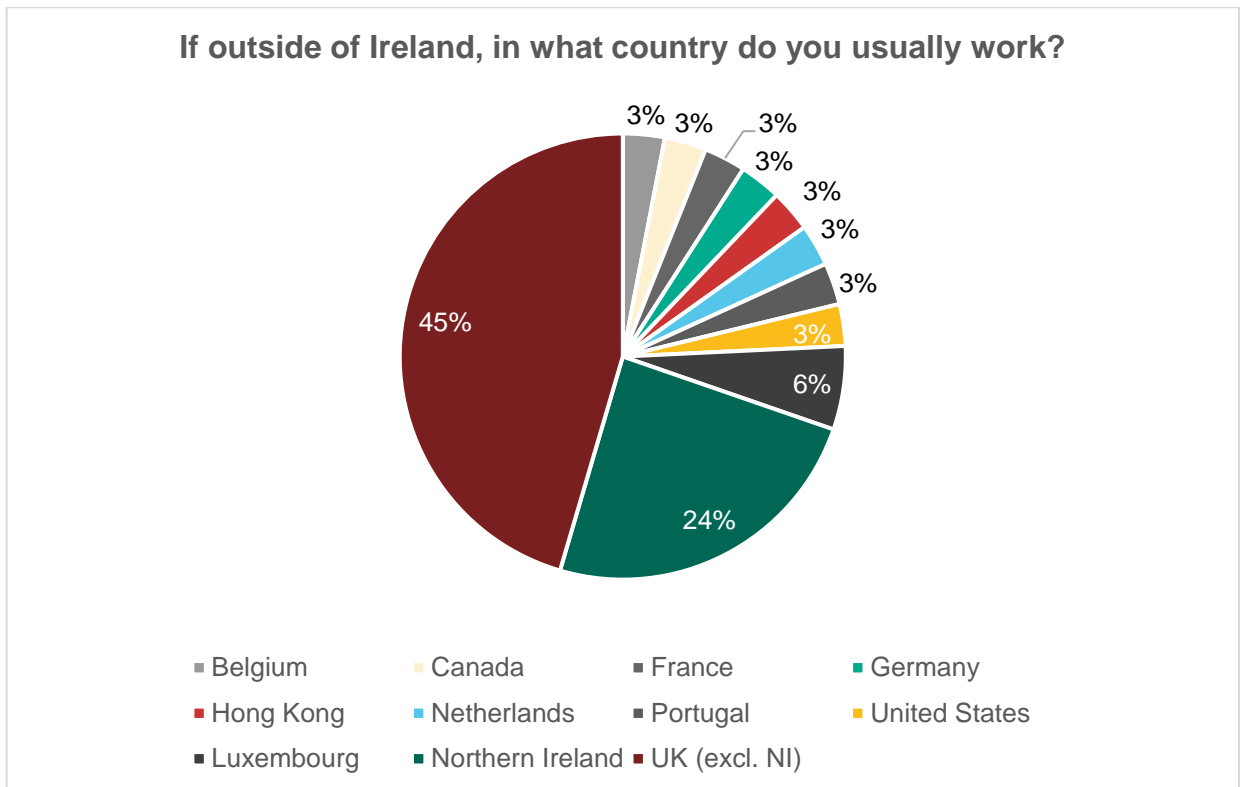


Those who work in private practice were asked the size of their practice. 42% said they come from large practice (21 or more practising solicitors), 23% from medium sized practice (2-6 practising solicitors) and 35% from smaller practice (up to and including 5 practising solicitors).

4.3.2 Location



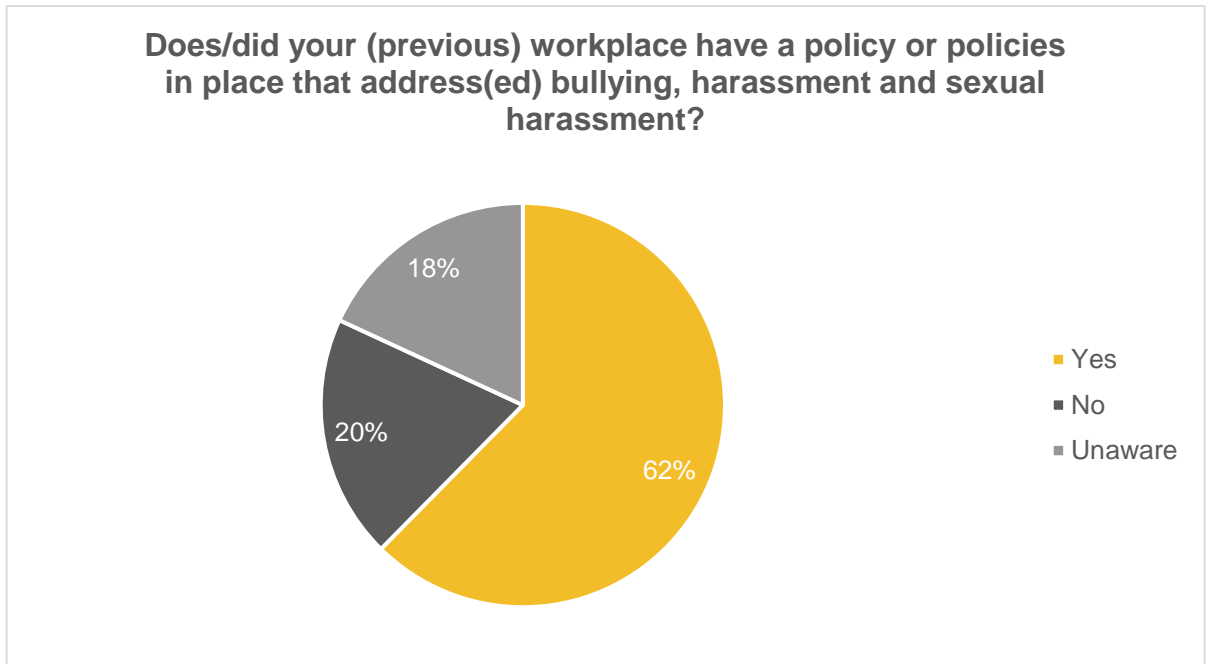
The largest proportion of respondents to this survey (63.7%) work in Dublin, with Cork having the second highest number of respondents (9%). A small number of respondents (2%) work outside of Ireland, almost half of whom are based in the UK as shown below.



Of those respondents to the survey from outside of Ireland, nearly half (45%) work in the UK (excluding Northern Ireland) and just under a quarter (24%) work in Northern Ireland. The rest came from a range of countries including Belgium, Canada, France, Germany, Hong Kong, the Netherlands, Portugal, United States and Luxembourg.

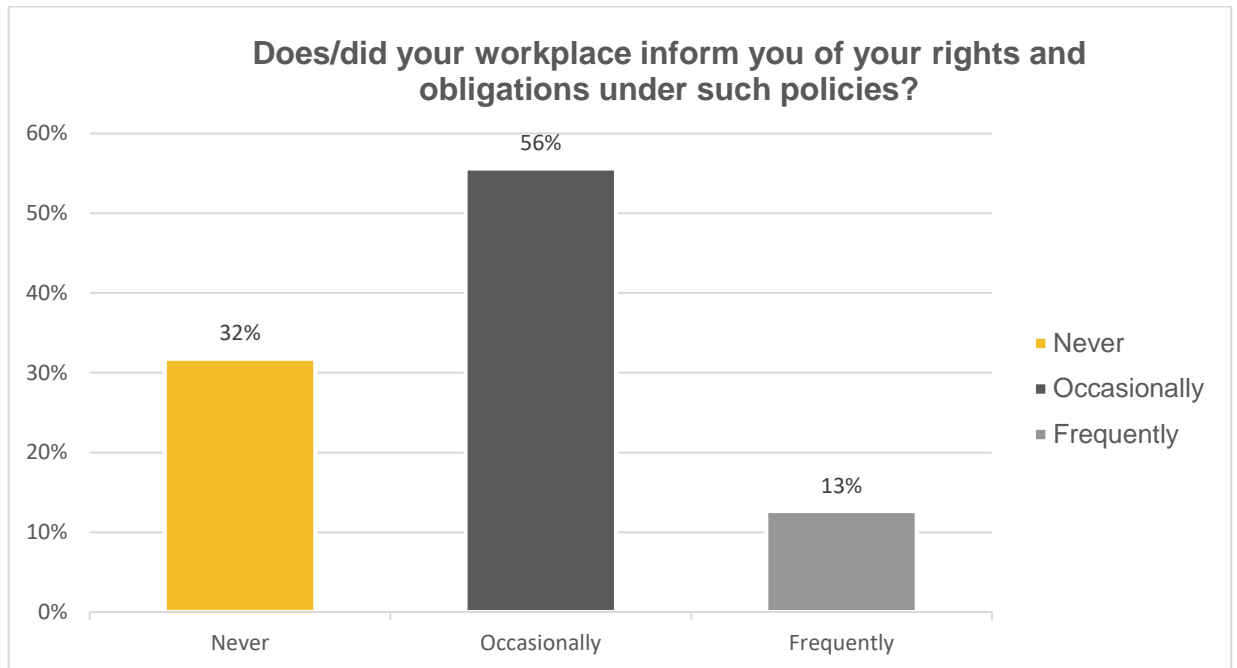
4.3.3 Policies

4.3.3.1 Policies in place



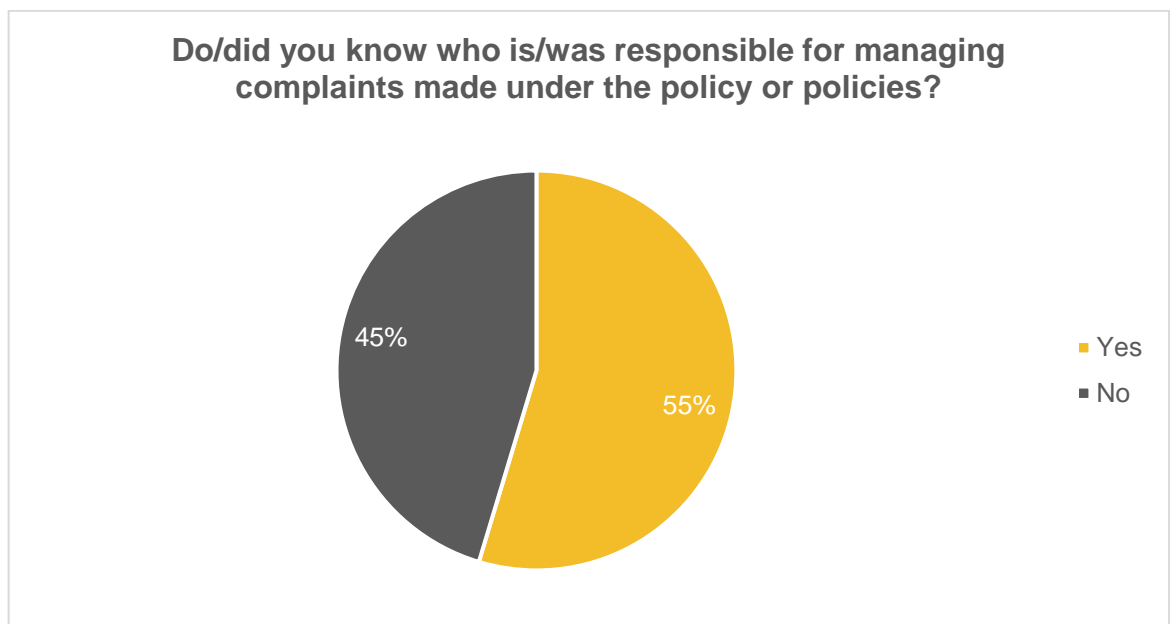
While the majority of respondents (62%) stated that their workplace/previous workplace has/had a policy or policies which address bullying, harassment and sexual harassment, one fifth (20%) stated that their workplace did not have these policies and just under a fifth (18%) were unaware if any such policies existed.

4.3.3.2 **Information on rights and obligations**



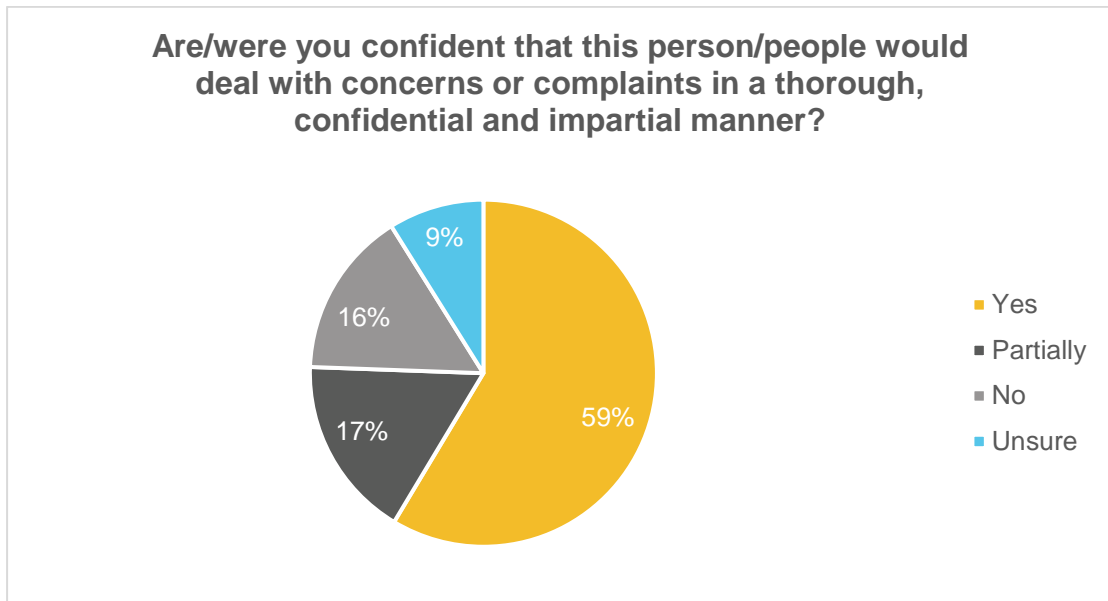
Just under a third of respondents (32%) stated that their workplace has never informed them of their rights and obligations under the policies addressing bullying, harassment and sexual harassment in their workplace. Only 13% of respondents stated that they were frequently informed of their rights and obligations under such policies, with most respondents (56%) stating they were informed occasionally.

4.3.3.3 **Complaint policy**



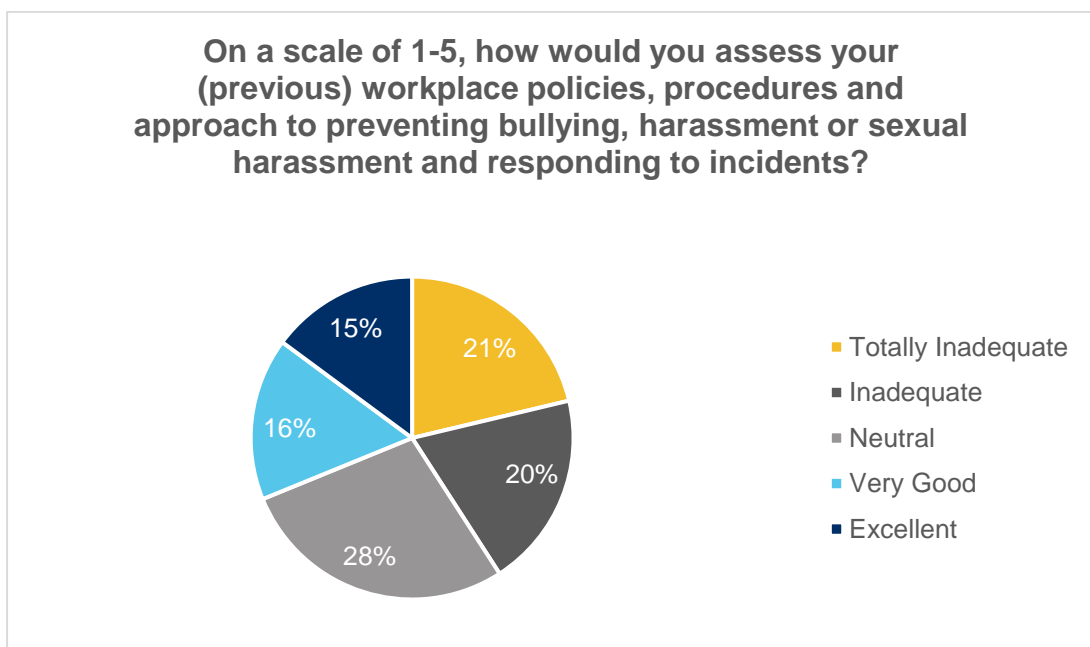
Over half (55%) of respondents stated that they do know who is responsible for managing complaints under the policy or policies, with 45% stating that they do not know who this person is.

4.3.3.4 **Complaints**



Of those respondents who knew who was responsible for managing complaints made under these policies, 59% said they were confident that this person/people would deal with concerns in a thorough, confidential and impartial manner, while 17% were partially confident of this and 16% were not at all confident. A small number (9%) were unsure.

4.3.3.5 **Workplace policies, procedures and approach**



Respondents were asked to assess their workplace policies, procedures and approach to preventing bullying, harassment and sexual harassment and responding to incidents using a scale of 1-5, with 1 being excellent and 5 being totally inadequate. Only 15% of respondents to this question would consider their workplace policies, procedures and approach to be “excellent” with around a fifth (21%) considering them “totally inadequate”.

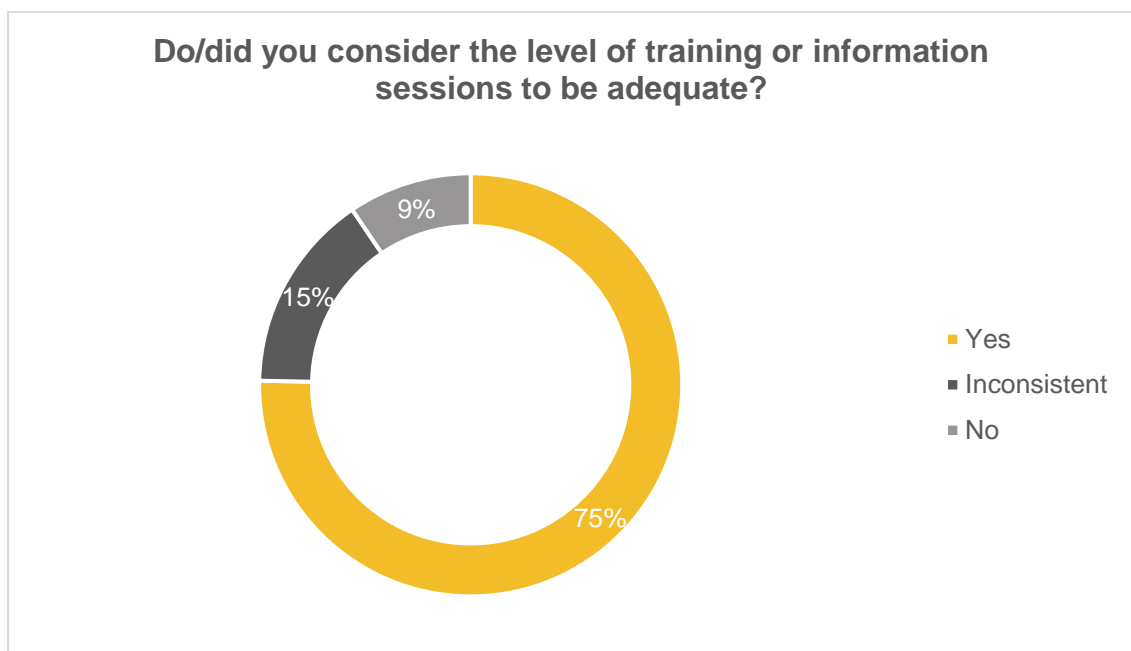
4.3.4 Training

4.3.4.1 Availability of training



Nearly three quarters (73%) of respondents said their workplace did not conduct training or information sessions relating to bullying, harassment or sexual harassment, 16% said their workplace did conduct training or information sessions and 12% were unsure.

4.3.4.2 Training/information sessions



Three quarters of respondents who received training/information sessions considered these to be adequate. Only a small number (9%) did not think these sessions were at all adequate, while 15% thought these sessions were inconsistent.

Personal Experience of Respondents

The following questions were asked in relation to whether respondents experienced one or more forms of bullying, harassment or sexual harassment at any time during the course of their legal career in Ireland.

The first set of questions outlined focused on any forms of bullying and/or harassment experienced, and the second set outlined focused on any types of sexual harassment experienced.

4.3.5 Bullying and Harassment

For the following questions related to bullying and harassment, respondents were prompted to consider experiences during their legal career in Ireland only.

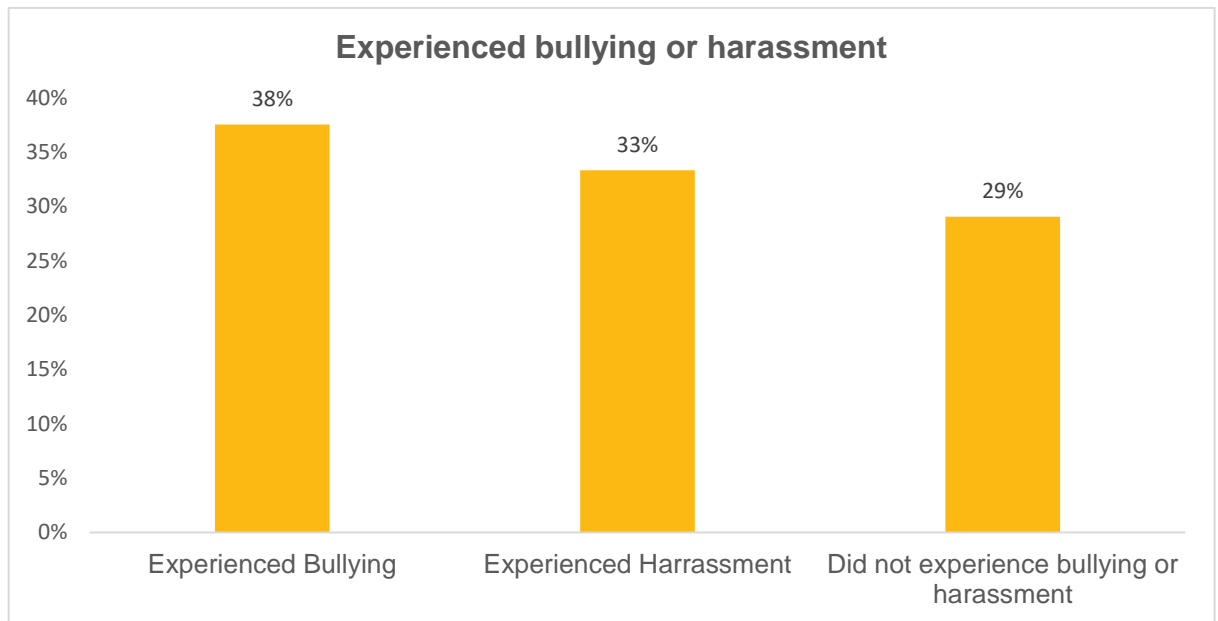
To assist respondents, bullying at work was defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

Similar forms of behaviour can be considered to be bullying or harassment (but they cannot be considered both), depending on whether or not it is connected with one of the grounds listed below.

Harassment is any form of unwanted conduct which has the purpose or effect of violating a person's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person AND is related to any of the following grounds:

- **Gender:** this means man, woman or transgender
- **Civil status:** includes single, married, separated, divorced, widowed people, civil partners and former civil partners
- **Family status:** this refers to the parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- **Sexual orientation:** includes gay, lesbian, bisexual and heterosexual
- **Religion:** means religious belief, background, outlook or none
- **Age:** this does not apply to a person aged under 16
- **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- **Race:** includes race, skin colour, nationality or ethnic origin
- **Membership of the Traveller community**

An isolated incident is not considered to amount to bullying although it may still be addressed as inappropriate behaviour. In contrast, an isolated incident can be considered harassment if associated with any of the grounds.



Of the 1,565 respondents to the survey, 38% (n.588) said they experienced bullying and 33% (n.522) said they experienced harassment.

4.3.6 Bullying

4.3.6.1 Key Insights – Experienced Bullying

- 1 in every 2.9 females and 1 in every 2.3 males who responded to the survey experienced bullying (with 1 in every 2.3 females experiencing harassment and 1 in every 8.6 males experiencing harassment).
- Bullying was experienced in all age groups with the unweighted breakdown being that respondents aged 40-44 made up 20% of those who experienced bullying, 35-39 made up 15%, 45-49 made up 14%, 30-34 made up 12%, 60 years and over made up 10%, 25-29 and 50-54 each making up 9% and 55-59 equalling 8%.
- Of respondents who experienced bullying, their workplace was private practice (62%), in-house legal function (15%), public sector legal function (13%) and sole practitioner (7%).
- Respondents experienced a wide range of bullying behaviours in the workplace as outlined in 4.3.6.2.
- 90% of bullying experienced by respondents happened at work/in their office.
- The most common perpetrators were the respondent's line manager or supervisor (57%) or another senior member of staff (47%).
- The perpetrators were male in 62% of cases and female in 56% of cases.
- Most of those who experienced bullying said it happened on more than one occasion (47% said occasionally and 44% said it was repeated behaviour).
- 48% of respondents said they experienced bullying by various individuals.
- Of respondents who experienced bullying, 67% experienced at least one of the incidences within the last 5 years: 7% within the past month; 19% in the last 1 to 12 months and 41% within the last 2-5 years. 9% experienced at least one of the incidences more than 20 years ago.
- The majority of respondents (73%) did not report their experience.

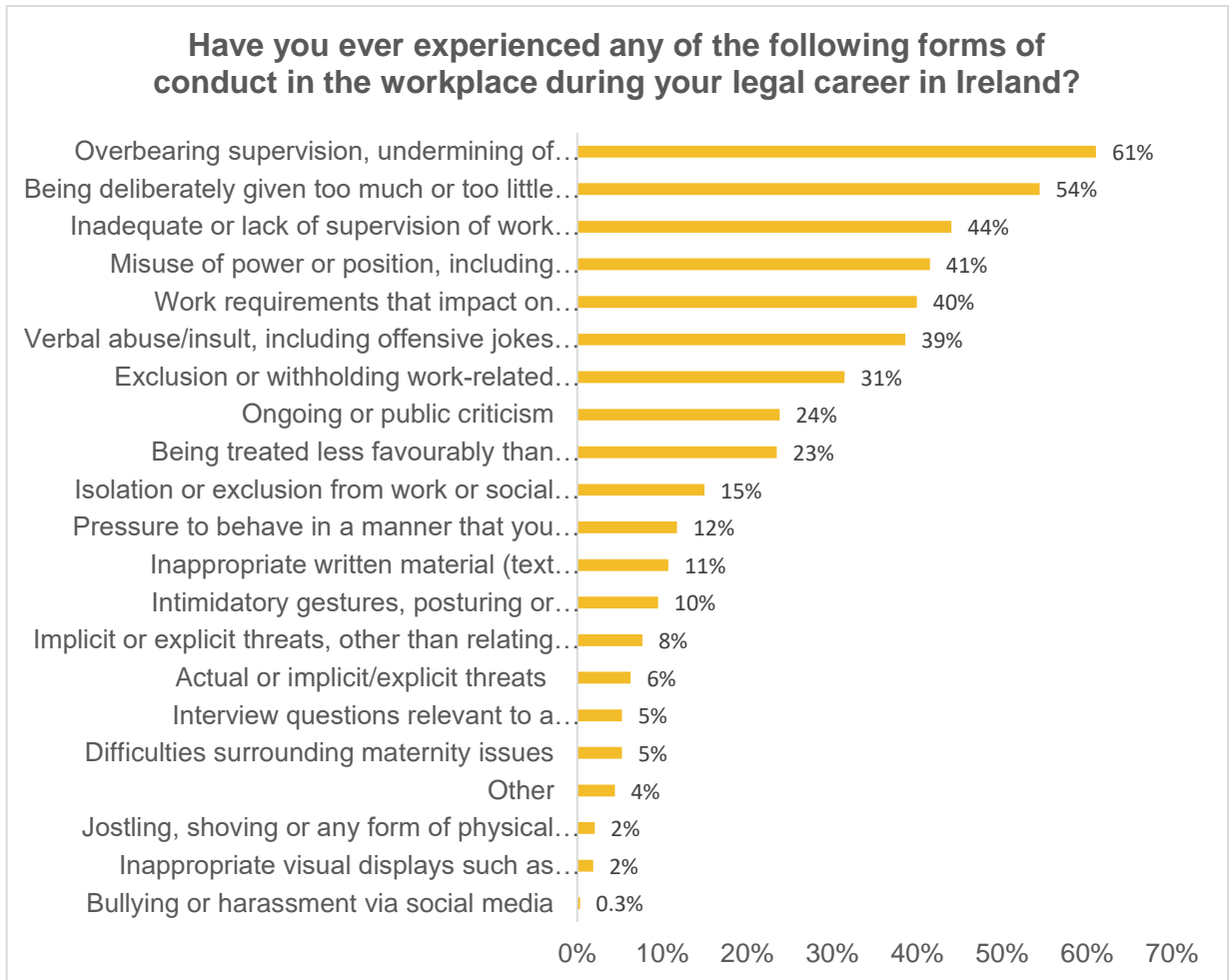
- Where reported, the main person to whom bullying was reported was either a designated member of staff (41%) or a member of HR (40%).
- The respondents' assessment of their workplaces response to the bullying was that it was inadequate (19%) or totally inadequate (42%) in the majority of circumstances.
- In the majority of circumstances (81%) of respondents said the result of reporting the bullying was that there was no change.
- The situation was resolved in only 10% of situations where it was reported.
- 88% of the reports resulted in no sanctions for the perpetrator.
- The most common reason for not reporting was profile/status of the perpetrator (70%).
- Only 12% of respondents accessed supports to help them deal with their experience.
- In nearly half of the situations (46%), the bullying contributed to respondents leaving the workplace.

4.3.6.2 **Form of conduct experienced**

Respondents were asked whether they have/had ever experienced any of the following forms of conduct in the workplace during their legal career in Ireland? This section deals with the 588 respondents who had experienced any of the forms of conduct below but did not associate the conduct with a discriminatory ground i.e. 588 respondents of the total of 1,110 respondents listed the conducts below. Section 4.3.7 deals with Harassment where the respondents also experienced the conducts below but associated them with the discriminatory grounds.

Forms of conduct:

- a. Being deliberately given too much or too little work, work not appropriate to the position or manipulating job content and targets
- b. Overbearing supervision, undermining of work output or constant unproductive criticism
- c. Inadequate or lack of supervision of work output
- d. Exclusion or withholding work-related information
- e. Verbal abuse/insult, including offensive jokes or comments, ridiculing or demeaning language, shouting or spreading malicious rumours
- f. Inappropriate written material (text messages, emails, letters, etc.)
- g. Inappropriate visual displays such as posters, emblems or badges
- h. Misuse of power or position, including threats or comments about job security
- i. Ongoing or public criticism
- j. Jostling, shoving or any form of physical assault
- k. Intimidatory gestures, posturing or threatening poses
- l. Implicit or explicit threats, other than relating to the categories above
- m. Isolation or exclusion from work or social activities, including work online/phone chat groups
- n. Pressure to behave in a manner that you found inappropriate
- o. Work requirements that impact on child/carer/other personal arrangements, e.g. early morning meetings, late working, requirement to answer emails while not at work, etc.
- p. Difficulties surrounding maternity issues
- q. Bullying or harassment via social media
- r. Being treated less favourably than colleagues including being blocked from promotion or training opportunities
- s. Violence/aggression (actual or implicit/explicit threats)
- t. Interview questions relevant to a discriminatory ground
- u. Other



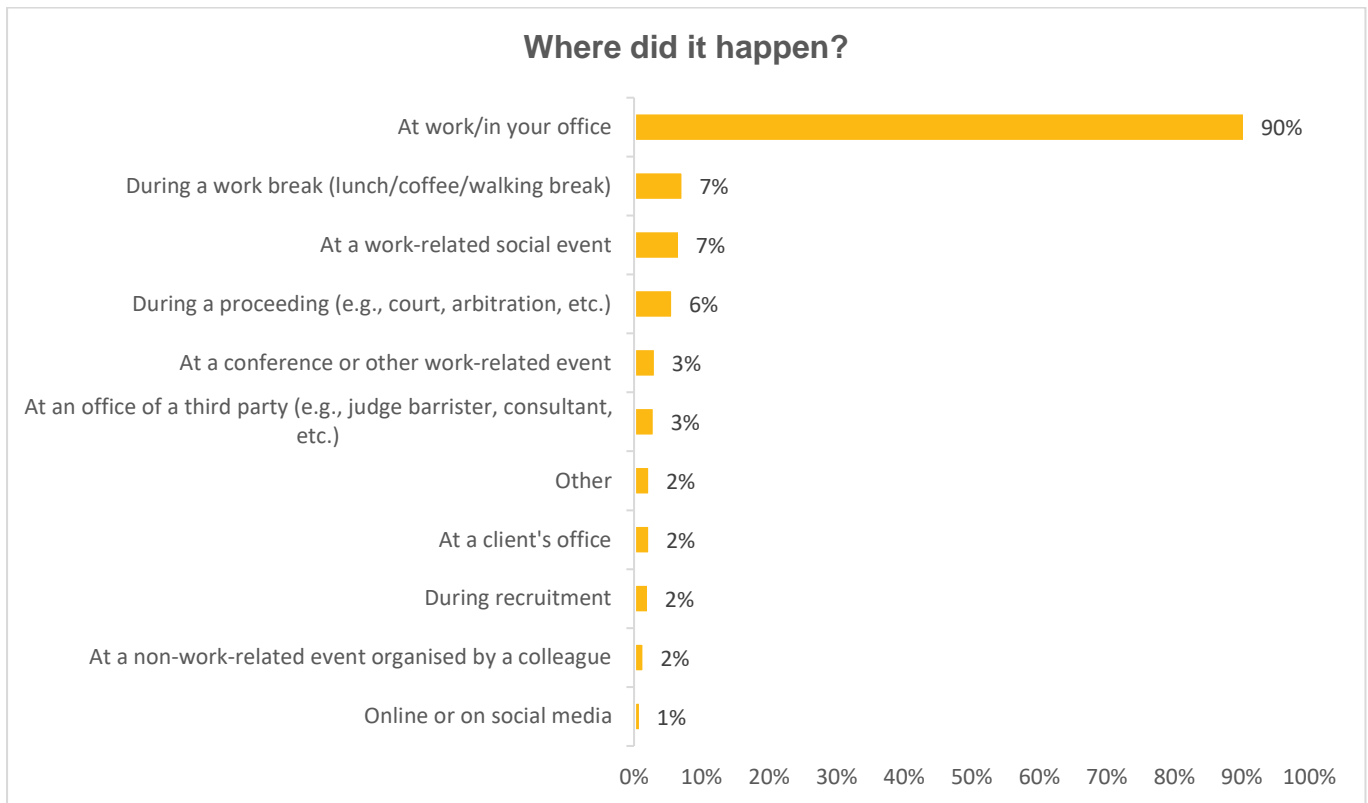
Respondents experienced a number of different bullying behaviours¹², the most common being overbearing supervision, undermining of work output or constant unproductive criticism (61%) and being deliberately given too much or too little work, work not appropriate to the position or manipulating job content and targets (54%). A number of respondents (4%) stated they experienced other forms of conduct, which included:

- Over-worked/overbearing workload (6)
- Mistreated as a trainee (3)
- Abuse of power and position (6)
- Overbearing scrutiny/lack of management skills (2)
- Aggression, threats, intimidation (2)
- Abuse by clients (1)
- Criticised, demeaned, belittled, inappropriate comments/gestures (6)
- Inappropriate sexual comments/behaviour (3)
- No allowance made for health matters or personal time (2)
- Unpaid/underpaid (6)
- Exclusion (2)

¹² For full descriptions of behaviours, please see previous page.

4.3.6.3 Incidences Experienced Bullying

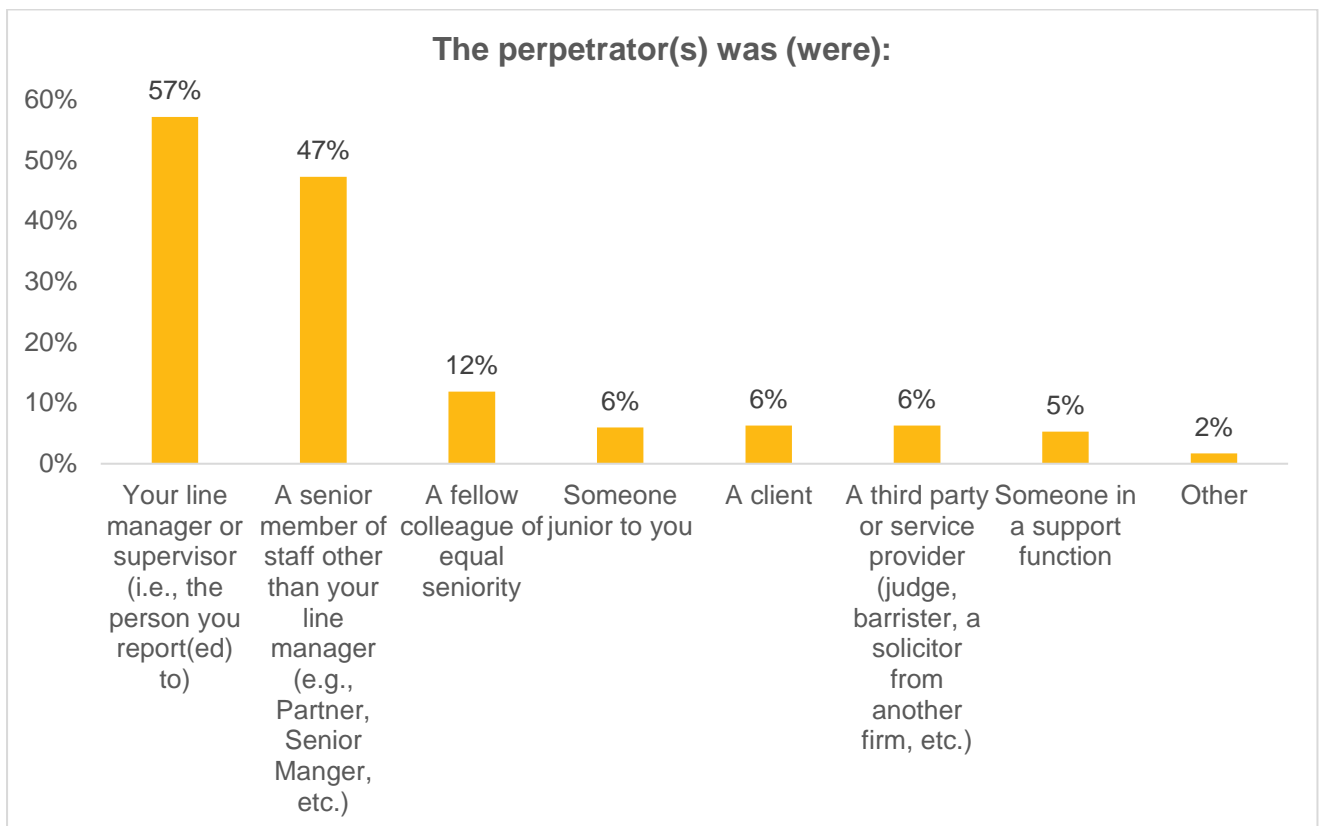
4.3.6.3.1 Place/Context



The majority of bullying experienced by respondents (90%) occurred at work with very few incidents occurring outside of work. Of those who stated “Other” (2%), this included:

- Court (2)
- Off-site/out of office (2)
- On telephone – work phone (1)
- Intimidating and unfairly critical correspondence (1)
- Work related/event conference (1)
- Travelling to court (1)
- Working from home (1)

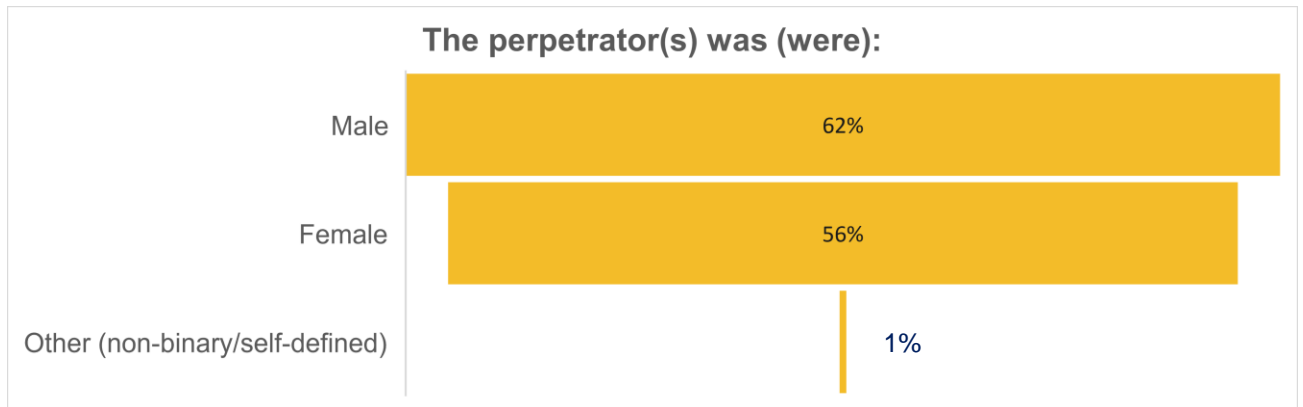
4.3.6.4 **Perpetrator(s)**



In the majority of circumstances, the perpetrator was stated to be either the line manager or supervisor of the respondent (57%), or a senior member of staff other than the line manager (47%). Other colleagues of either equal seniority (12%), junior to the respondent (6%) or in a support function (5%) were stated as the perpetrator in some circumstances. A number of respondents stated that the perpetrator was not a colleague, being either a client (6%) or from a third-party service provider (6%). Of those who stated “Other” (2%), the perpetrator was noted as being:

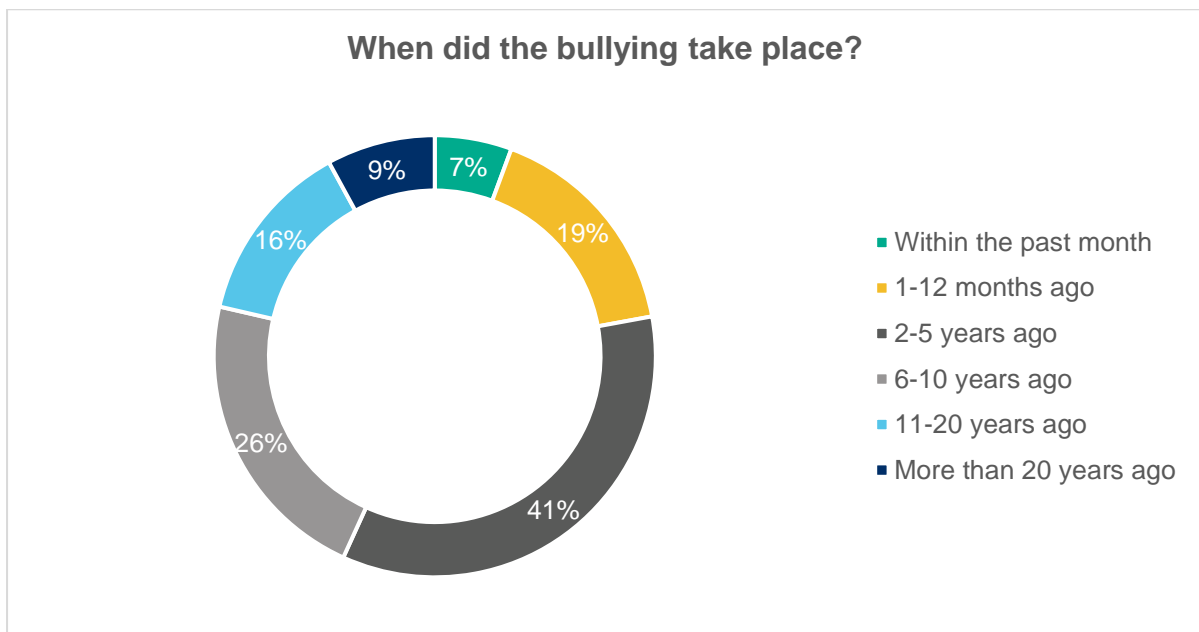
- Organisational problem, not attributable to any one individual/overall culture (3)
- More senior associate (1)
- Associate (1)
- Partner or fellow colleague (1)
- Regulator (1)
- Member of board of directors (1)
- Solicitor with more years PQE (1)
- Partner (1)

4.3.6.5 *Perpetrator(s) Gender*



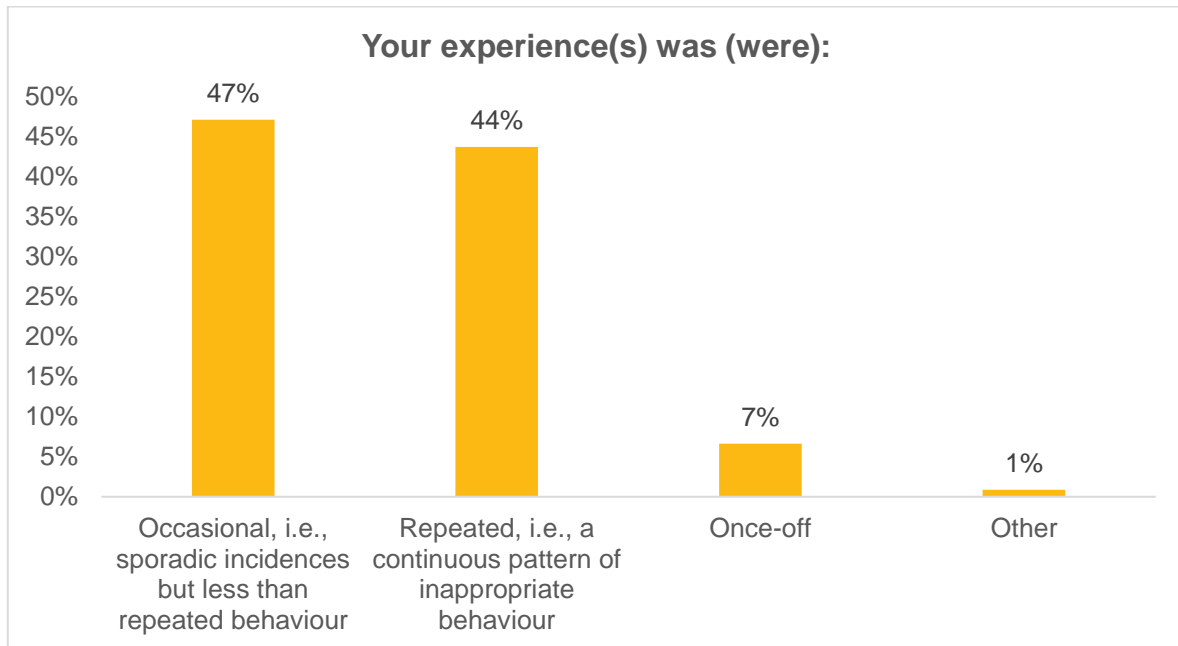
In 62% of circumstances the perpetrator(s) was male, while in 56% of circumstances they were female and other (non-binary/self-defined) in 1% of circumstances.

4.3.6.6 *Timeframe*



Respondents were asked when the incident took place and could select more than one option if considering multiple incidents. Of respondents who experienced bullying, 67% experienced at least one of the incidences within the last 5 years: 7% within the past month; 19% in the last 1 to 12 months and 41% within the last 2-5 years. 9% experienced at least one of the incidences more than 20 years ago.

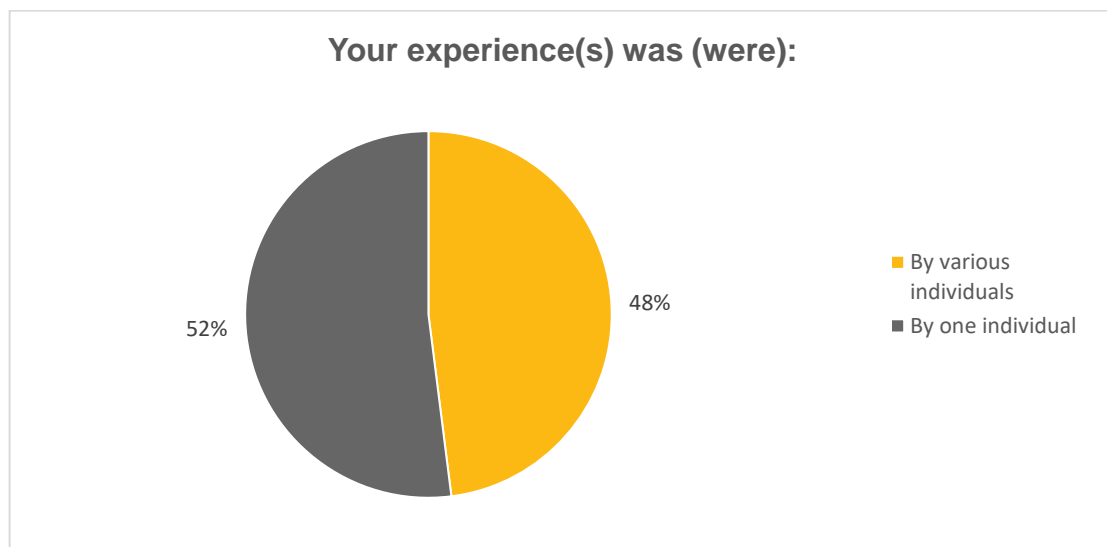
4.3.6.7 **Pattern of Occurrence**



Only 7% of bullying experienced by the respondents was considered a one-off. The most common response was that this behaviour was occasional, i.e. sporadic incidents but less than repeated behaviour, (47%), with a large number also stating this behaviour was repeated, i.e. continuous pattern of inappropriate behaviour, (44%). Those that cited “Other” (1%) mainly noted:

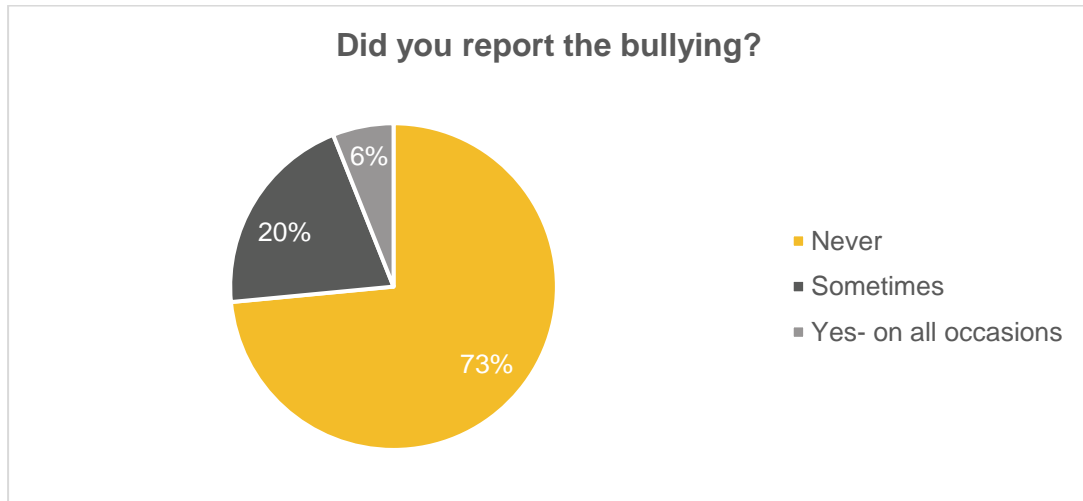
- Constant/repeated (2)
- General occurrence (1)
- Isolated incidences (1)
- Sporadic (1)

4.3.6.8 **Number of individuals**



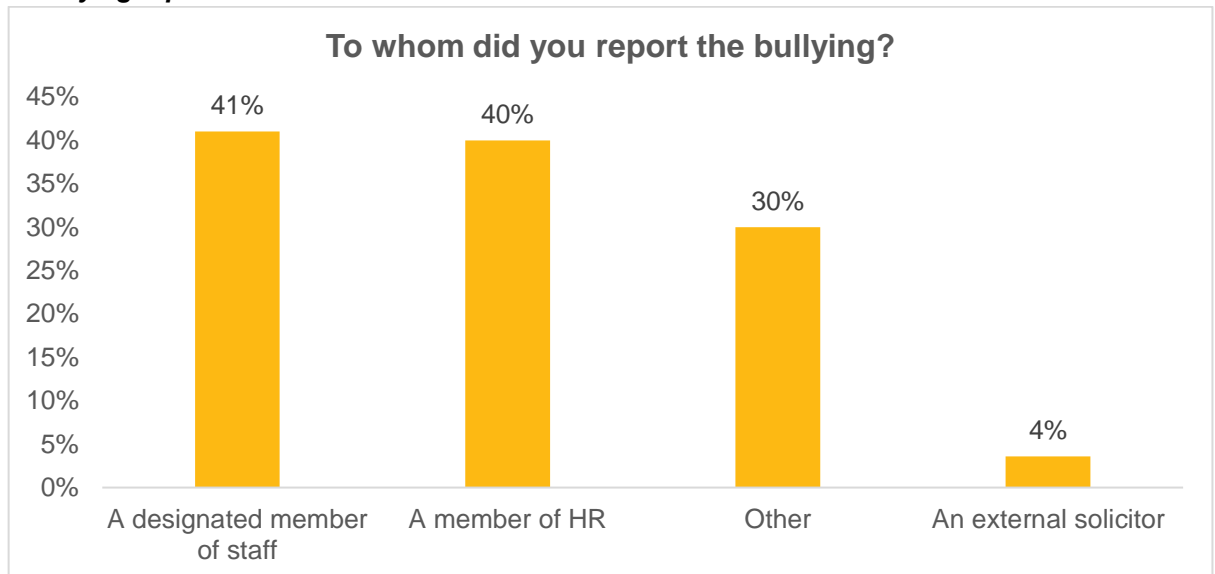
Respondents were asked if their experience of bullying was by one or by various individuals. Just over half (52%) of respondents said they experienced bullying by one individual while the rest (48%) experienced bullying by various individuals.

4.3.6.9 **Bullying reporting**



Nearly three quarters of respondents (73%) who experienced bullying never reported it. Only 6% reported the bullying on all occasions and 20% said they reported it sometimes.

4.3.6.10 **Bullying reports**



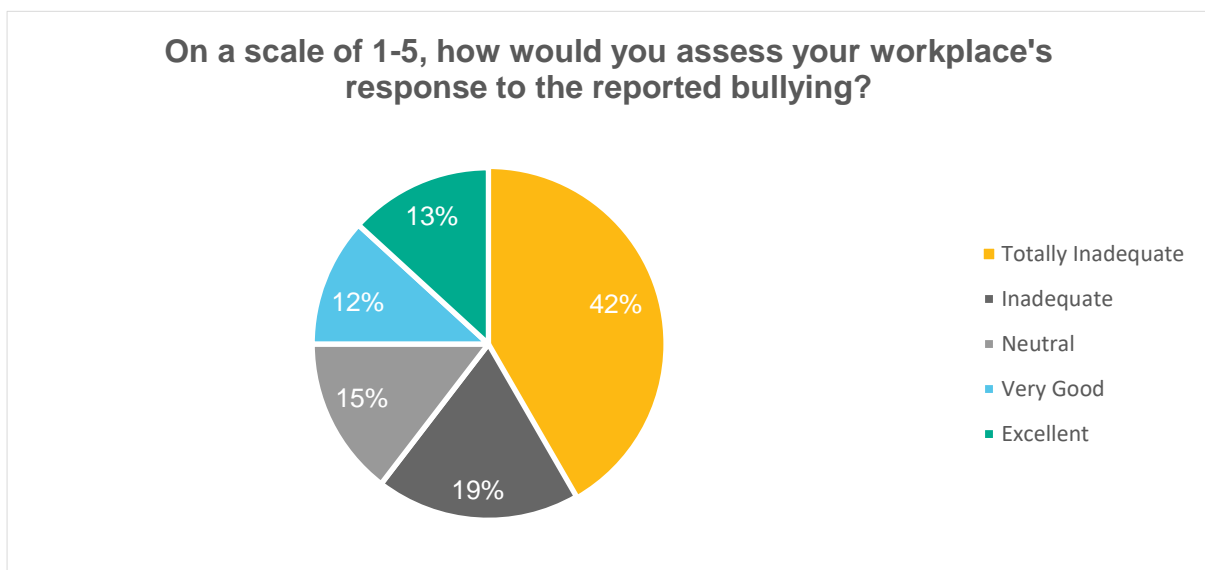
Those who said they reported bullying on all or some occasions were asked who they reported it to. The main point for reporting these incidents was either a member of HR (40%) or a designated member of staff (41%). None of these incidents were reported to An Garda Síochána by the respondents. Of those who reported the bullying to “Other”, this included:

- Partner(s) (15)
- Principal (5)
- Confronted the perpetrator (4)

- Line manager (4)
- Managing Partner (3)
- Senior member of staff (2)
- Head of Department (2)
- Solicitor's helpline/counselling (2)
- CEO/Chairman (2)
- Owners of the company (1)
- Solicitor (1)
- Colleague (1)
- Union (1)

It is interesting to note the high percentage of respondents who answered "Other" to the question on reporting (for all behaviours). Many then indicated reporting to members of staff/colleagues rather than to a designated member of staff. This could indicate lack of clarity on who has the role of designated person or that there may be an absence of a formally designated member of staff to whom reports should be made.

4.3.6.11 *Response to reporting - Bullying*

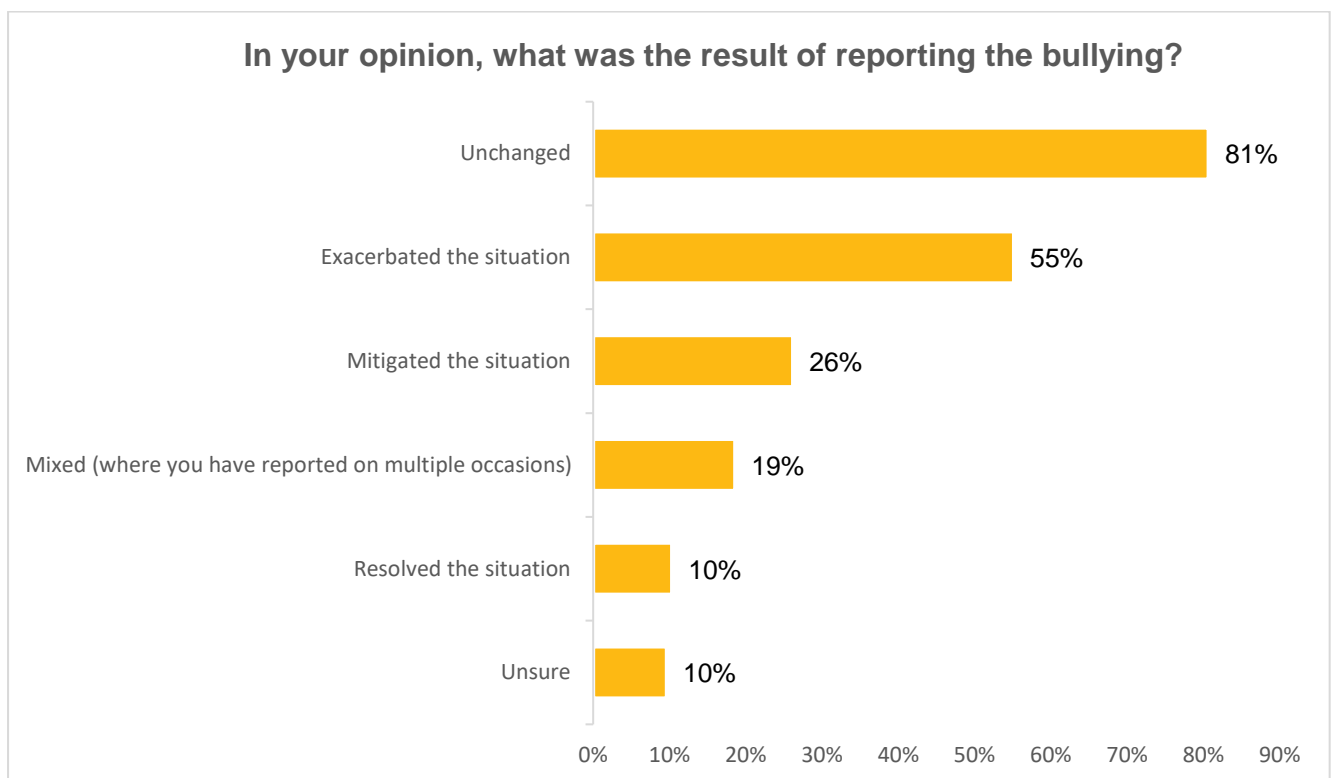


Respondents were asked how they would assess their workplace response to the reported bullying, with 1 being excellent and 5 being totally inadequate. Respondents were also asked to comment further on how the reported bullying was dealt with. The frequency of response was noted as follows:

- Laughed off/excuses made (24)
- No action taken, lack of support, not dealt with (21)
- Continued unresolved/worsened (17)
- Left job/moved position (16)
- Perpetrator only person to report to (8)

- Made feel would affect my career (7)
- Told to accept it/culturally accepted (6)
- Received apology (4)
- Listened to and supported (4)
- Not believed (3)
- I was blamed made feel own fault (3)
- Let go/dismissed (2)
- Level of stress affected mental health (2)
- HR protected perpetrator due to seniority (1)
- HR offered counselling (1)

4.3.6.12 **Result of reporting bullying**



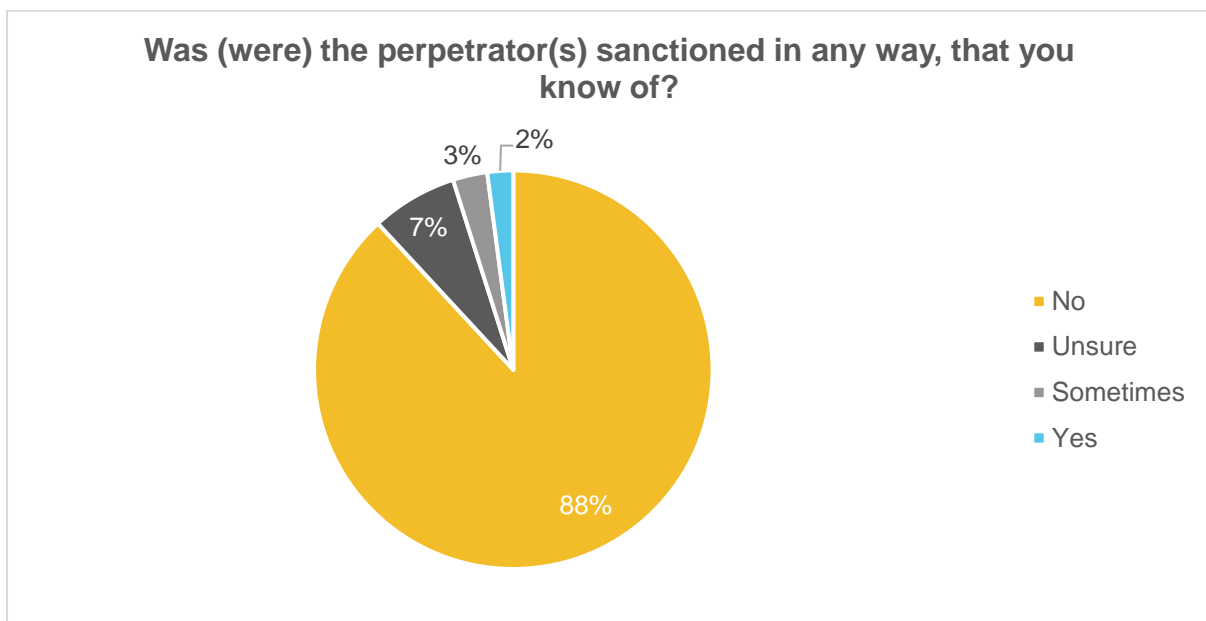
Those who reported the bullying were asked what the result of this was. In 81% of circumstances the respondent said it was unchanged, with it exacerbating the situation in over half (55%) of circumstances and mitigating the situation on just over a quarter (26%) of circumstances. It should be noted that respondents answers to this question may have been based on a number of different instances of reporting.

Respondents were asked to comment further on how reporting the bullying had impacted them. Frequency of response was noted as follows:

- Resigned/left/considering leaving (22)
- Affected mental health/caused anxiety and depression (20)
- Affected confidence and self-esteem (18)

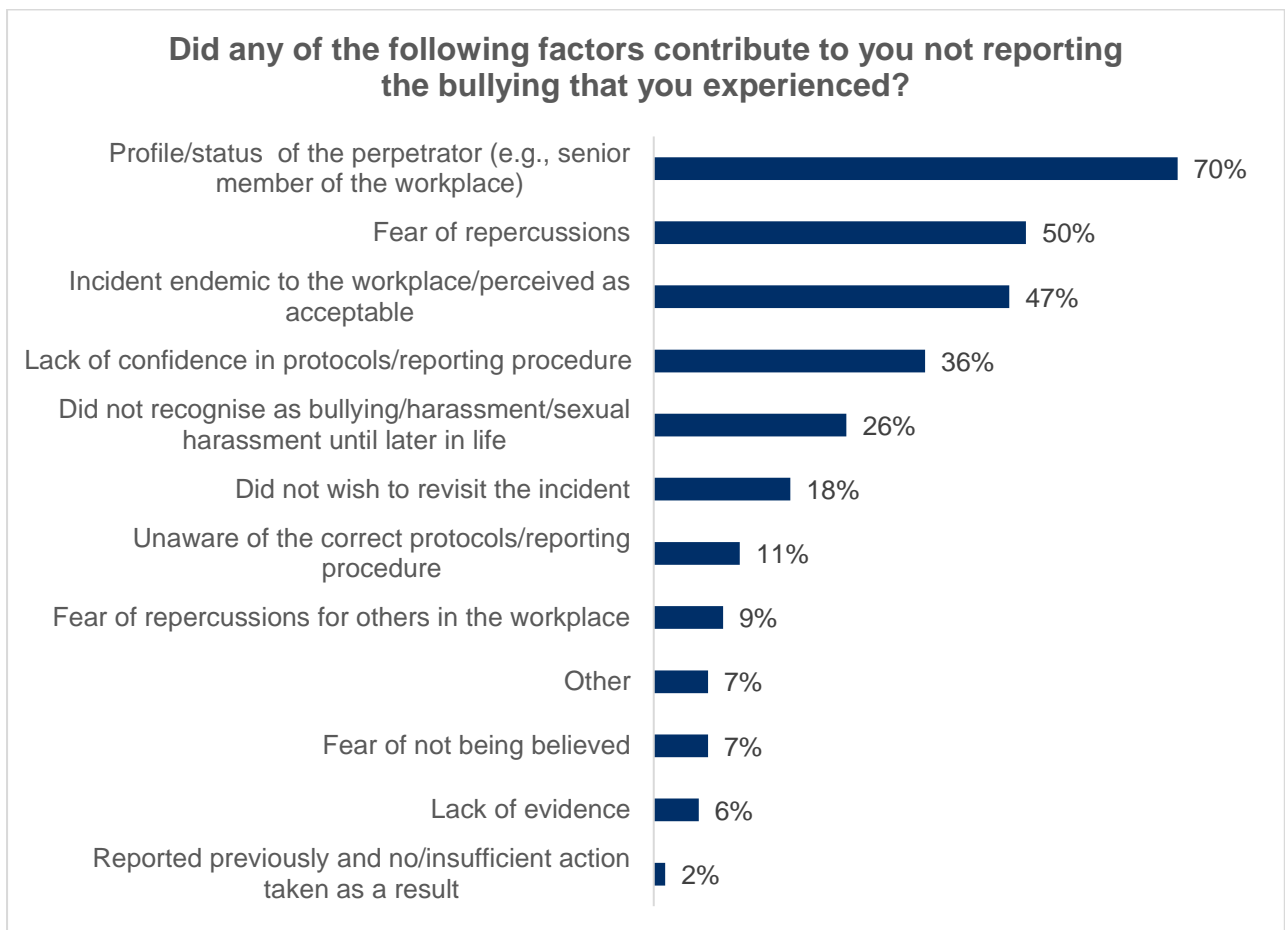
- Stress unbearable (19)
- No impact/did not resolve anything (14)
- Long-term damage/Impact (8)
- Felt vindicated/helped somewhat (8)
- Won't report it again, lost faith in the system (6)
- Felt isolated and powerless (6)
- Prescribed medication/anti-depressants (6)
- Worsened (5)
- Affected career/worried will affect career (5)
- Felt embarrassed and uncomfortable (3)
- Those in authority backed perpetrator (3)
- Felt blamed (3)
- Attended psychologist/counsellor (2)
- Affected personal relationships (2)
- Excluded and ignored (2)
- Lost job (1)

4.3.6.13 *Perpetrator sanction*



Respondents were asked if when they reported the perpetrator, was the perpetrator sanctioned. Only 2% of respondents said that the perpetrator was sanctioned on all occasions, with 3% stating they were sanctioned sometimes, and the majority (88%) stating there was no sanction. A small number of respondents (7%) were unsure if the perpetrator was sanctioned.

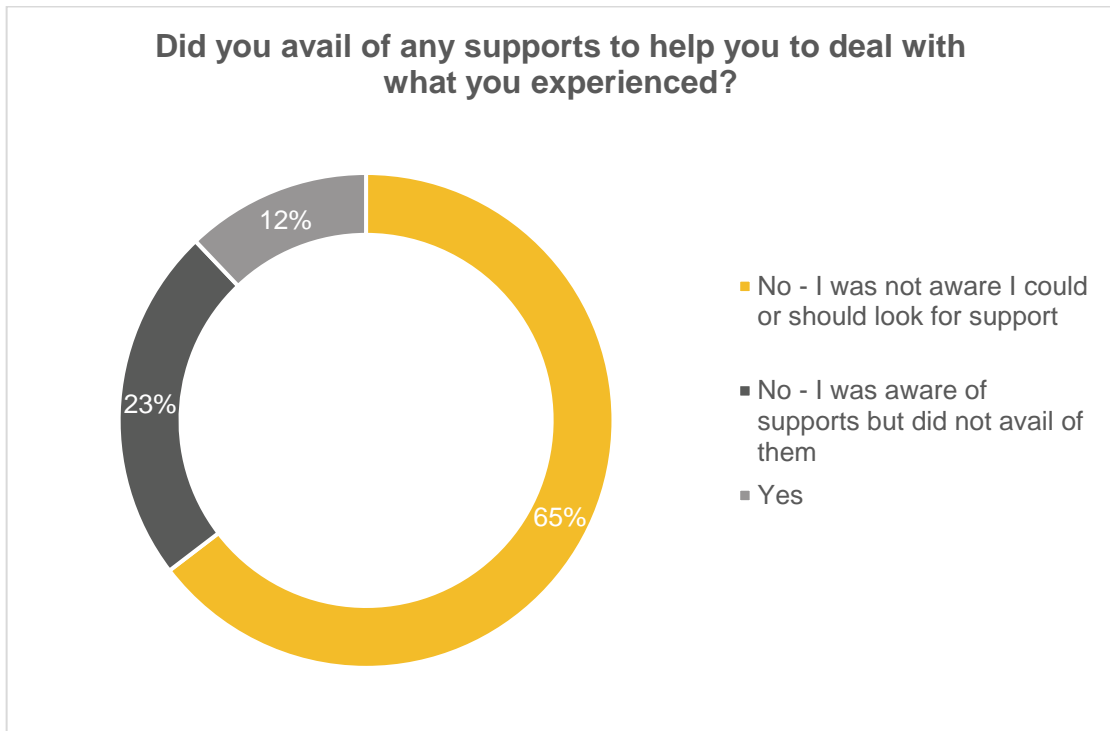
4.3.6.14 *Not reporting bullying*



Those respondents who did not report the bullying they experienced were asked what they considered to be the reasons for this. The most prominent reason given (70%) was that it was not reported due to the profile/status of the perpetrator. Half of respondents (50%) stated that they were afraid of the repercussions of reporting the bullying, while just less than half (47%) stated an incident endemic in the workplace/perceived as acceptable. The respondents who cited “Other”, gave the reason as:

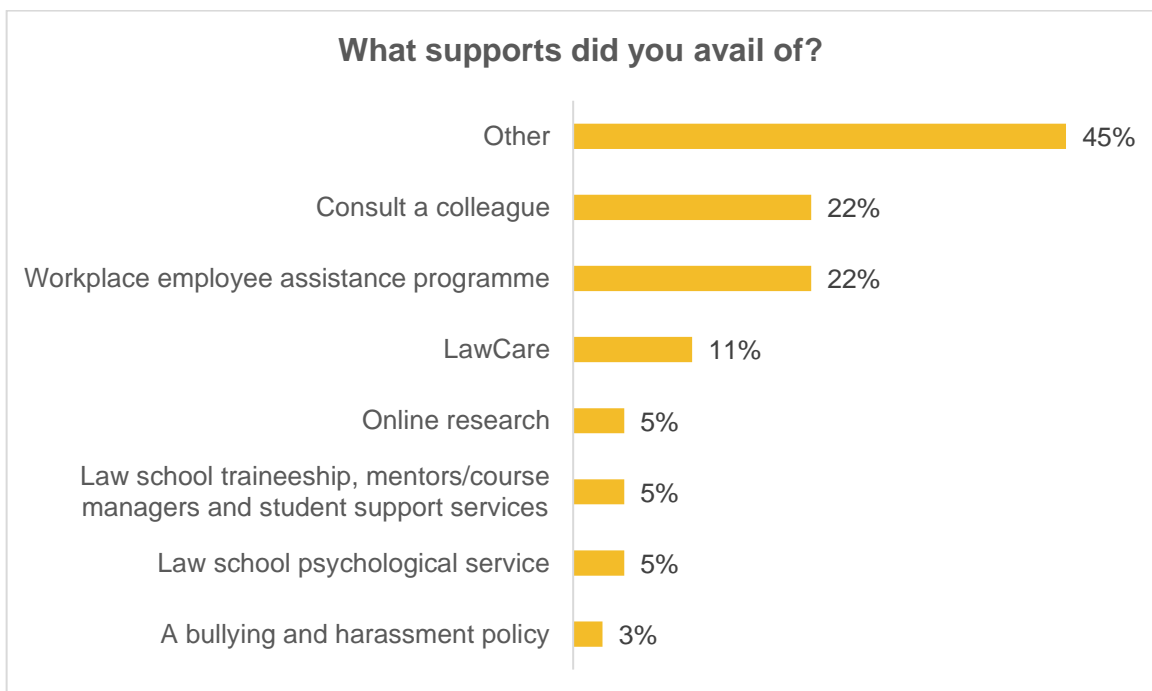
- Perpetrator in senior position/owner of firm/no one to make a complaint to (15)
- Fear of losing job/impacting in a negative way (13)
- Did not feel serious enough to report (6)
- Culturally accepted in the industry (5)
- Left/found new job/moved on (5)
- Dealt with it myself (5)
- HR only route and perpetrator had their support (2)
- Did not want to appear to be complaining (1)
- Was a client (1)
- Difficulties arose in course of a partnership (1)

4.3.6.15 **Supports Bullying**



Only a small number of respondents (12%) said they availed on any supports to help them deal with the bullying they experienced. Of those who did not avail of any supports (88%), the main reason for this was not being aware that they could or should look for support (65%).

4.3.6.16 **Supports**



Those who stated in the previous question that they did avail of supports were asked to specify what these supports were, with the most common answers being Consult a colleague (22%) and a workplace employee assistance programme (22%). The largest fraction of respondents (45%) said they availed of “Other” supports, which included:

- Private Counselling/Psychologist/Therapist (18)
- Doctor/GP (10)
- Union Rep (3)
- Relaxation techniques/Meditation/Yoga (3)
- Received direct support (2)
- Support group (1)
- Employment lawyer (1)
- Line Manager (1)
- HR (1)
- Medication (1)

It is interesting to note that none of the respondents who reported the bullying selected a gender equality, diversity and inclusion policy, the Workplace Relations Commission, Irish Human Rights and Equality Commission, Citizen’s information, the Health and Safety Authority or LegalMind¹³.

Respondents who did not avail of any supports were asked to explain why. The frequency of response was noted as follows:

- Felt it would not have helped or changed behaviour (32)
- Effect on career/fear of repercussions (30)
- Didn’t think needed support/could manage myself (27)
- Leaving was the only option (13)
- Availed of support elsewhere (family, friends, counselling etc) (12)
- Part of culture industry norm (10)
- Made to feel a complaint is just causing trouble (9)
- Depressed/upset/mentally unable to deal with steps (7)
- Ignored it got on with it (6)
- Issue resolved (5)
- Would have had to take legal action and did not want to go down this route (2)
- Felt it was an internal issue (2)
- May if happened again (1)
- Incident not reported so unable to avail of the supports (1)

¹³ Note: LegalMind was launched in early 2020 and therefore was available just over a year of the timeframe this survey examines.

4.3.6.17 *Work related impact of bullying*



Respondents were asked if the bullying they experienced had a work-related impact on them. Nearly half of respondents (46%) stated that the bullying resulted in them leaving the workplace, with another 9% stating they switched practice areas or departments within the workplace and 6% saying they left the profession as a result. “Other” work related impacts on respondents (7%) included:

- Have thought about changing career/retiring early (8)
- Became ill/affected mental health (5)
- Affected confidence and self-esteem (4)
- Made redundant/resigned (4)
- Has had a lasting negative impact (4)
- Moved office/role (3)
- Caused me to distance myself (3)
- Disillusion with management structure (2)
- Depression/hospitalisation/medication (2)
- Attend counselling (2)
- Tried to be an advocate for those experiencing these issues (1)

Additional context provided by respondents regarding bullying they experienced included:

- Abuse of power/control/hierarchical (39)
- Criticised, undermined, belittled/affected confidence (32)
- Mistreatment of trainees/juniors (29)
- Bullying by person in senior role/no support (29)
- Over worked/over-bearing workloads (22)
- Feel bullying behaviour culturally accepted (21)
- Poor management skills/feel some people in industry lack management training (20)
- Moved position/have considered leaving (15)
- Lack of support/no action taken (14)

- Affected mental health and wellbeing (13)
- Toxic work environment (12)
- Worried about job security/effect on career (9)
- Excluded/Isolated (7)
- No allowance made for family matters or personal life (7)
- Has had a long-term impact (6)
- Bullied out of job/lost job/sacked (5)
- Bullying and harassment experienced in several different forms (4)
- Inappropriate sexual comments/harassment (3)
- Contemplated taking own life (1)

4.3.6.18 *Illustrative examples*

The comments presented below are illustrative examples of the types of feedback received by survey participants in relation to bullying experienced. They are illustrative only. Exact quotes are not being used in order to honour our survey commitment not to share individual survey responses.

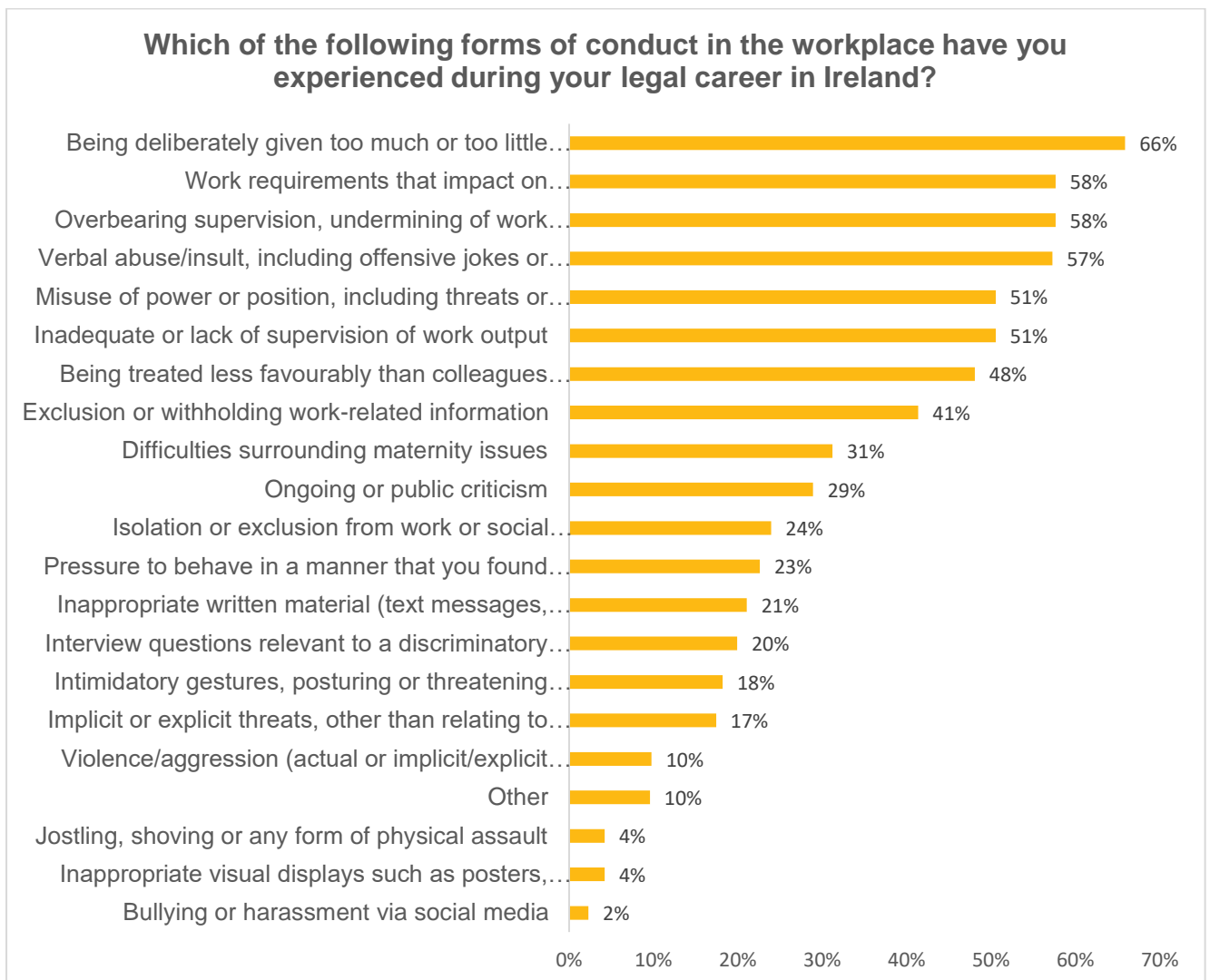
- As a trainee, I feel there is a lack of interest in my learning, development and improvement. Not enough time given to training
- Superiors almost constantly behave aggressively and criticise unfairly when we are with clients
- I was told to accept bullying as part of my career
- Bullying was ignored because of the seniority of the perpetrator
- After reporting the bullying, I felt I had been heard / vindicated
- As a result of reporting, I felt isolated, I was deliberately overlooked in terms of career opportunities and it was very difficult to be at work
- I suffered from depression and I still do. This has seriously damaged by career.
- I knew no action would be taken
- I felt that complaining would make me stand out as someone who couldn't take the pressure or was a troublemaker
- The only solution I could see was to leave
- As a trainee, I felt I needed to deal with it on my own for fear of career repercussions
- I was ill for several years because of the bullying which took me a long time to get over
- My views of the professions were negatively impacted and I felt both disillusioned and powerless
- I am no longer sure that this is the right career for me, I may not stay in the profession
- Bullying is endemic in the profession, people should know better and understand the impact of their behaviour on others
- Protections are in place for more senior members of staff. I don't think these behaviours would be accepted elsewhere.

4.3.7 Harassment

4.3.7.1 Key insights - Experienced Harassment

- 1 in every 2.3 females and 1 in every 8.6 males who responded to the survey said they experienced harassment.
- The breakdown of respondents across age groups was those aged 40-44 made up 25% of those who experienced harassment, 35-39 made up 22%, 45-49 made up 16%, 50-54 made up 11%, 30-34 made up 10%, 25-29 made up 6% and 55-59 and 60 years and above were each 5%.
- Of respondents who experienced harassment, their workplace was private practice (55%), in-house legal function (22%), the public sector legal function (12%) and sole practitioners (11%).
- Respondents experienced a wide range of harassment behaviours in the workplace as outlined in 4.3.7.2.
- The most common ground for harassment experienced by respondents was gender (77%).
- 92% of harassment experienced by respondents happened at work/in their office.
- The most common perpetrators were the respondent's line manager or supervisor (58%) or another senior member of staff (60%).
- Respondents said the perpetrator was male in 83% of cases and female in 42% of cases.
- Most of those who experienced harassment said it happened on more than one occasion (46% said occasionally and 45% said it was repeated behaviour).
- 60% said they experienced harassment by various individuals.
- Of respondents who experienced harassment, 73% experienced at least one of the incidences in the last 5 years: 6% within the past month; a fifth (20%) 1-12 months ago and just under half (47%) within the last 2-5 years. 7% experienced at least one of the incidences more than 20 years ago.
- The majority of respondents (71%) did not report their experience.
- Where reported, the main person to whom harassment was reported was either a designated member of staff (33%) or a member of HR (26%).
- The respondents assessment of their workplaces response to the harassment was that it was totally inadequate in the majority of circumstances (56%).
- In the majority of situations (79%) respondents said the result of reporting the harassment was that there was no change.
- The situation was resolved in only 10% of cases where it was reported.
- In 89% of circumstances there were no sanctions for the perpetrator.
- The most common reason for not reporting was the profile/status of the perpetrator (76%).
- Only 12% of respondents accessed supports to help them deal with their experience.
- Half of respondents said the harassment contributed to them leaving the workplace.

4.3.7.2 Harassment Conduct



Two thirds (66%) of respondents who experienced harassment said they experienced being deliberately given too much or too little work, work not appropriate to the position or manipulating job content and targets. Other common types of conduct experienced by over half of respondents who experienced harassment included: work requirements that impact on child/care/other personal arrangements, e.g. early morning meetings, late working, requirement to answer emails while not at work, etc. (58%); overbearing supervision, undermining of work output or constant unproductive criticism (58%); verbal abuse/insult, including offensive jokes or comments, ridiculing or demeaning language, shouting or spreading malicious rumours (57%); misuse of power or position, including threats or comments about job security (51%); and, inadequate or lack of supervision of work output (51%). “Other” forms of harassment (10%) included:

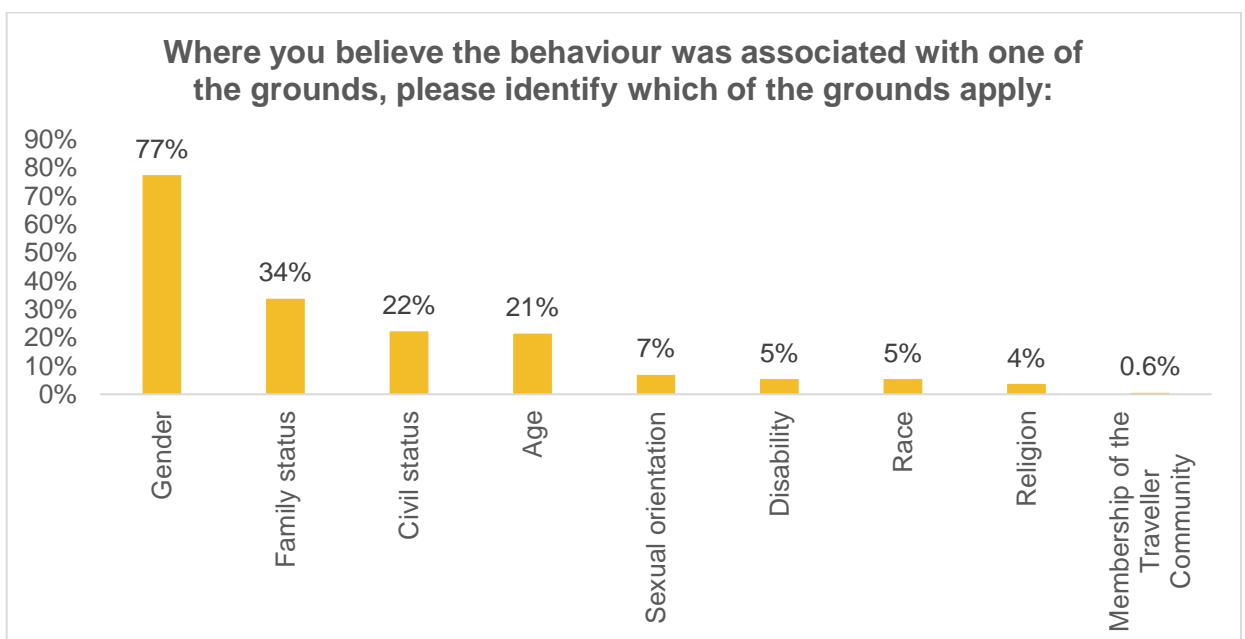
- Criticised, belittled, Intimidated (13)
- Discrimination re maternity/ family matters (8)
- Inappropriate sexual comments & behaviours (7)
- Physical & threatening behaviour (5)

- Discrimination on grounds of nationality (3)
- No allowance for health or wellbeing (3)
- Mistreatment of trainees (3)
- Gender discrimination (3)
- Sexist behaviours (2)
- Discriminatory interview questions (2)
- Abuse from clients (2)
- Inappropriate comments and gestures (2)
- Rudeness & aggression (1)
- Financial abuse (1)

4.3.7.3 **Harassment grounds**

Respondents were asked to identify whether they believed the behaviour they experienced was associated with one of the discriminatory grounds i.e.

- a. **Gender:** this means man, woman or transgender
- b. **Civil status:** includes single, married, separated, divorced, widowed people, civil partners and former civil partners
- c. **Family status:** this refers to the parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- d. **Sexual orientation:** includes gay, lesbian, bisexual and heterosexual
- e. **Religion:** means religious belief, background, outlook or none
- f. **Age:** this does not apply to a person aged under 16
- g. **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- h. **Race:** includes race, skin colour, nationality or ethnic origin
- i. **Membership of the Traveller community**



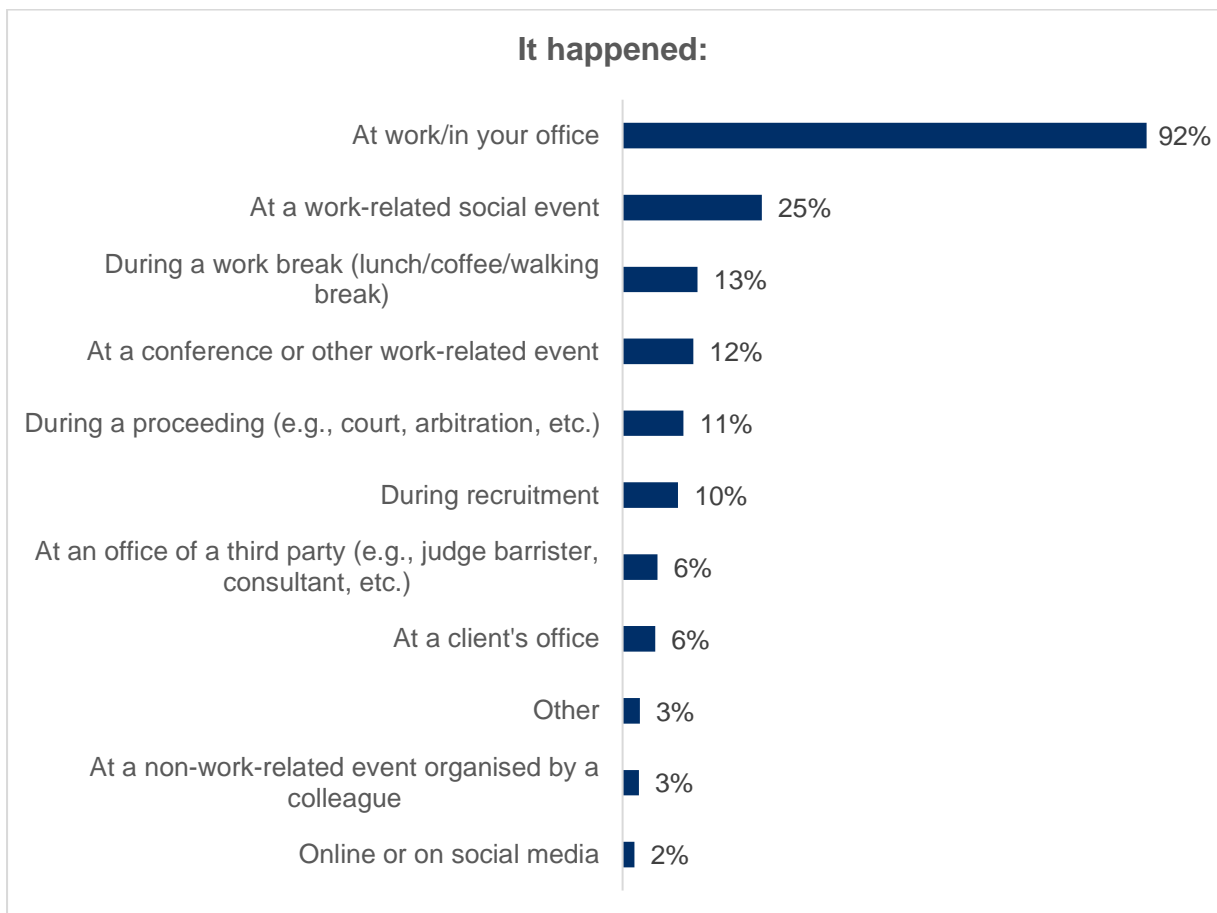
Gender was the most common ground (77%) on which respondents believed the conduct they experienced was based. The family status of respondents, i.e. if they had children or dependents, was the next most common ground, cited by just over a third (34%) of respondents.

Those who elaborated provided additional comments which are thematically analysed and presented in terms of frequency of response below:

- Treated differently due to gender (99)
- Power imbalance/hierarchical/abuse of position (93)
- Unfairly treated due to maternity/having children (87)
- Mistreatment of trainees (43)
- Offensive comments/treatment due to age (40)
- No allowance for family, personal or health matters (34)
- Sexual harassment, inappropriate comments, sexual assault (31)
- Exclusion (23)
- Offensive comments regarding civil status (18)
- Toxic work environment endemic/culture of acceptance (18)
- Withheld/reduced work/demoted (17)
- Treated differently/inappropriate comments made re race and nationality (12)
- Inappropriate comments regarding sexual orientation (9)
- Favouring family/personal friends (8)
- Offensive comments/treatment re disability (7)
- Lasting long-term Impact (6)
- Physical abuse (4)
- Scared to come forward, could affect career (4)
- Snobbery/class discrimination (4)
- Abuse by clients (3)
- Discrimination regarding religion (1)
- Derogatory comments made re travelling community (1)

4.3.7.4 Incidences Experienced Harassment

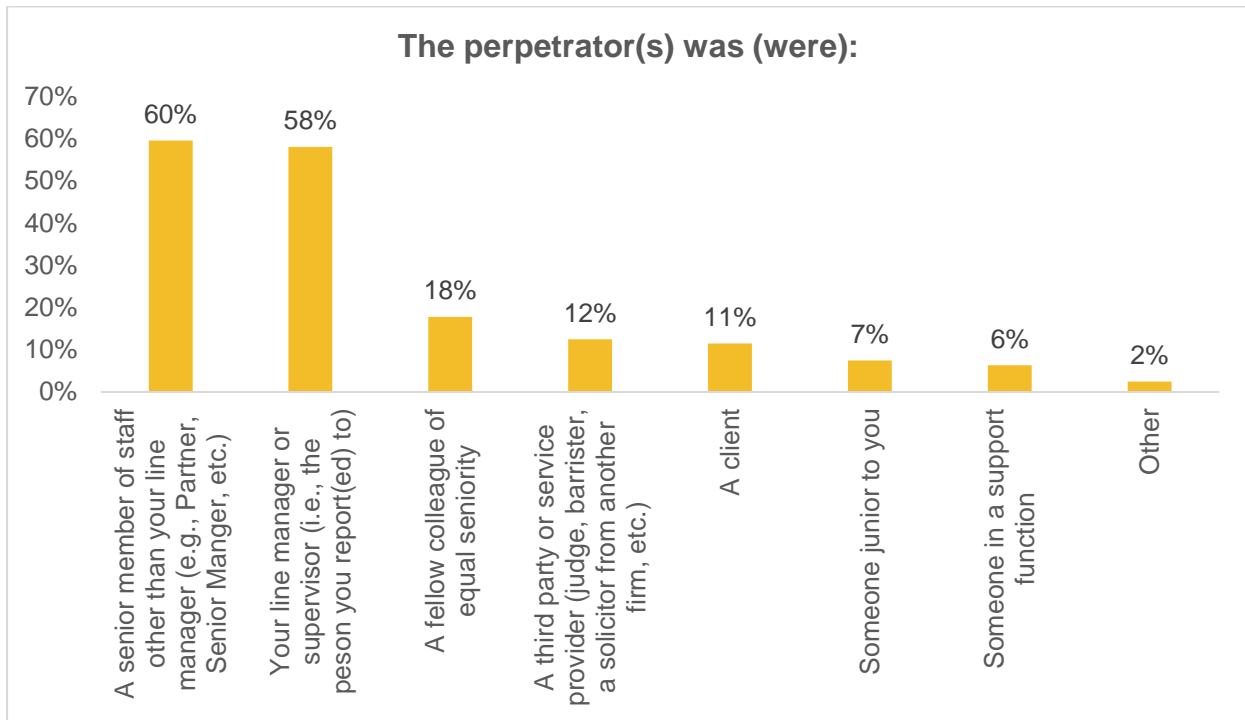
4.3.7.4.1 Place/Context



The majority of incidences of harassment experienced by respondents (92%) happened at work/in the office and a quarter said they experienced harassment at a work-related social event. Those that cited “Other” (3%) noted:

- Via email (3)
- Correspondence (3)
- Maternity leave/sick leave (3)
- Phone (3)
- Social setting (3)
- Travelling to court/client's office (2)
- While attending court (1)

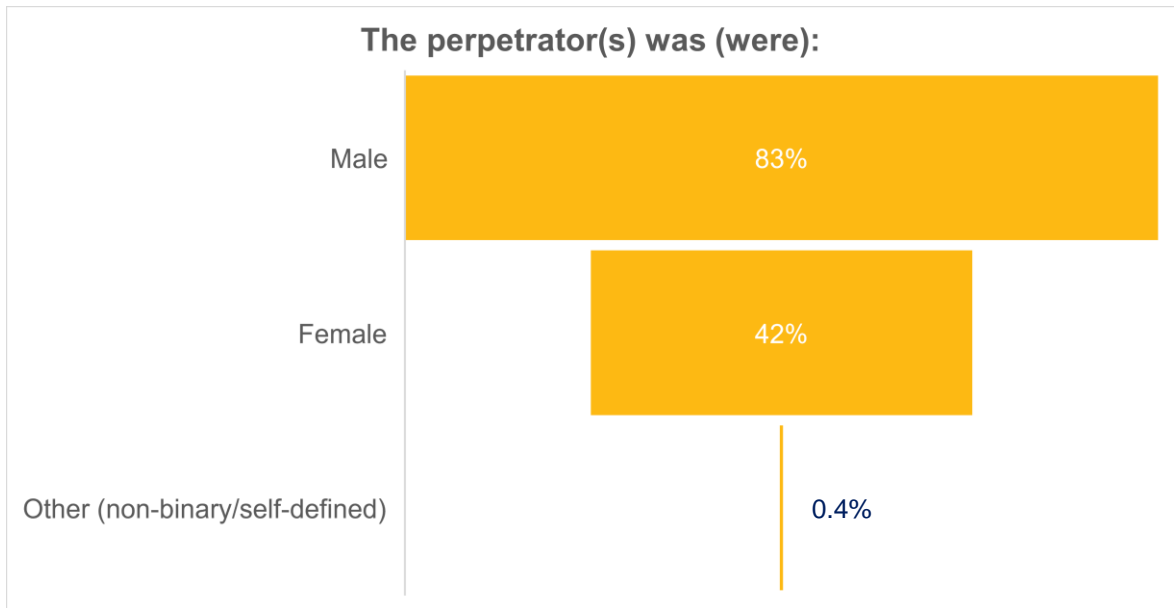
4.3.7.5 *Perpetrator(s)*



In the majority of circumstances, the perpetrator(s) was either the respondent's line manager or supervisor (58%), or another senior member of staff (60%). A quarter of respondents said they were harassed by either a colleague of equal seniority (18%) or junior to them (7%). Respondents also cited being harassed by a third-party, service providers (12%), a client (11%) or someone in a support function (6%). Those who selected "Other" (2%), indicated this to be:

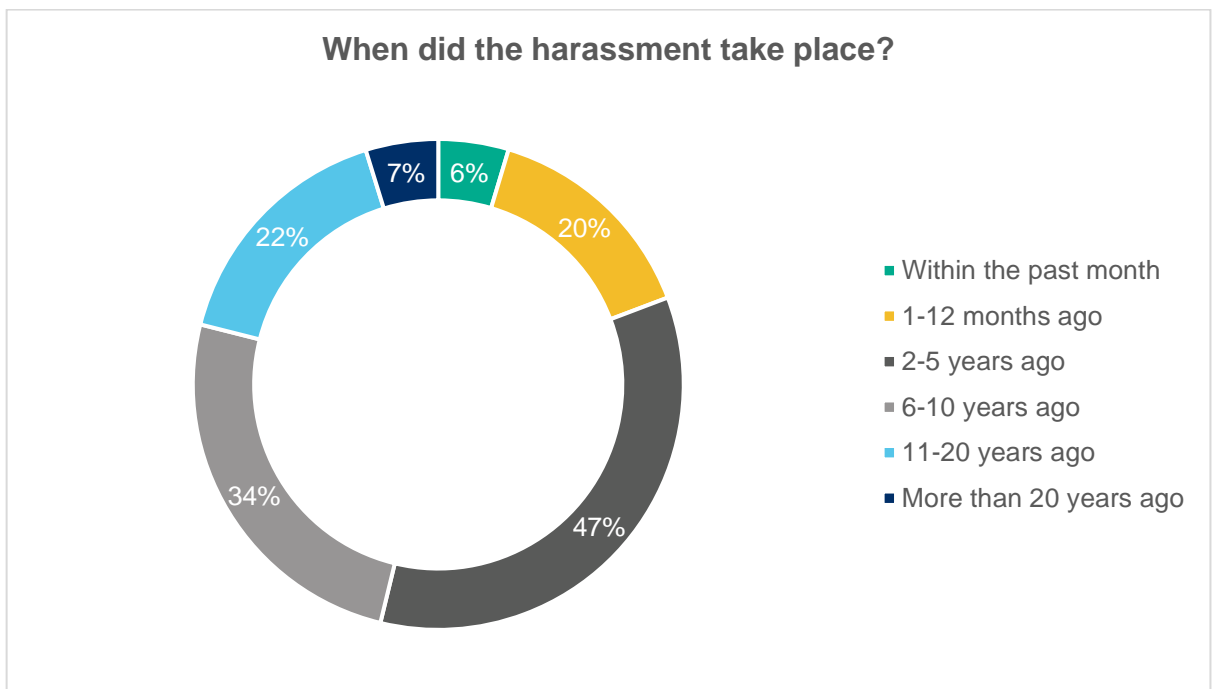
- Interviewer (3)
- Partners (2)
- HR (1)
- Solicitor from another firm (1)
- Unknown at a court sitting (1)
- Principal of the Practice and others in non-legal setting (1)
- Client (1)
- Manager of practice (1)
- Management team (1)
- Longer qualified solicitors (1)

4.3.7.6 **Perpetrator(s) Gender**



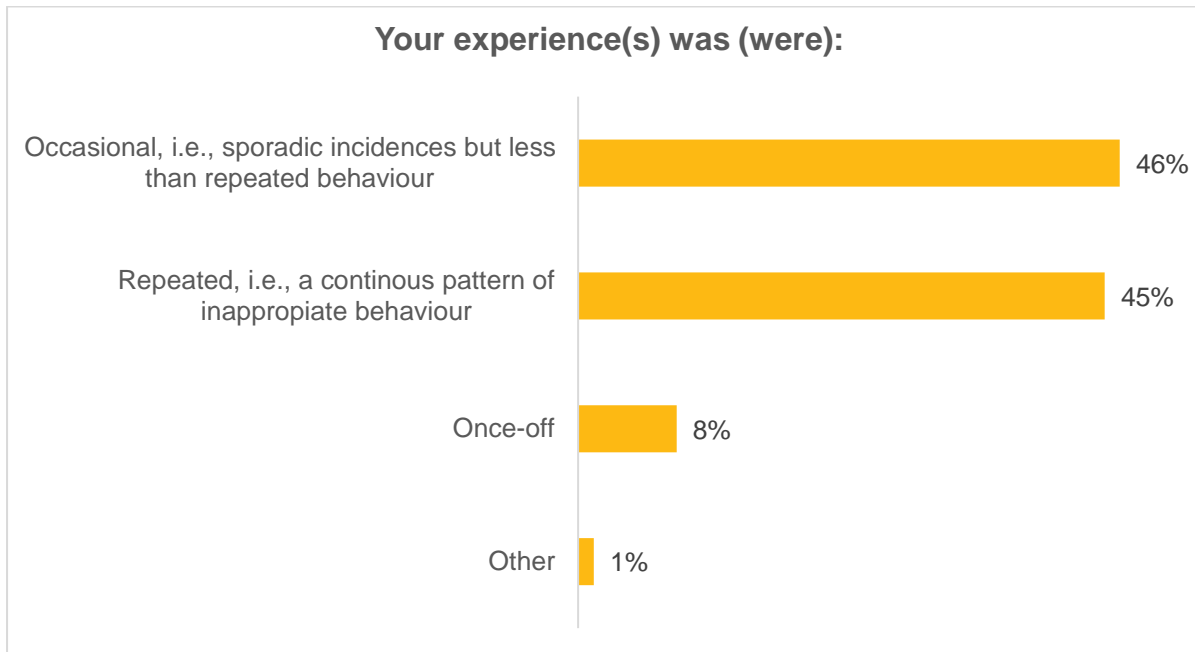
When asked the gender of the perpetrator(s), 83% stated that the perpetrator was male while 42% were female and 0.4% were other (non-binary/self-defined).

4.3.7.7 **Timeframe**



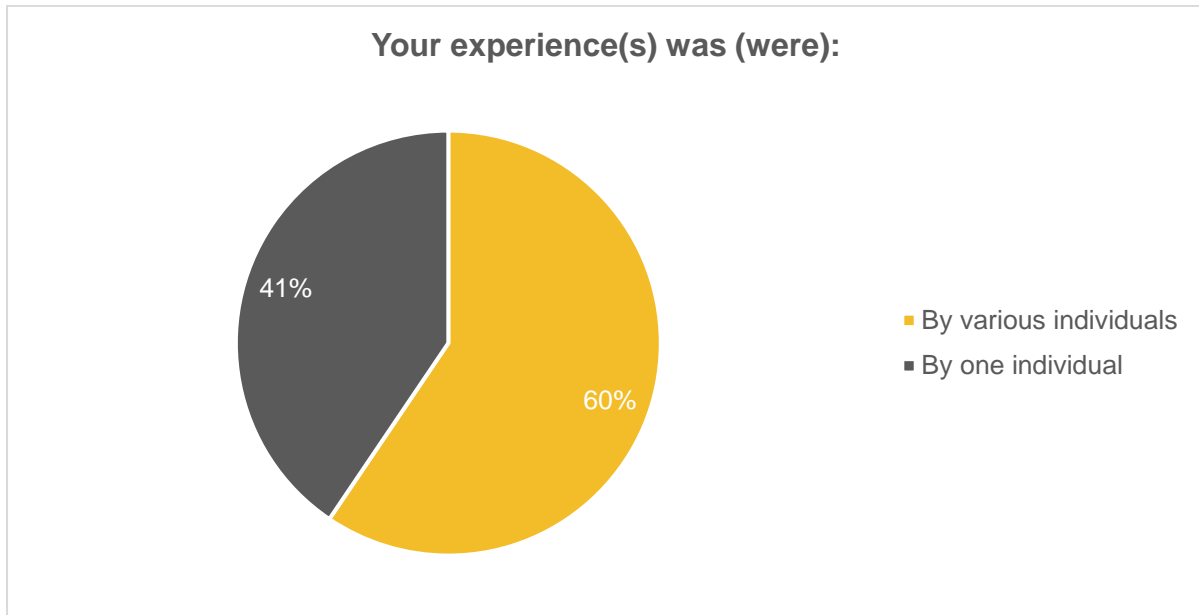
Respondents were asked when the incident took place and could select more than one option if considering multiple incidents. Of respondents who experienced harassment, 73% experienced at least one of the incidences in the last 5 years: 6% within the past month; a fifth (20%) 1-12 months ago and just under half (47%) within the last 2-5 years. 7% experienced at least one of the incidences more than 20 years ago.

4.3.7.8 *Pattern of Occurrence*



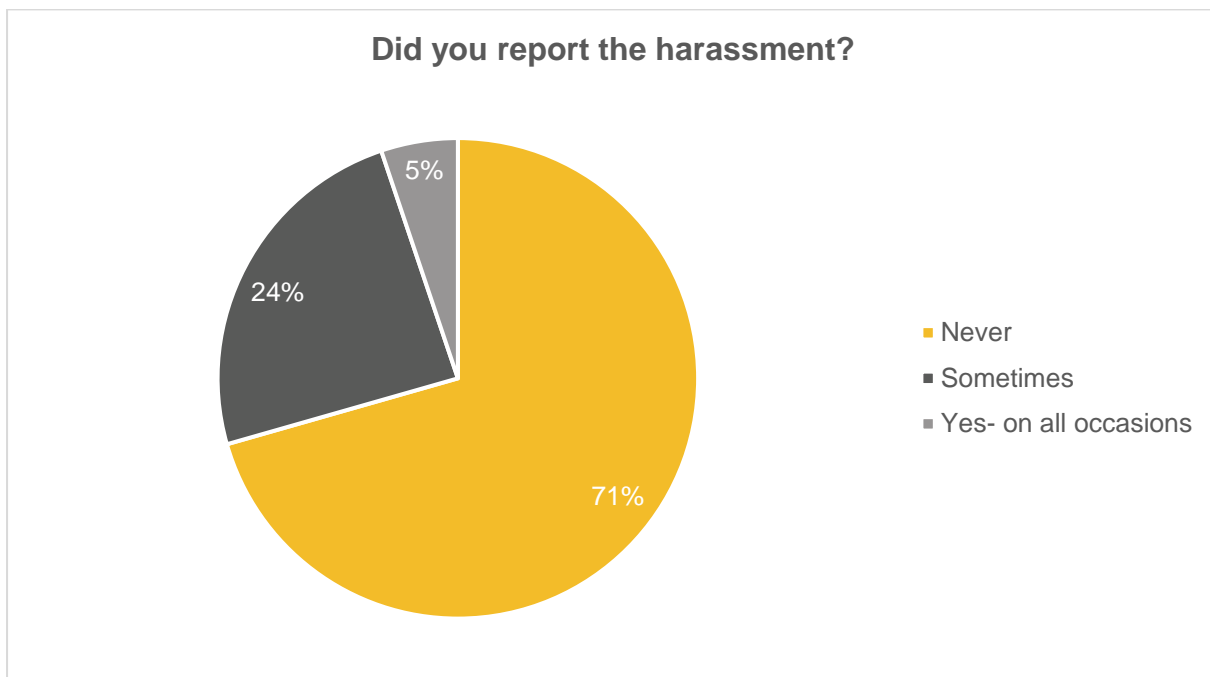
The majority of harassment experienced by respondents was either repeated (45%) or occasional (46%) with only 8% of experiences being a once-off. Those who cited “Other” stated:

- General way of working/cultural (3)
- Occasional exclusion (2)
- Repeated and deliberate (2)
- Constant level of threat (1)
- Repeated, as witnessed behaviour towards other members of staff (1)
- Happened twice (1)



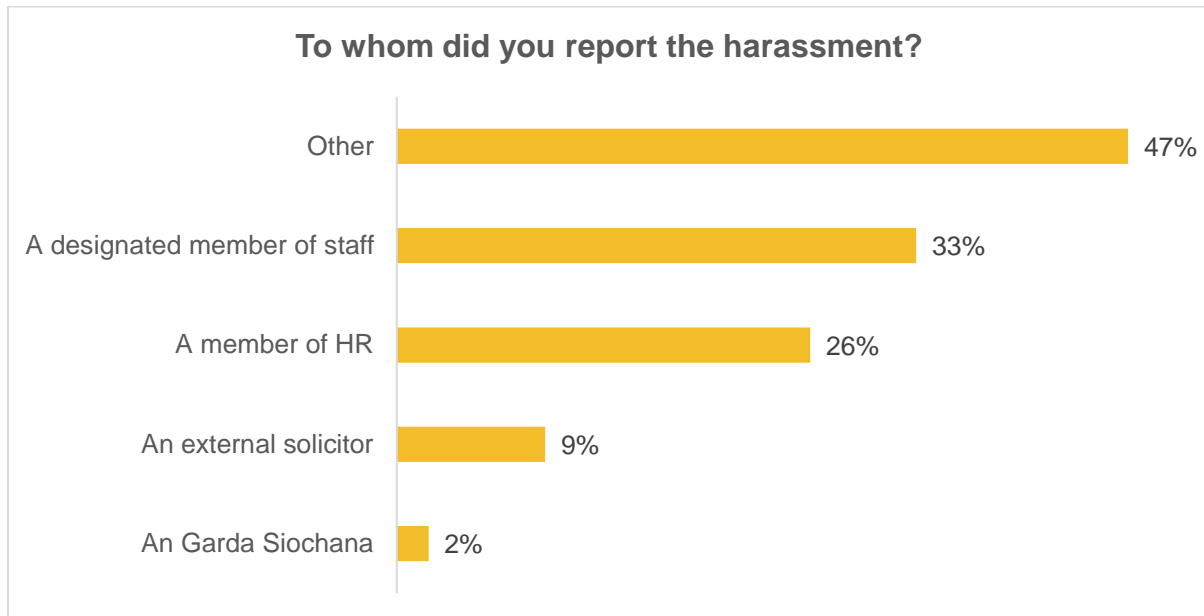
Respondents in the majority of cases (60%) said the harassment was by various individuals, whereas 41% said the harassment was by one individual.

4.3.7.9 Harassment reporting



A significant number (71%) of respondents who experienced harassment never reported it, with only a small amount (5%) reporting it on all occasions it occurred.

4.3.7.10 Harassment reports

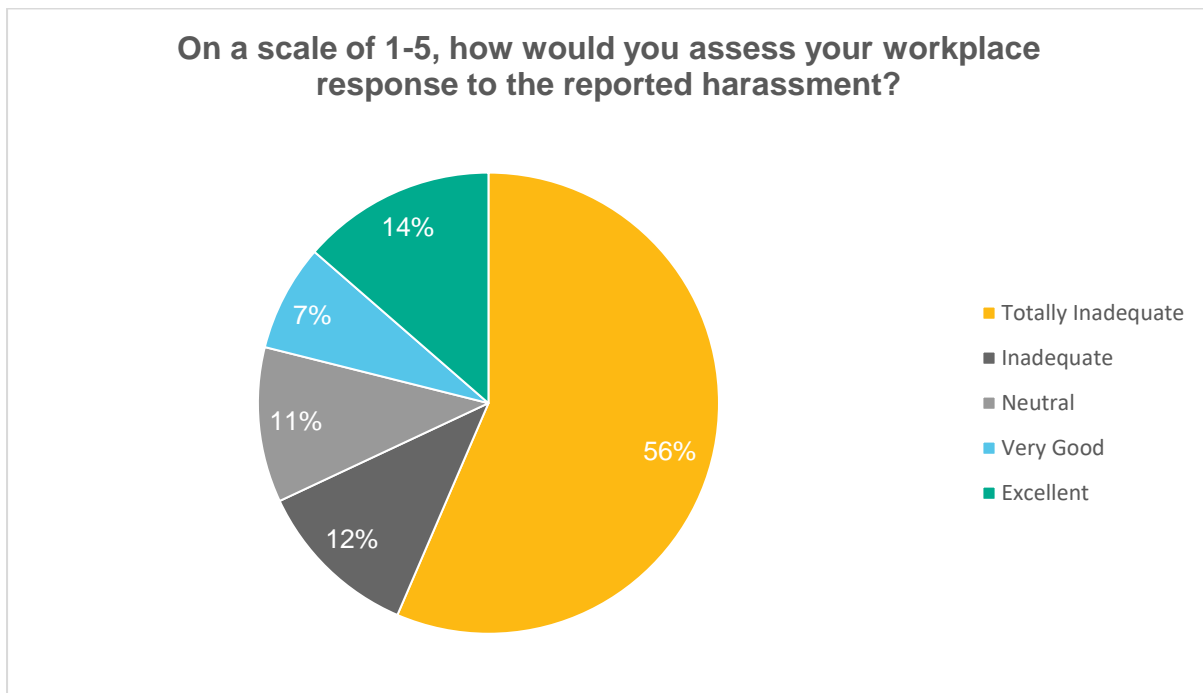


Those who reported the harassment were asked who they reported to. A third of respondents (33%) said they reported the harassment to a designated staff member and 26% reported it to a member of HR. Almost half of respondents (47%) stated they reported the incident to “Other” which included:

- Partner(s) (19)
- Line manager (7)
- Principal (7)
- Solicitor(s) (6)
- Managing partner (5)
- Colleague(s) (4)
- No one to report to boss/person in authority is perpetrator (4)
- Senior partner (2)
- Board of Directors (2)
- Law Society (2)
- HR (2)
- Union (2)
- Prefer not to say (1)
- Sought legal advice (1)
- Senior Counsel (1)
- WRC (1)
- Employer (1)
- Practice group leader (1)
- GP (1)
- Regional Manager (1)

4.3.7.11 *Response to reporting – Harassment*

Respondents were asked to assess their workplace response to the reported harassment.



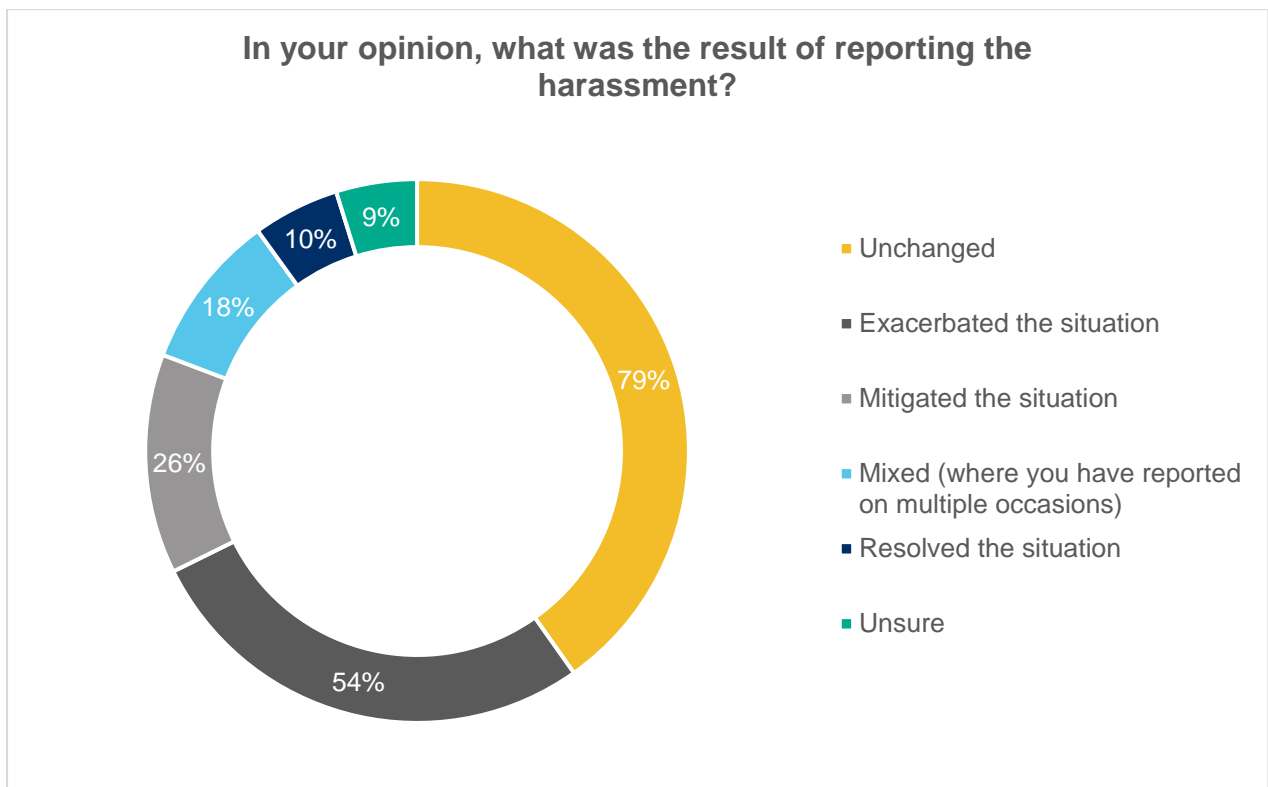
Respondents who reported their experience of harassment were asked to assess on a scale of 1-5, with 1 being excellent and 5 being totally inadequate, the response of their workplace to the reported harassment. Over half of respondents (56%) assessed their workplace's response to the reported harassment as "Totally Inadequate", while only 14% would assess the response as "Excellent".

Based on the answer above, respondents were asked to elaborate on how the reported harassment was dealt with. Frequency of response was noted as follows:

- No action taken/not dealt with (32)
- Dismissed/Ignored (26)
- Expected to be tolerated (14)
- Left job (12)
- HR/protected perpetrator (8)
- Affected career/worried it would affect career (8)
- Had to deal with matter myself (6)
- Because perpetrator was senior, they were protected (6)
- Moved to a different section (5)
- Received apology (5)
- Ridiculed/belittled/threatened (5)
- Brief period of respite but reverted (4)
- Blamed/made feel my fault (4)

- Felt supported (4)
- Received no support from Law Society (3)
- Implied it would be held against me (2)
- Perpetrator’s word taken over mine/not believed (2)
- Lost job (2)
- Clients prosecuted by gardai (1)
- HR offered counselling (1)
- Put on sick leave (1)

4.3.7.12 **Result of Reporting Harassment**



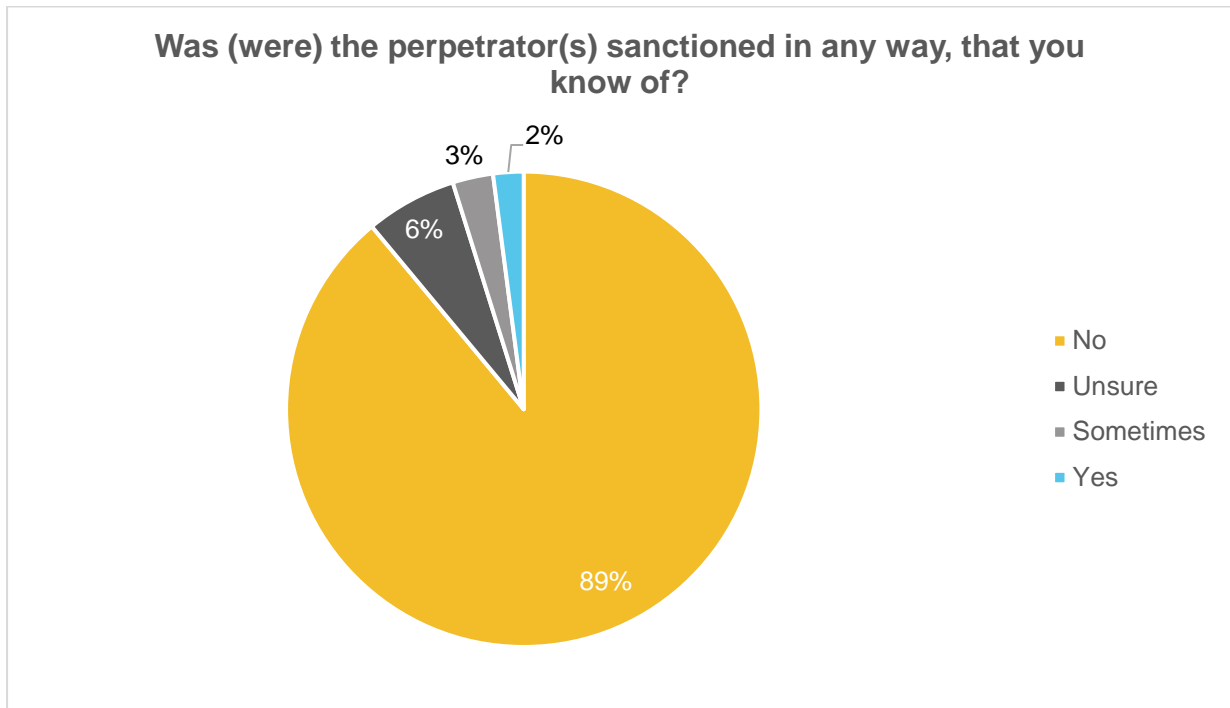
When asked for their opinion on the result of reporting the harassment the most common outcome was that the situation was unchanged (79%) and in over half of cases (54%) respondents said it exacerbated the situation. Only 10% of respondents said that reporting the harassment resolved the situation. It is important to note that respondents may have selected more than one response based on their different experiences of reporting harassment at different times.

Respondents were asked to comment on the impact of reporting the harassment and the frequency of response was noted as follows:

- Affected mental health and wellbeing (35)
- Left job (26)
- Shattered confidence and self-esteem (20)
- Nothing done/no action taken (16)

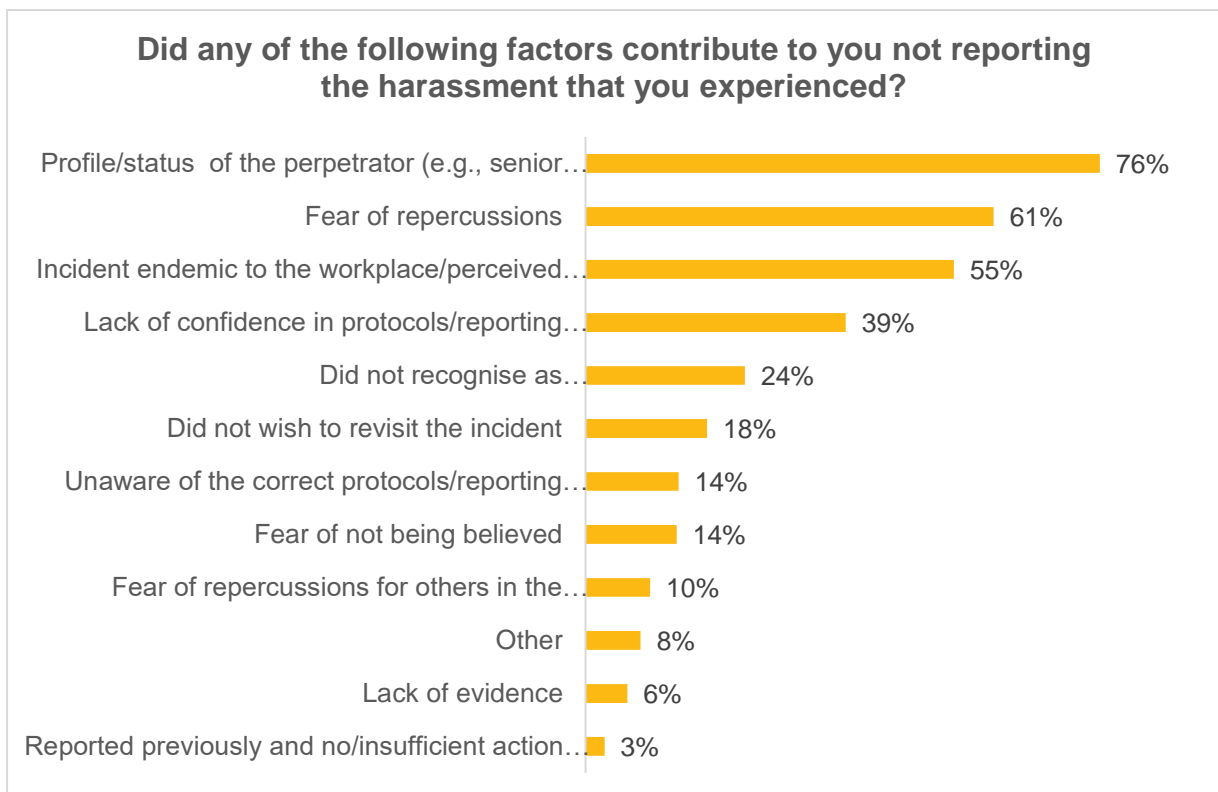
- Upset, unhappy and stressed (16)
- Affected career prospects/worried it would (14)
- Worsened/Intimidated by perpetrator (11)
- Entirely negative/of no benefit (10)
- Lasting negative effect (7)
- Felt better and stronger (7)
- Felt frustrated (6)
- Felt humiliated (5)
- Lost job/Let go (5)
- No support/felt hopeless (5)
- Realised reporting a more senior person was pointless (4)
- Fear (4)
- Felt isolated and powerless (4)
- Loss of earnings (3)
- Attended counselling (3)
- Made to feel it was my fault (3)
- Prescribed anti-depressants (2)
- Perpetrator prosecuted (1)
- Bought over the practice and resolved the matter (1)

4.3.7.13 *Perpetrator sanction*



Most respondents (89%) stated that there were no sanctions, that they were aware of, for the perpetrator. Only 2% of respondents said the perpetrator was sanctioned on all occasions.

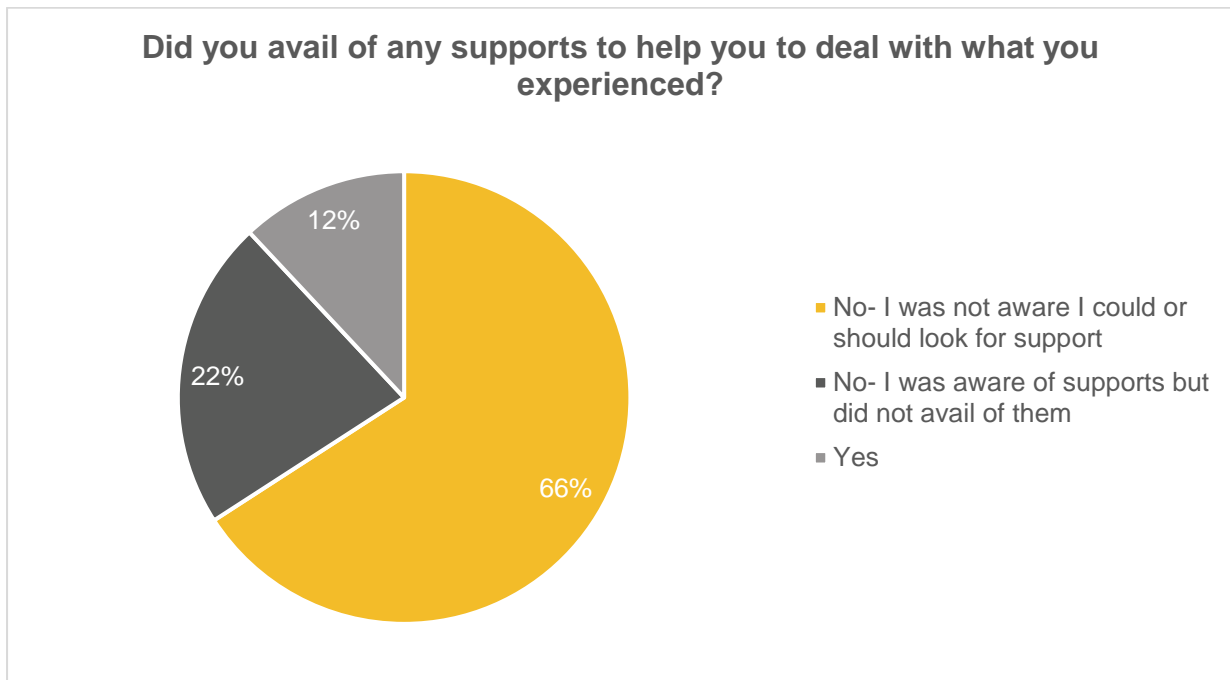
4.3.7.14 *Factors in not reporting*



Those who did not report the harassment they experienced were asked about the factors that contributed to them not reporting. Over three quarters of respondents (76%) stated that the profile/status of the perpetrator contributed to their decision not to report. Other common reasons for not reporting included fear of repercussions (61%) and incident endemic in the workplace/perceived as acceptable (55%). Those that cited “Other” (8%) mainly noted:

- No one to report it to perpetrator boss/in a senior position (10)
- Fear of impact on career/losing job (6)
- Did not think it was serious enough at the time (4)
- Found a new job (3)
- The behaviour is viewed as acceptable (2)
- HR was supporting perpetrator (1)
- Spoke with perpetrator (1)
- No procedure in place to deal with bullying (1)
- Client, not addressed (1)
- Expected to tolerate it (1)
- Fear would be singled out as being difficult (1)
- Didn't expect anything to be done (1)
- Just got on with it (1)

4.3.7.15 **Supports**

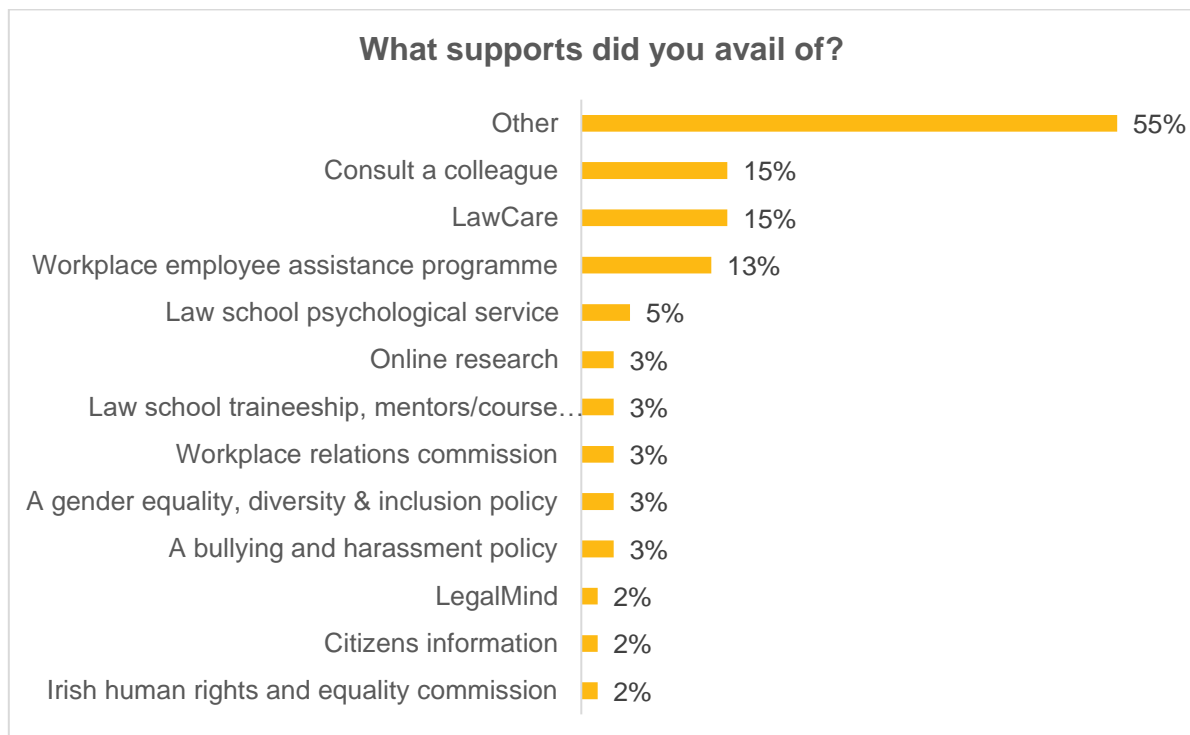


Only a small number (12%) of respondents said they availed of supports to help them deal with their experience of harassment. The majority of respondents (66%) were not aware they could or should look for support for their experience.

Respondents were asked to explain why they did not avail of supports and replied as follows:

- Felt it would affect career/fear of repercussions (25)
- Felt it would not have helped or changed behaviour (11)
- Supports inadequate and inappropriate (11)
- Didn't think I needed support/could manage myself (9)
- Behaviour is by someone in authority nothing can be done (7)
- Leaving only way to deal with it (6)
- Depressed/upset/mentally unable to deal with steps (5)
- Part of culture industry norm (5)
- No trust (4)
- Availed of support elsewhere (Family, friends, counselling etc) (4)
- Ignored it got on with it (3)
- Made to feel a complaint is just causing trouble should "get on with it" (2)
- Would have had to take legal action and did not want to go down this route (1)
- Spoke with individual directly (1)
- Not offered any (1)
- Embarrassed (1)

4.3.7.16 **Supports used**

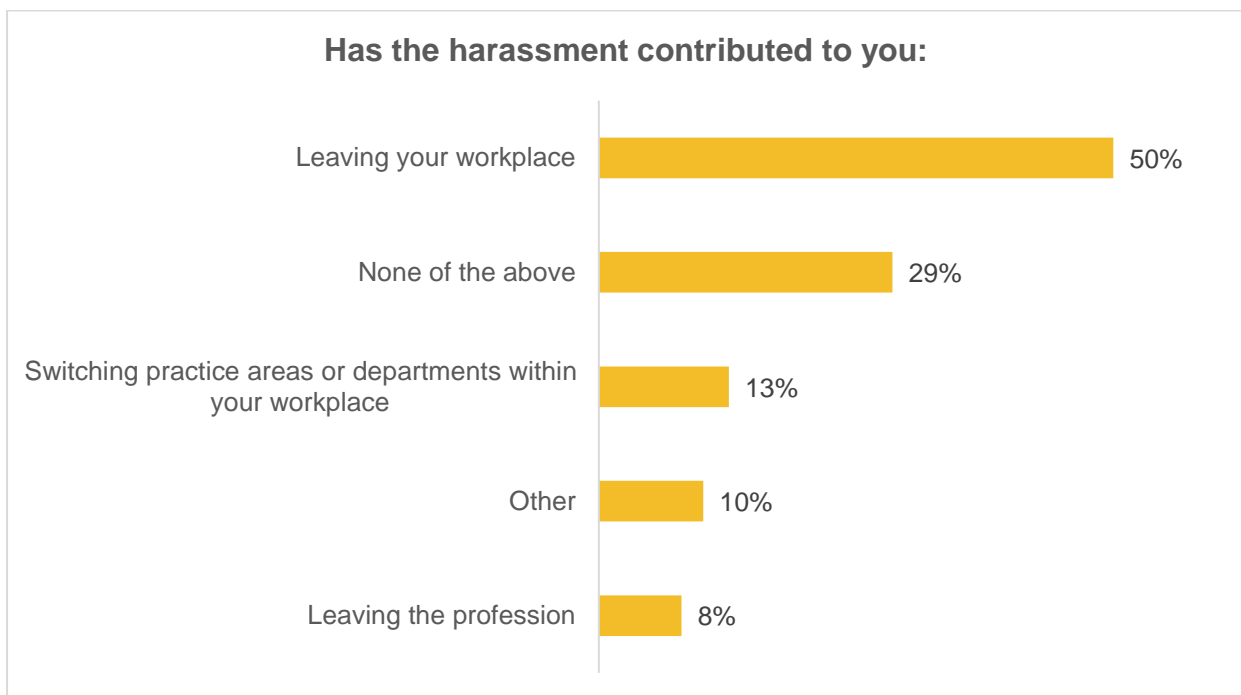


The respondents who availed of supports were asked what supports they availed of. The most common support respondents availed of was Consult a colleague (15%), LawCare (replaced by LegalMind in 2020) (15%) and the Workplace Employee Assistance Programme (13%).

Over half of respondents (55%) said they availed of “Other” supports, which included:

- Attended counselling, psychologist, therapist (19)
- Doctor/GP (8)
- Family, friends, colleagues (6)
- Sought legal advice/took action (5)
- Union (2)
- Medication (2)
- Management support (1)
- Consultant (1)
- Law Society career advisor (1)
- Mass/God (1)

4.3.7.17 *Work related impact of harassment*



Half of respondents who experienced harassment said it contributed to them leaving their workplace, while 13% said they switched practice area of department within their workplace and 8% stated it contributed to them leaving the profession.

Of the 10% who cited it contributed to “Other” work related impacts, these included:

- Considering leaving (20)
- Affected mental health and wellbeing (6)
- Feel stuck (3)
- Suffered financially (2)
- Affected personal relationships (2)
- Lasting negative impact (2)

- Have distanced myself (2)
- Perpetrator left/retired (2)
- Loss of confidence (2)
- Felt powerless (1)
- On sick leave without pay (1)
- Became advocate against such issues (1)

Additional context provided by respondents' harassment experienced was noted as follows:

- Mistreatment of Trainees/Juniors (32)
- No action taken/lack of support and no accountability (32)
- Left/considering leaving/witnessed others leave (30)
- Culturally ingrained/accepted/toxic (30)
- Discrimination due to maternity/having children (27)
- Demeaned, belittled, shattered confidence (23)
- Sexual harassment/inappropriate sexual comments (19)
- Gender discrimination (17)
- Power imbalance/control/hierarchical (16)
- Affected career/scared would affect career (13)
- Overworked/lack of training (12)
- Excluded/ignored (12)
- Difficult to take action/perpetrator senior/boss (12)
- Work reduced/financially impacted/no progression (11)
- Impacted mental health and wellbeing (10)
- Poor work ethos/lack proper management skills (10)
- Shouting/aggression/verbal abuse (8)
- Physical abuse/fear (6)
- Abuse by clients (5)
- Lasting long-term impact (5)
- HR supports senior perpetrators (3)
- Inappropriate texts/messages (2)
- Felt suicidal/young solicitor committed suicide (2)
- Snobbery/class discrimination (2)

4.3.7.18 *Illustrative examples*

The comments presented below are illustrative examples of the types of feedback received by survey participants in relation to harassment experienced. They are illustrative only. Exact quotes are not being used in order to honour our survey commitment not to share individual survey responses.

- I was paid unequally to my male comparator
- Because I am a parent, I am discriminated against. I get overlooked deliberately for specific projects and promotional opportunities
- I was treated differently, and excluded, due to my sexual orientation
- My disability meant that I was made feel different, in a negative way
- They got away scot-free without punishment of any kind
- Reporting was frowned upon and it was implied that I should just get on with it, that this was part of the job
- I was left to deal with the issue myself, with no support from my manager
- My mental health deteriorated, and it was too big a challenge to make a claim against an organisation that size
- Nothing happened after I reported which made me feel like reporting was not something I should do or that would ever be helpful
- My mental health was so bad, I left my job
- Nothing happens to the big bosses who behave like this, there is no repercussion for them
- Reporting was not possible because the harassment came from the top
- I was harassed by a client and so I got zero support from my firm
- If I reported, my career would be over – at least my career in that firm
- I made it my priority to get out of my profession
- I was in such a bad state I needed to go to talk to someone
- The person was too powerful, my employer did nothing
- As a trainee, I am giving 150% of myself to doing well in my career. I crumble when this doesn't happen

4.3.8 Sexual Harassment

4.3.8.1 Key insights - Experienced Sexual Harassment

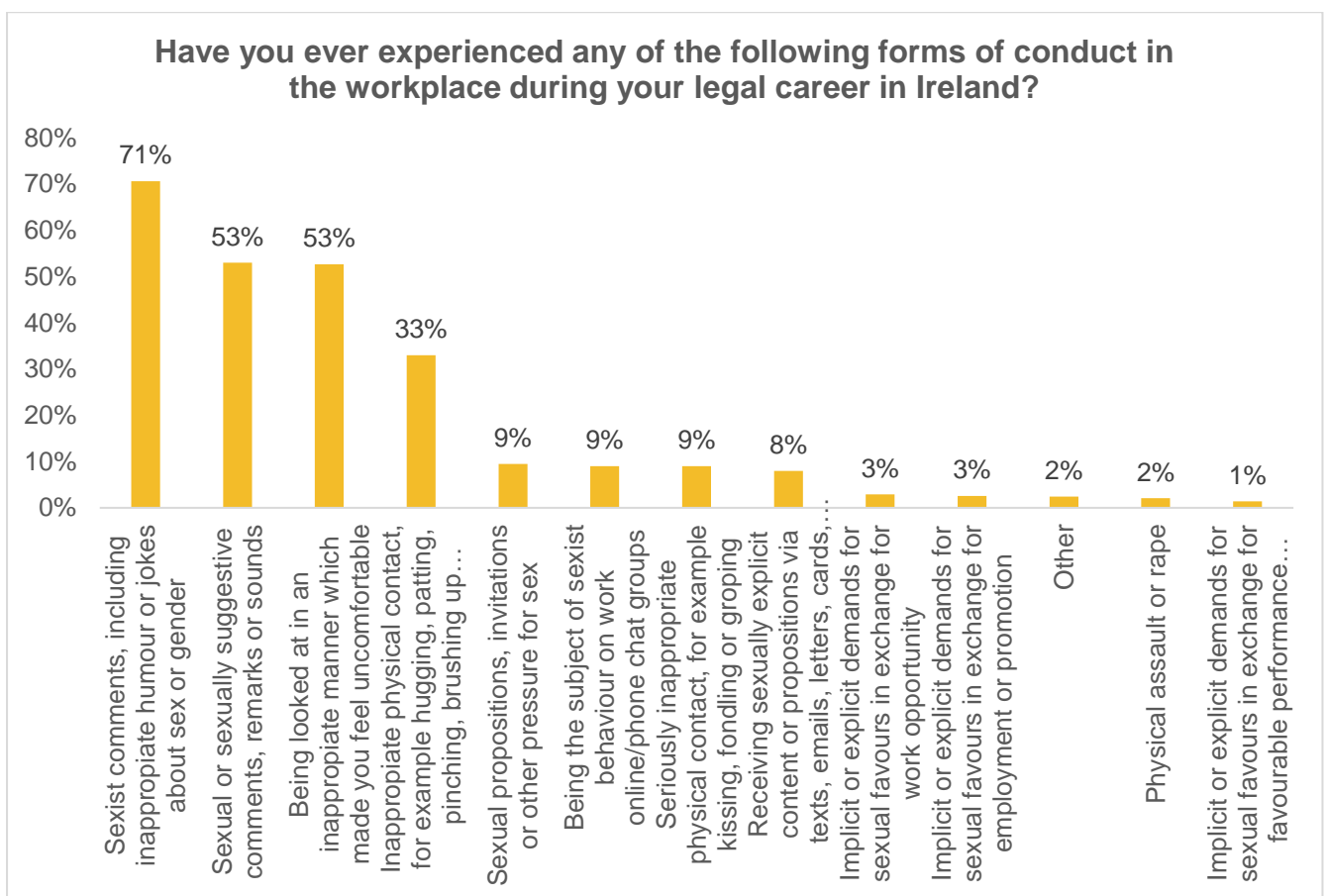
For the following questions related to sexual harassment, respondents were asked to consider their experiences during their legal career in Ireland only. Sexual harassment was defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating a person's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

- 1 in every 2 female respondents and 1 in every 8.3 male respondents said they experienced sexual harassment.
- The age profile of respondents who experienced sexual harassment was those aged 40-44 made up 23%, 35-39 made up 17%, 45-49 made up 17%, 30-34 made up 15%, 50-54 made up 10%, 25-29 made up 7% and 55-59 and 60 years and above made up 6% and 5% respectively.
- Of respondents who experienced sexual harassment, their workplace was private practice (61%), in-house legal function (18%), public sector legal function (12%) and sole practitioner (9%).
- Respondents experienced a wide range of sexual harassment behaviours in the workplace as outlined in 4.3.8.2.
- 71% of sexual harassment experienced by respondents happened at work/in their office and 41% at work-related social events.
- The most common perpetrator was a senior member of staff other than the respondent's line manager (46%).
- The perpetrator was male in 91% of situations and female in 10%.
- 63% of respondents said the sexual harassment was occasional, while 15% was considered repeated behaviour. Over a fifth (22%) of cases were a one-off.
- 54% of respondents said they experienced sexual harassment by various individuals.
- Of respondents who experienced sexual harassment, 54% experienced at least one of the incidences within the last 5 years; 2% of incidences within the last month, 10% within the last 1-12 months and 42% within the last 2-5 years. 10% experienced at least one of the incidences more than 20 years ago.
- The sexual harassment was not reported by respondents in 91% of cases and only reported on all occasions by 2% of respondents.
- Where reported, the main person to whom sexual harassment was reported was a designated member of staff (38%).
- Nearly half of respondents (46%) who reported sexual harassment stated that their workplace's response was totally inadequate.
- Over half (52%) of respondents who reported the sexual harassment said that there was no change as a result.
- The situation was resolved following reporting in only 10% of cases.
- In 78% of circumstances there were no sanctions for the perpetrator.
- The most common reason for not reporting (49%) was the profile/status of the perpetrator.
- Only 4% of respondents accessed supports to help them deal with their experience.
- 21% of respondents left the workplace because of their experience of sexual harassment.

4.3.8.2 **Form of conduct experienced**

Respondents were asked whether they had ever experienced any of the following forms of conduct in the workplace during their legal career in Ireland:

- a. Being looked at in an inappropriate manner which made you feel uncomfortable
- b. Sexual or sexually suggestive comments, remarks or sounds
- c. Sexist comments, including inappropriate humour or jokes about sex or gender
- d. Receiving sexually explicit content or propositions via texts, emails, letters, cards, presents etc. including via social media
- e. Being the subject of sexist behaviour on work online/phone chat groups
- f. Inappropriate physical contact, for example hugging, patting, pinching, brushing up against the body, repeated invasion of personal space, and/or any inappropriate touching or feeling
- g. Implicit or explicit demands for sexual favours in exchange for employment or promotion
- h. Implicit or explicit demands for sexual favours in exchange for a favourable performance appraisal
- i. Implicit or explicit demands for sexual favours in exchange for work opportunity (i.e., to be involved in a matter)
- j. Sexual propositions, invitations or other pressure for sex
- k. Seriously inappropriate physical contact, for example kissing, fondling or groping
- l. Physical assault or rape
- m. Other
- n. I have not experienced any of the above during my legal career in Ireland.



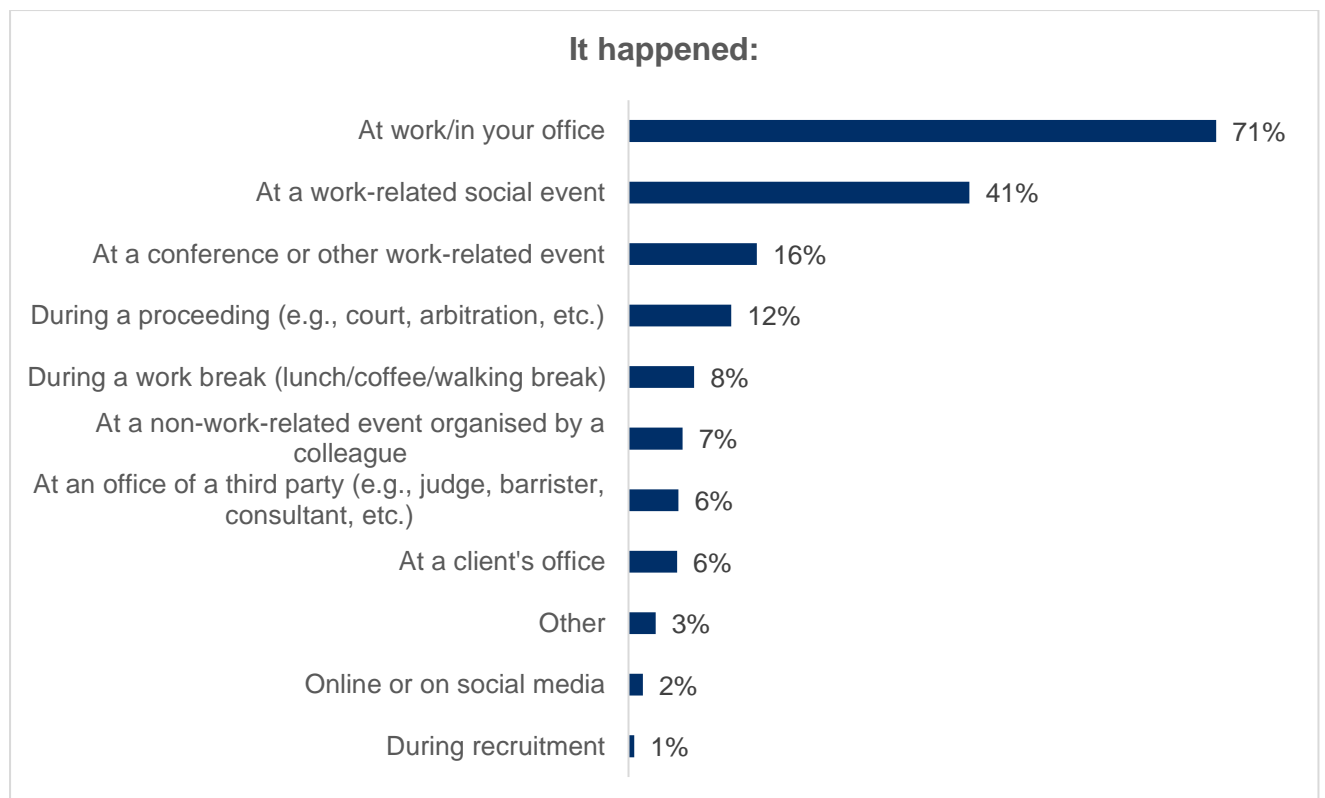
Sexual harassment was experienced by 37% (n.579) of respondents to this survey. Of those respondents who said they had experienced sexual harassment, the most common types of conduct experienced were sexist comments including inappropriate humour or jokes about sex or gender (71%), sexual or sexually suggestive comments, remarks or sounds (53%), being looked at in an inappropriate manner which made you feel uncomfortable (53%) and, inappropriate physical contact, for example, hugging, patting, pinching, brushing up against the body, repeated invasion of personal space, and/or any inappropriate touching or feeling (33%). A number of other types of sexual harassment were also experienced by respondents.

Those that cited “Other” (2%) mainly noted:

- Inappropriate sexual comments (8)
- Everyday sexism (2)
- Saw some of the above in the workplace but have not been subject to it (2)
- Implication that provided sexual favours to seek promotion (2)
- Touching where felt uncomfortable. (2)
- Homophobic comments (1)
- Inappropriate behaviour of a sexual nature from clients (1)
- Rape/serious sexual assault (1)
- Stalked (1)

4.3.8.3 ***Incidences Experienced Sexual Harassment***

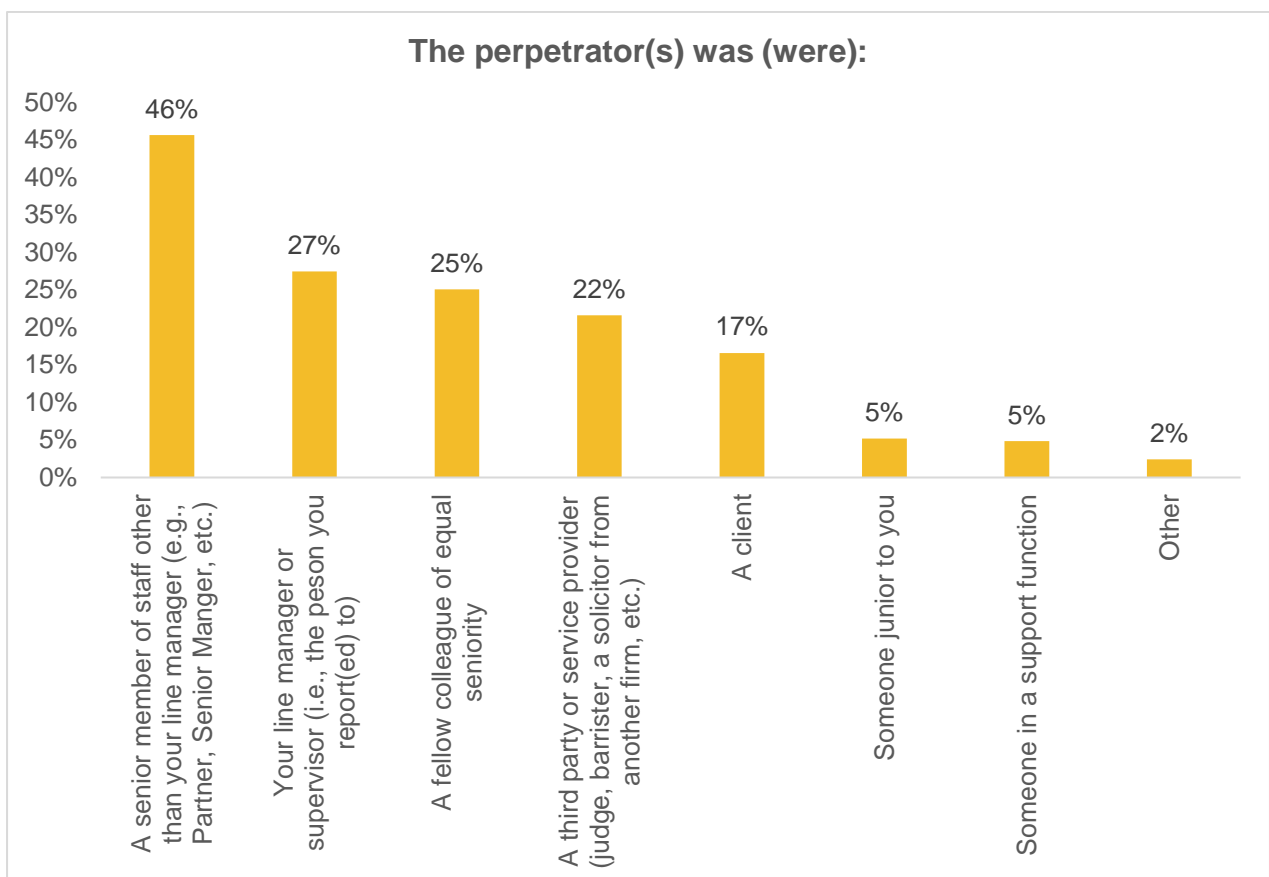
4.3.8.3.1 **Place/Context**



The most common places in which respondents experienced sexual harassment was at work/in the office (71%) and at a work-related social event (41%). Those that cited “Other” (3%) mainly noted:

- Travel to/from proceedings (3)
- Calls/texts (3)
- Round Hall, Law Library, Bar Rooms Courthouse Atrium (3)
- Taken out for trip after work (2)
- Meetings (2)
- Social setting (2)
- Via email (his professional email address to mine) (1)
- Client made comments (1)
- At a barrister's rooms (1)
- In a taxi with a client (1)
- After an office conference (1)

4.3.8.4 **Perpetrator(s)**

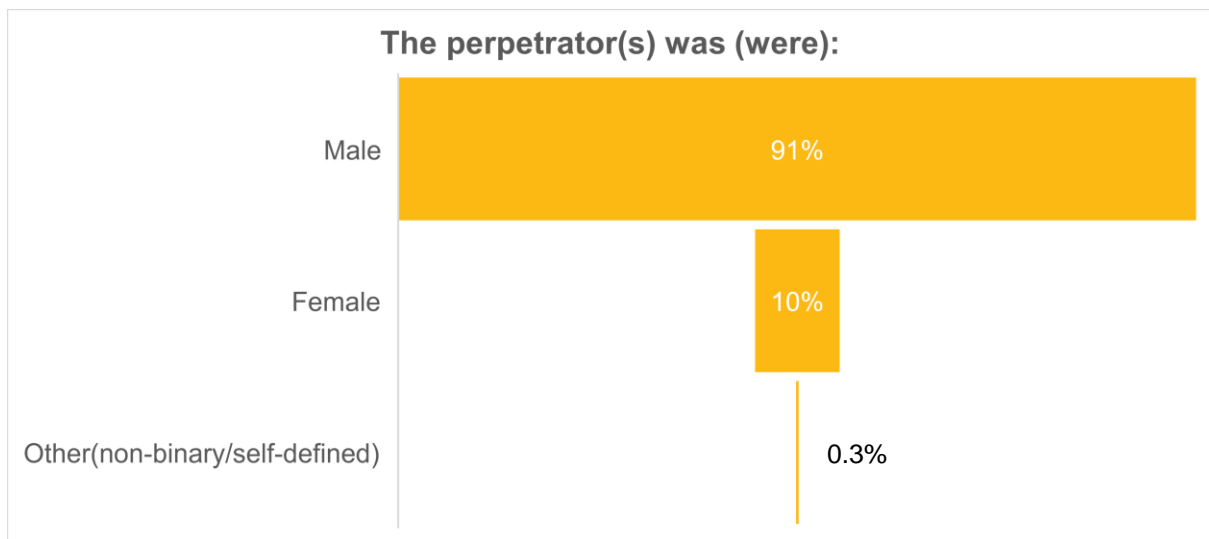


When asked who the perpetrator was 46% of respondents stated that it was a senior member of staff other than their line manager, while 27% said it was their line manager or supervisor. A quarter of respondents stated that they were sexually harassed by a fellow colleague of equal seniority, while 5% was by someone junior to them.

In a number of circumstances, the respondent stated that the perpetrator was not a colleague but a third party or service provider (22%), a client (17%) or someone in a support function (5%). Of those who said other (2%), this included:

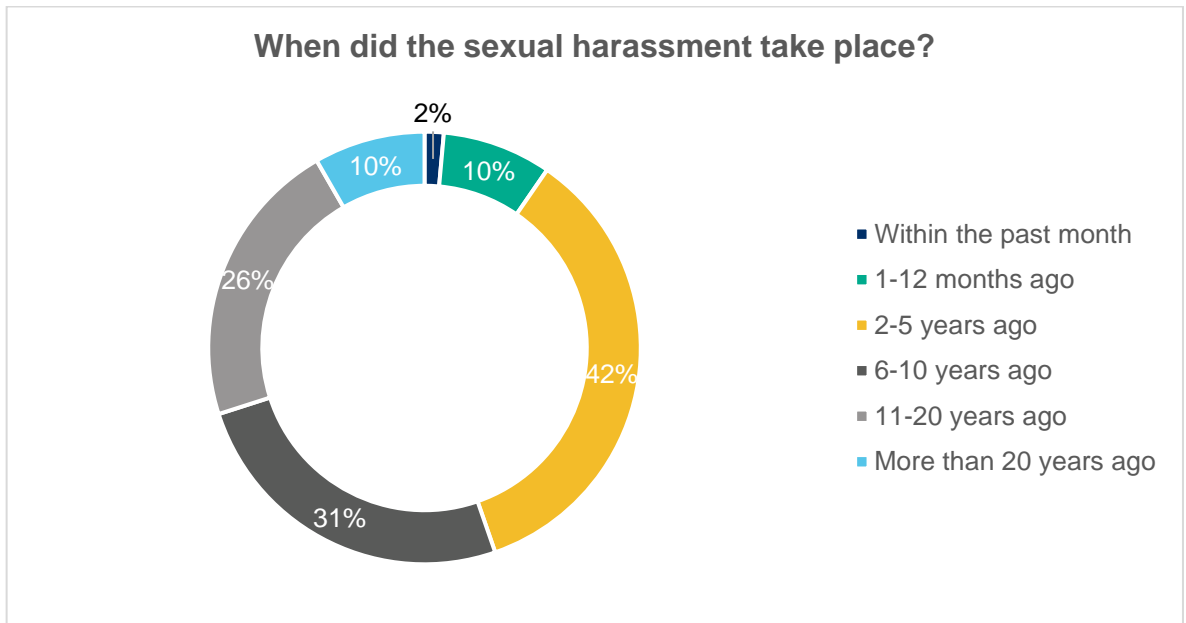
- A person in business with a client (1)
- Senior counsel (1)
- A solicitor on the other side (1)
- Potential hire (1)
- A senior person from group organisation (1)
- Principal of the practice (1)
- Senior practitioner (1)

4.3.8.5 *Perpetrator(s) gender*



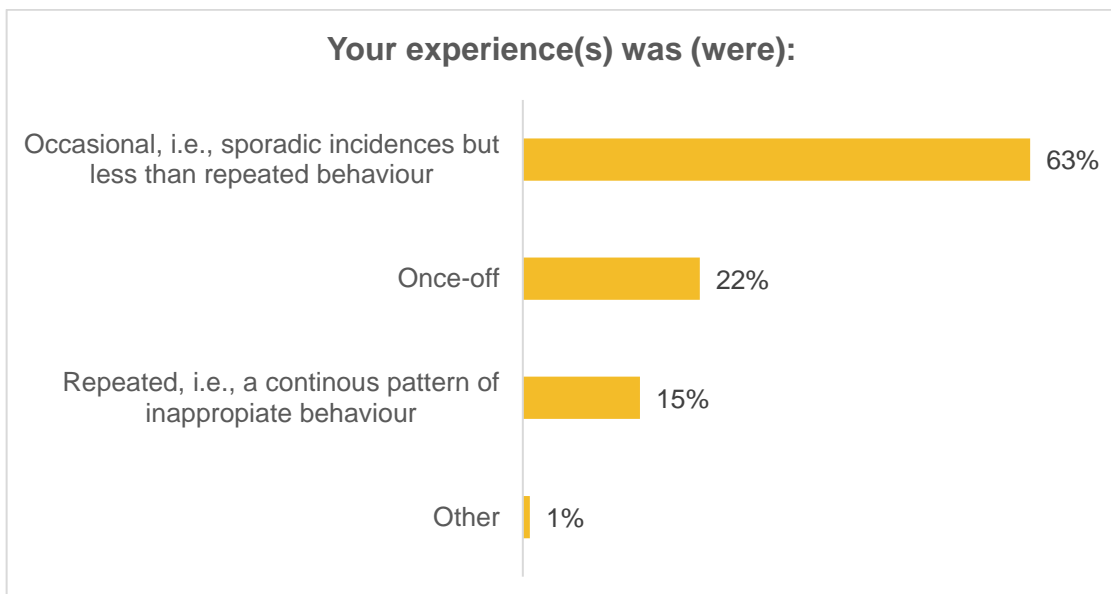
In the majority of circumstances, the perpetrator of the sexual harassment experienced by the respondent was male (91%), while a small number of perpetrators were female (10%) or other (non-binary/self-defined) (0.3%).

4.3.8.6 **Timeframe**



Respondents were asked when the incident took place and could select more than one option if considering multiple incidents. Of respondents who experienced sexual harassment, 54% experienced at least one of the incidences within the last 5 years; 2% of incidences within the last month, 10% within the last 1-12 months and 42% within the last 2-5 years. 10% experienced at least one of the incidences more than 20 years ago.

4.3.8.7 **Pattern of occurrence**

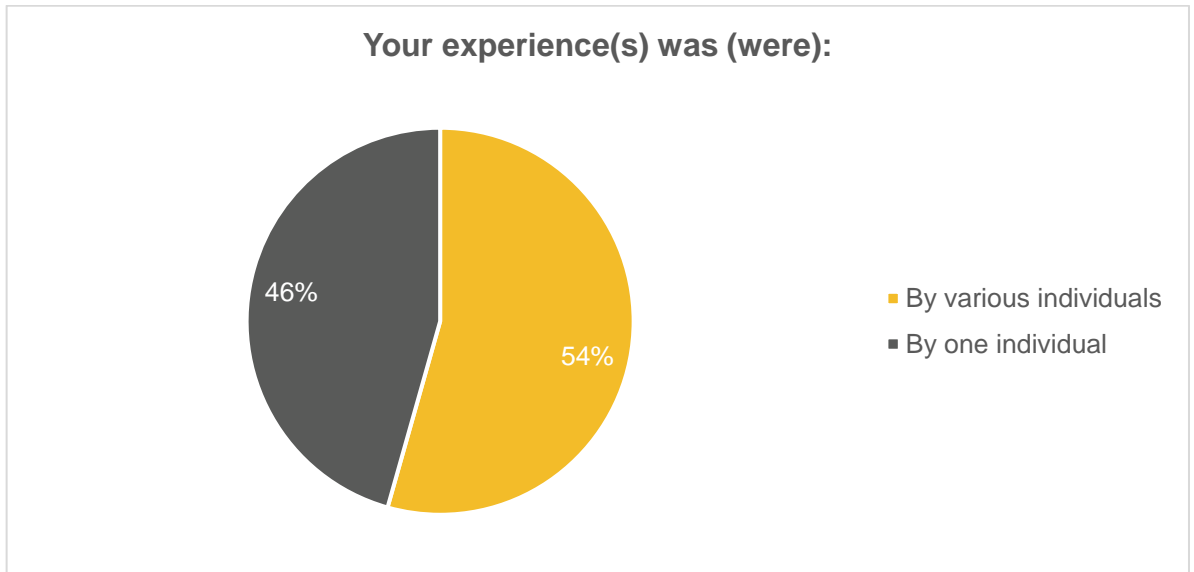


When asked to outline the pattern of occurrence of the sexual harassment experienced by respondents, most (63%) said it was occasional, i.e. sporadic incidences but less than repeated behaviour. In a number of incidences (15%) this behaviour was repeated, i.e. a continuous pattern of inappropriate behaviour, and just over a fifth of experiences of sexual harassment (22%) was a once-off.

Those that cited “Other” (1%) stated:

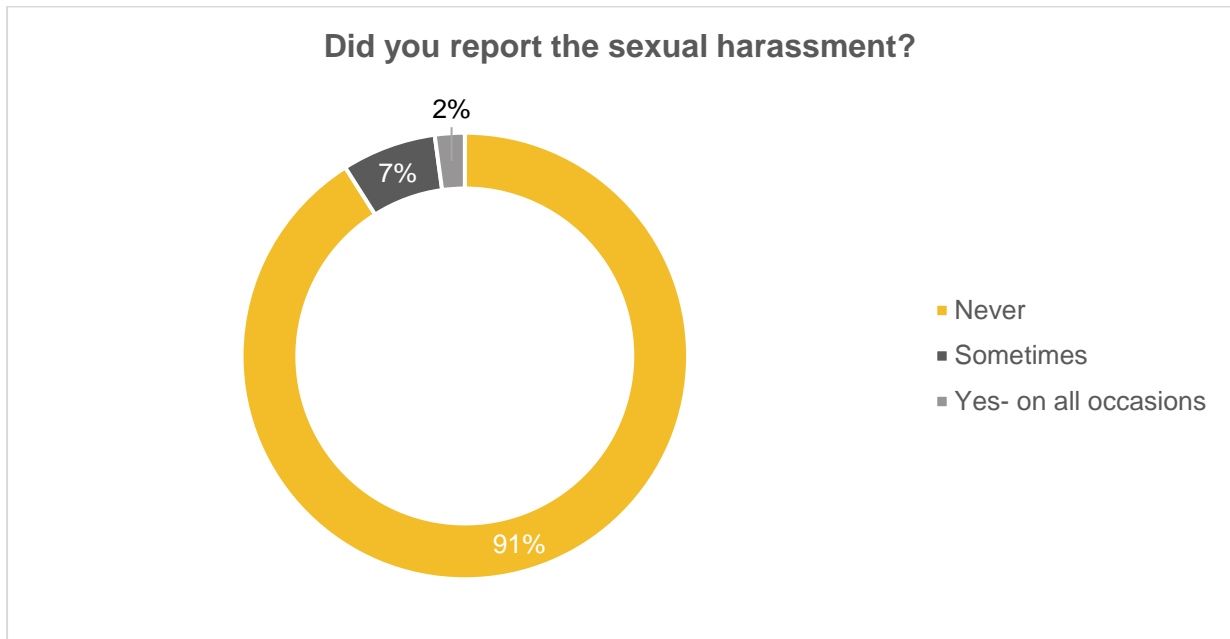
- Two occurrences by two different people (1)
- Sadly, part of humour and conversation in those days (2)
- Once off, however rapid turnover of staff (1)
- Several instances, not repeated or ongoing by same individual (1)
- Sporadic sexist comments from same one person. (1)

4.3.8.8 **Number of individuals**



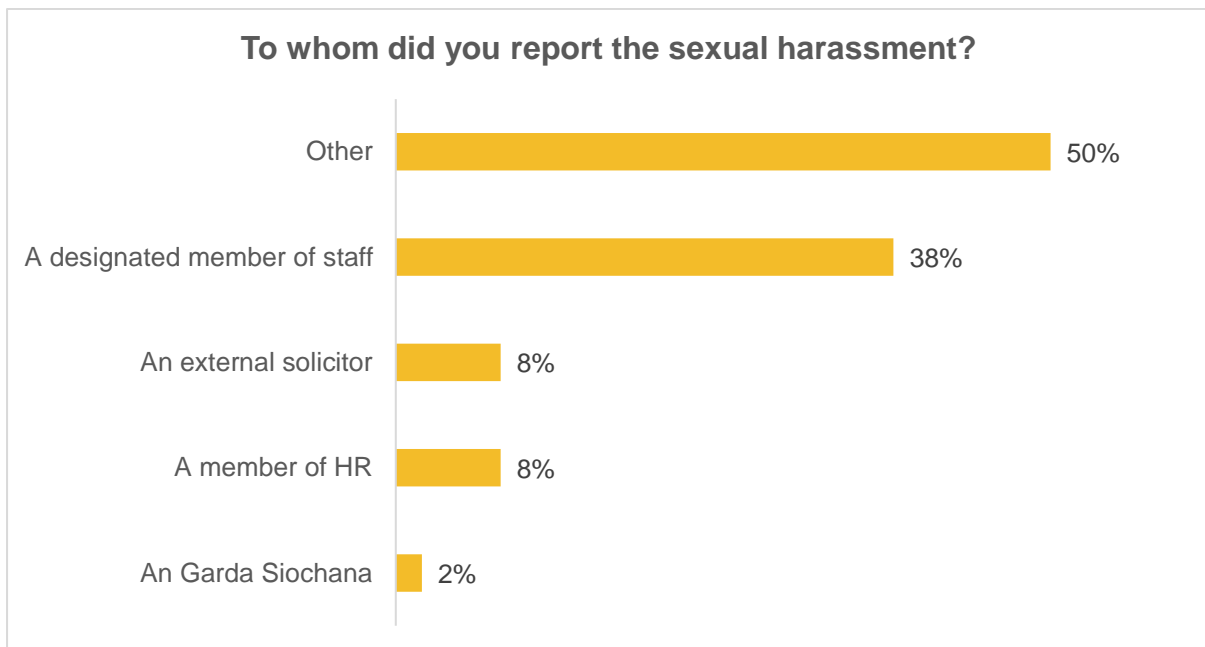
When asked about the number of individuals from whom they experienced sexual harassment 54% said it was by various individuals while 46% said it was by one individual.

4.3.8.9 Reporting sexual harassment



The majority (91%) of those who experienced sexual harassment said that they never reported it, while only 2% said they reported the sexual harassment on all occasions.

4.3.8.10 Sexual harassment reports

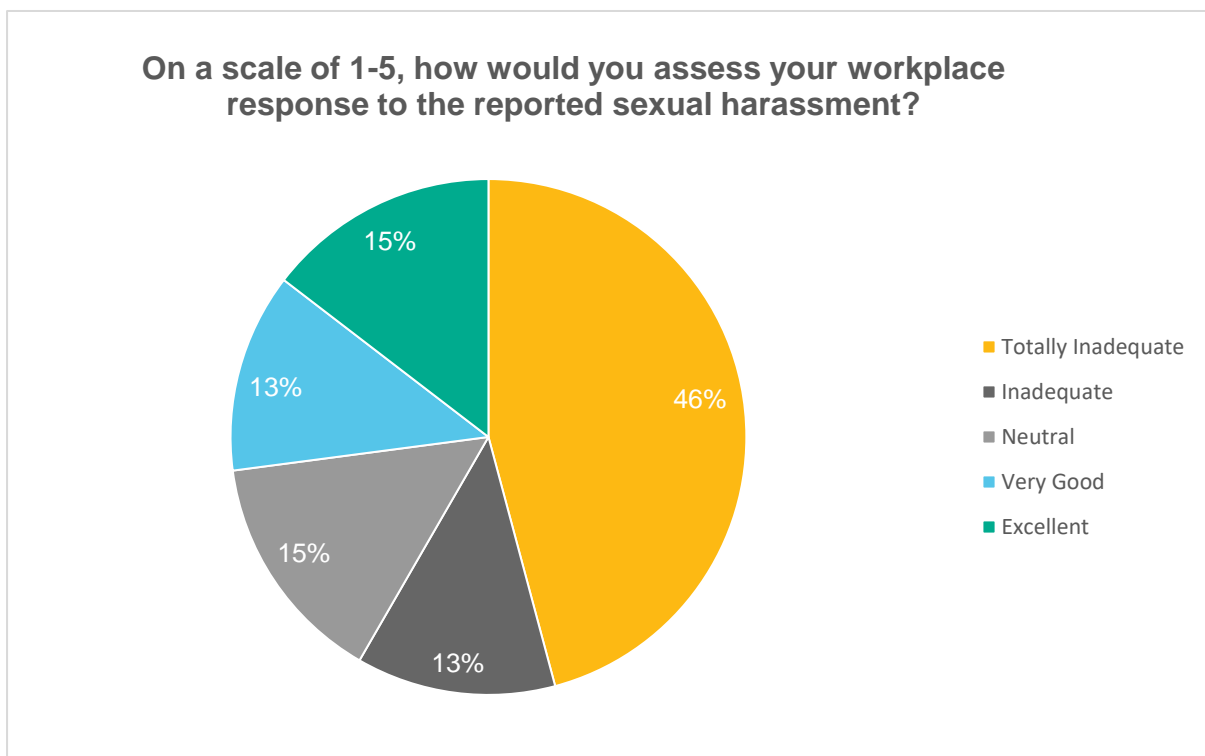


Those who did report the sexual harassment on all or some occasions were asked to whom they reported it. The most common person to whom it was reported was a designated member of staff (38%). Half of respondents said they reported it to someone other than those listed in the graph above. This included:

- Partner (5)
- The boss (4)
- Colleague (3)
- Solicitor (2)
- Line manager (2)
- Senior solicitor (2)
- Senior Partner (2)
- Perpetrator's manager (2)
- Practice group leader (1)
- Principal (1)
- Secretary (1)
- Law Society (1)
- Managing partner (1)
- Consultant (1)
- Head of Department but in an unofficial capacity (1)

4.3.8.11 **Response to reporting – Sexual Harassment**

Respondents were asked to rate their workplace response to the reported sexual harassment. 1 being excellent and 5 being totally inadequate.

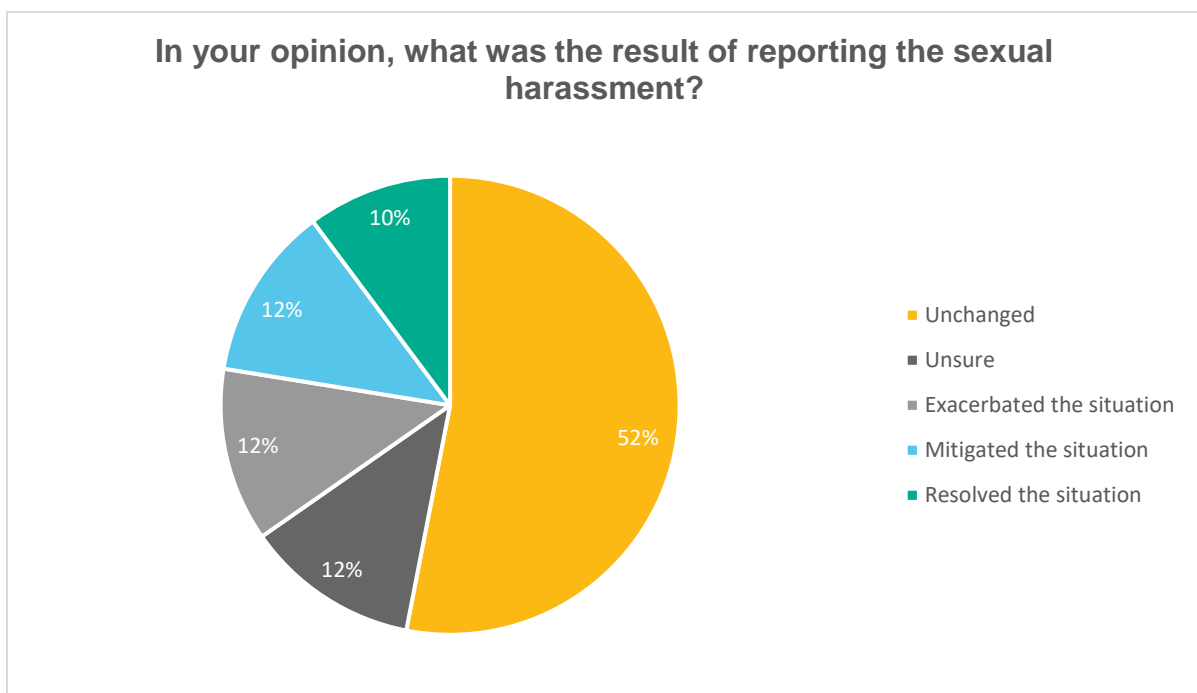


Respondents who reported their experience were asked how they would assess their workplace's response to the report on a scale of 1-5, with 1 being excellent and 5 being totally inadequate. The majority (61%) of those who reported their experience said the response was either inadequate (rating 4) or totally inadequate (rating 5).

Based on their assessment above respondents were asked to expand on how the reported bullying/harassment/sexual harassment was dealt with:

- No action taken/ignored (8)
- Expected to tolerate the behaviour (5)
- It was treated as a joke/shrugged off (4)
- Bullying worsened as a result (3)
- Resulted in being denied work opportunities (3)
- Perpetrator was approached and asked not to do it again (3)
- Felt humiliated, foolish and the cause of the problem. (2)
- Resigned/left (2)
- There was no-one to report this to (2)
- Clients spoken to told behaviour unacceptable, no longer had to deal with them (2)
- Abuse by clients never addressed (2)
- Removed from the team (1)
- Reported to my solicitor (1)
- HR paid for counselling (1)
- My boss was the perpetrator in both incidents (1)
- Fired/let go (1)
- Person did not know what to do (1)
- Perpetrator apologised and said they did not remember (1)

4.3.8.12 **Result of reporting sexual harassment**

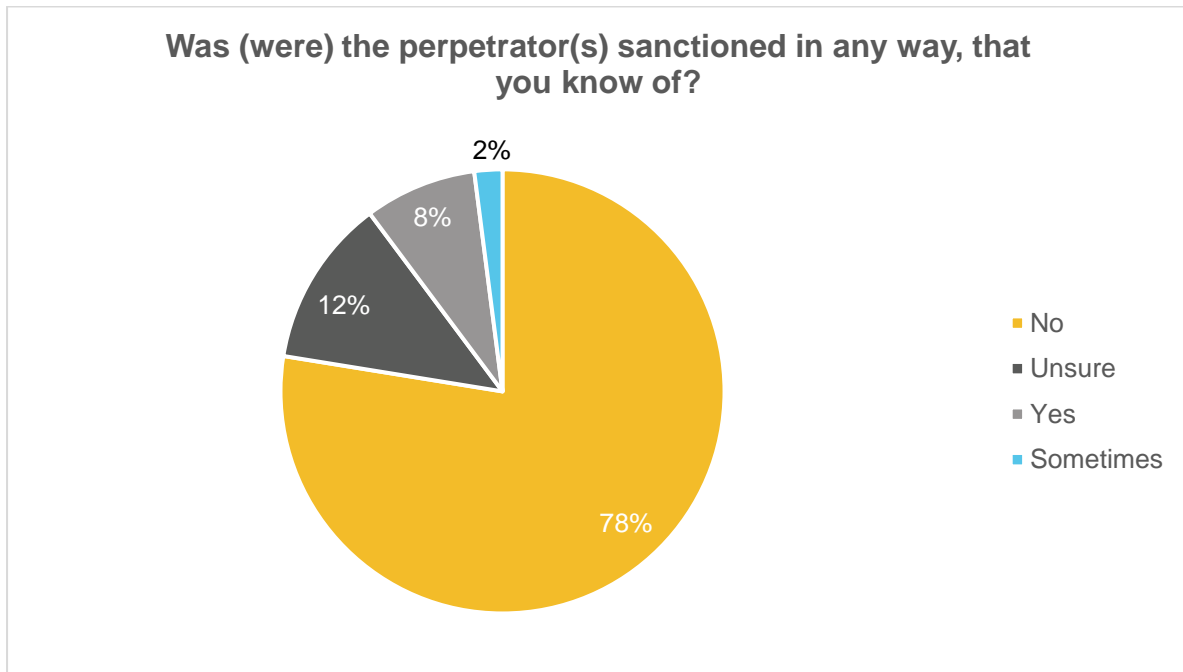


Over half (52%) of respondents who reported the sexual harassment said that there was no change as a result. In only a tenth (10%) of circumstances did respondents say that reporting the sexual harassment resulted in the situation being resolved.

Respondents who commented further on the impact the reporting of the sexual harassment had stated:

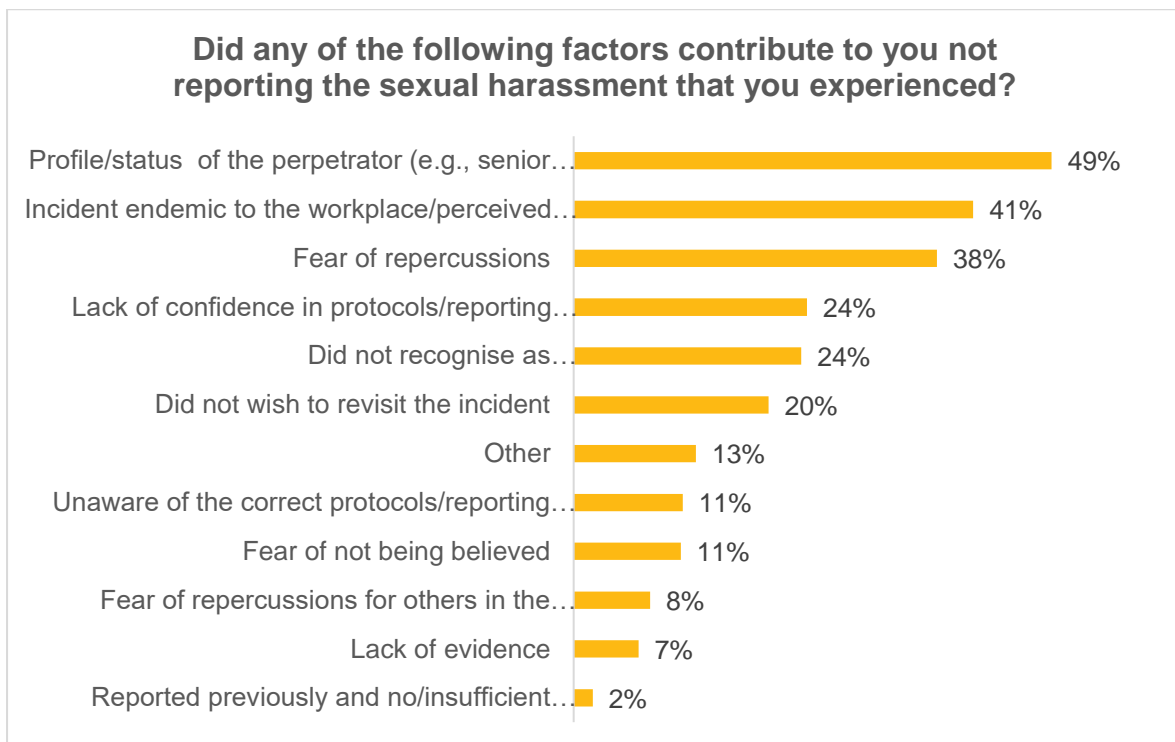
- No Impact (12)
- Entirely negative (6)
- Devastated felt no justice, unsupported and powerless (4)
- Positive outcome (3)
- Affected me professionally (2)
- Got it off my chest/glad I stood up for myself (2)
- Ruined relationship (1)
- Covid has put a stop to it (1)
- Felt uncomfortable (1)

4.3.8.13 *Perpetrator(s) sanction*



The majority of respondents (78%) who reported the sexual harassment stated that the perpetrator was not sanctioned in any way as far as they are aware. The perpetrator was known to have been sanctioned in 8% of cases and were sometimes sanctioned in 2% of cases.

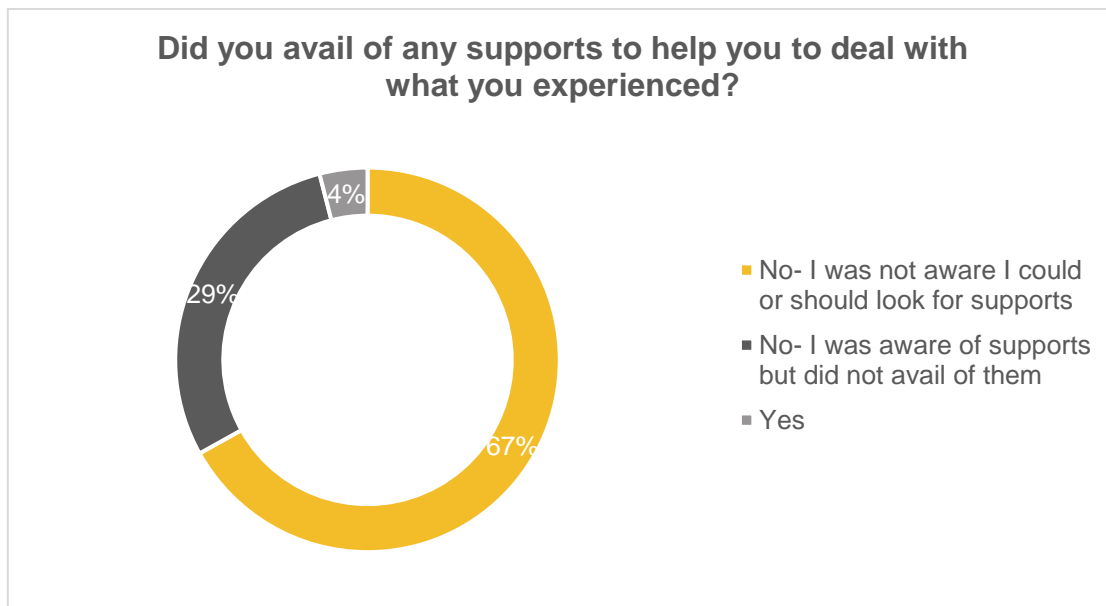
4.3.8.14 *Factors in not reporting*



Nearly half of respondents (49%) who did not report the sexual harassment said that this was due to the profile/status of the perpetrator. Other common factors in not reporting were incident endemic in the workplace/perceived as acceptable (41%) and fear of repercussions (38%). Those respondents who said there were other factors which contributed to them not reporting (13%), expanded by saying:

- Not confident/felt did not warrant reporting (20)
- Not worth hassle/no point (9)
- Seem to be acceptable part of culture so accepted it (7)
- Dealt with it myself (6)
- No support/made feel like no sense of humour or that it was acceptable (5)
- Perpetrator senior, no one to complain to (4)
- Raised it directly or with Law Society, it stopped/received apology (3)
- Awareness of how it might reflect on me professionally (2)
- Left position (1)

4.3.8.15 **Supports used**



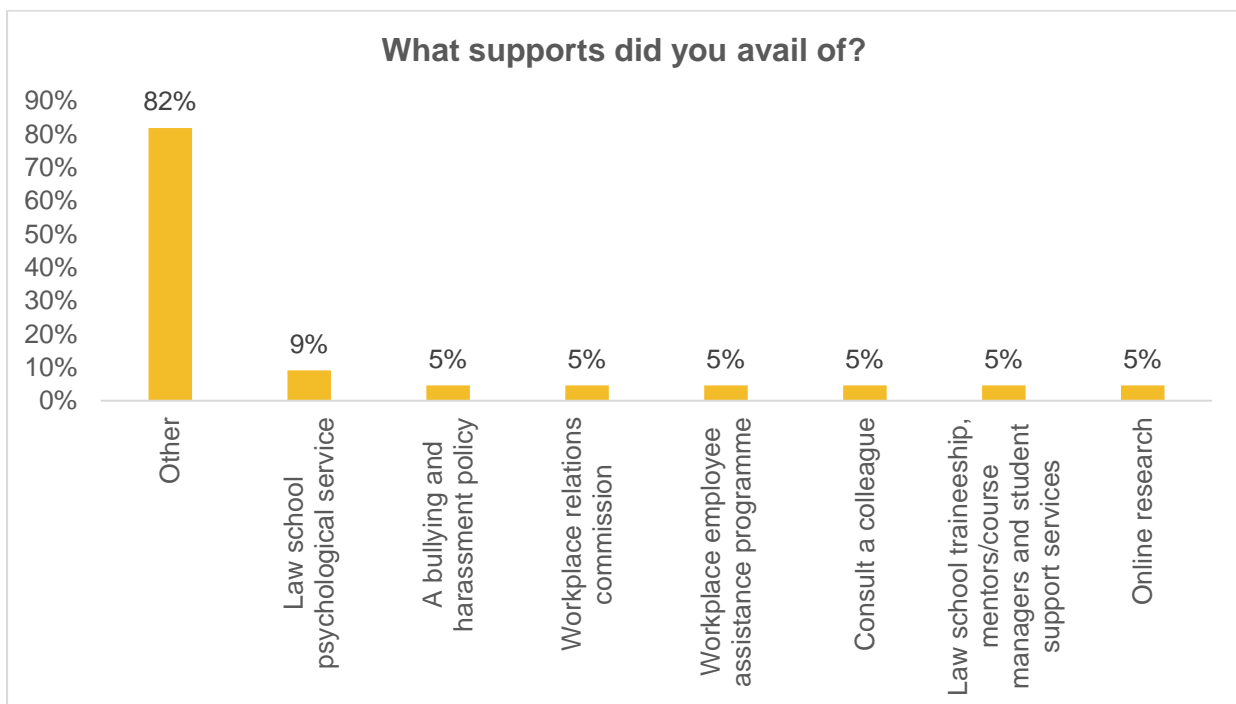
Only a small number of respondents (4%) said that they availed of supports to help them deal with what they experienced. A third of respondents (67%) were not aware that they could or should look for supports.

Respondents were asked to explain why they did not avail of supports.

- Did not feel it was necessary/brushed it off/Infrequent (32)
- Did not need supports/handled it myself (13)
- Felt would not have been taken seriously/no point (13)
- Fear of lack of confidentiality/no confidence in supports (9)
- Concern for my career/repercussions (7)

- Part of culture, perceived as acceptable (5)
- Did not want a fight/or to make an issue (3)
- Embarrassed (2)
- Blamed myself (2)
- Decided to leave (1)
- Was not sure if support was available (1)
- Did not want to report as perpetrator in senior position (1)
- Supports too aligned to perpetrator (1)

4.3.8.16 **Supports used**

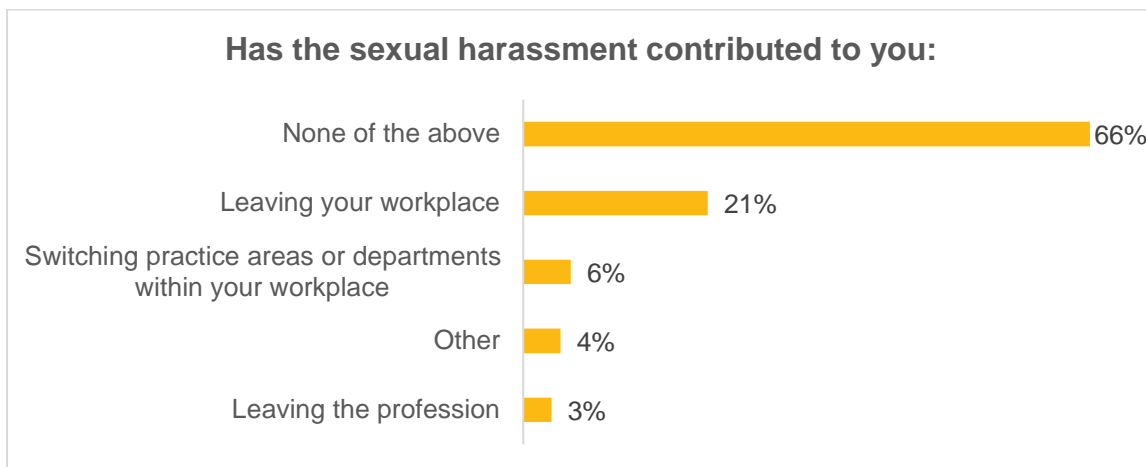


Of those respondents who did avail of supports, 82% chose “Other” supports including:

- Private Counsellor/Psychologist/Psychotherapist (10)
- GP (4)
- Family and friends (3)
- Private solicitor (1)
- Told my boss (1)
- Work paid for counselling (1)
- Rape Crisis Centre (1)
- Trusted colleague (1)

None of the respondents availed of a gender equality, diversity and inclusion policy, the Irish Human Rights and Equality Commission, Citizens Information, Health and Safety Authority, LegalMind or LawCare (replaced by LegalMind in 2020).

4.3.8.17 *Workplace impact of sexual harassment*



Those who experienced sexual harassment were asked about the work-related impact of their experience, with 21% saying it caused them to leave the workplace, 6% switching practice area of department within the workplace and 3% leaving the profession. Those that cited “Other” (4%) stated the following impacts:

- Left/considering leaving sector (5)
- Tried to avoid perpetrators (3)
- Lasting negative impact (2)
- Caused a lack of self-confidence (2)
- Realised workplace not entirely safe (1)
- Getting married stopped some of the behaviour (1)
- Successfully concluded matter (1)
- Reduced job satisfaction (1)
- More cautious (1)
- Angered that there was no action taken (1)

4.3.8.18 *Additional comments sexual harassment*

Respondents were asked to provide any additional context about the sexual harassment that they experienced. Frequency of response was noted as follows:

- Inappropriate sexual/sexist jokes and comments (51)
- Accepted as something to be put up with (23)
- Inappropriate/unwanted physical contact (23)
- Inappropriate treatment of young solicitors/trainees (19)
- It was downplayed/laughed off (13)
- Ashamed and embarrassed/uncomfortable (12)
- Recognised with hindsight that inappropriate and wrong (10)
- Sexual harassment by clients nothing done (8)

- Felt shocked and degraded (7)
- Left position/considering leaving (7)
- Lasting negative impact (5)
- Affected confidence and self-esteem (5)
- Inappropriate sexual behaviour/gestures (5)
- Affected career/fearful would affect career (4)
- Pointless to report (4)
- Contributed to a hostile and toxic atmosphere (3)
- Given inappropriate sexual images or gifts (3)
- Feeling isolated, alone not supported (3)
- Sexual orientation was seen as a licence to make advances (2)
- Stalked (2)
- Avoided perpetrator (2)
- Felt perpetrators need support/educated that not acceptable (2)
- Perpetrator became aggressive when advances rejected (2)
- Perpetrator dismissed for a serious sexual crime (1)
- Scared/terrified of perpetrator (1)

4.3.8.19 *Illustrative examples*

The comments presented below are illustrative examples of the types of feedback received by survey participants in relation to sexual harassment experienced. They are illustrative only. Exact quotes are not being used in order to honour our survey commitment not to share individual survey responses.

- Some really vulgar and filthy things were said to me
- It was made clear that this is what happens as a solicitor and that if I call it into question maybe it's not the right career for me
- Once it was reported, things got toxic. They got aggressive and hostile towards me and I was offered less opportunities at work
- It was my boss, who could I report it to?
- I was physically ill and my personal life was affected
- When the client is the one who behaves in this way, there is no reporting system – I had to grin and bear it
- I believed reporting wouldn't make any difference, I was defeated
- My personal and professional confidence, and the sense of who I am, took a huge blow
- I was made believe it was all a bit of fun, to lighten up
- They were in my personal space and touching me too much and inappropriately
- I was treated inappropriately due to my inclusion in the LGBTI+ community – inappropriate comments and unwelcome advances were made

4.3.9 Experience as a Bystander/Witness

The following questions asked about the experience of bystanders/witnesses of bullying, harassment, or sexual harassment during the respondent's legal career in Ireland.

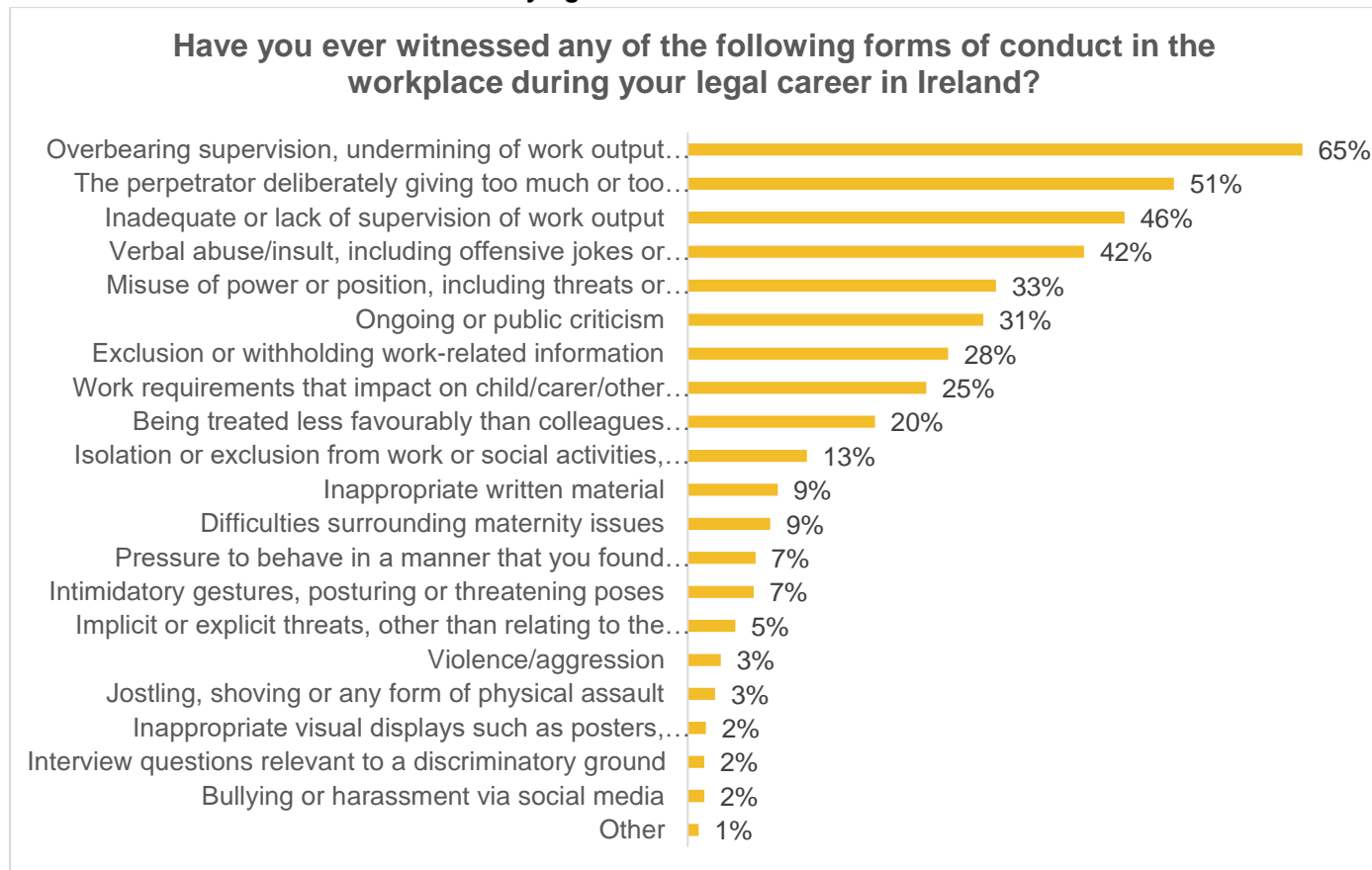
The first set of questions focused on bullying and/or harassment witnessed, and the second set focused on sexual harassment witnessed.

4.3.10 Witnessed Bullying

4.3.10.1 Key insights Bullying Witnessed

- Respondents witnessed a wide range of conduct in the workplace that would be considered as bullying.
- A quarter of respondents witnessed bullying within the last 12 months.
- The majority (81%) of respondents said they never reported the bullying they witnessed.
- Where reported, the main person to whom bullying was reported was a designated member of staff (44%).
- 59% of respondents who reported the bullying were unaware as to how the bullying was dealt with.
- Only 3% of respondents availed of supports to help them deal with what they witnessed, with the main support being Consult a colleague.
- Almost half of respondents (45%) said there were negative outcomes as a result of them reporting the perceived inappropriate behaviour towards others.

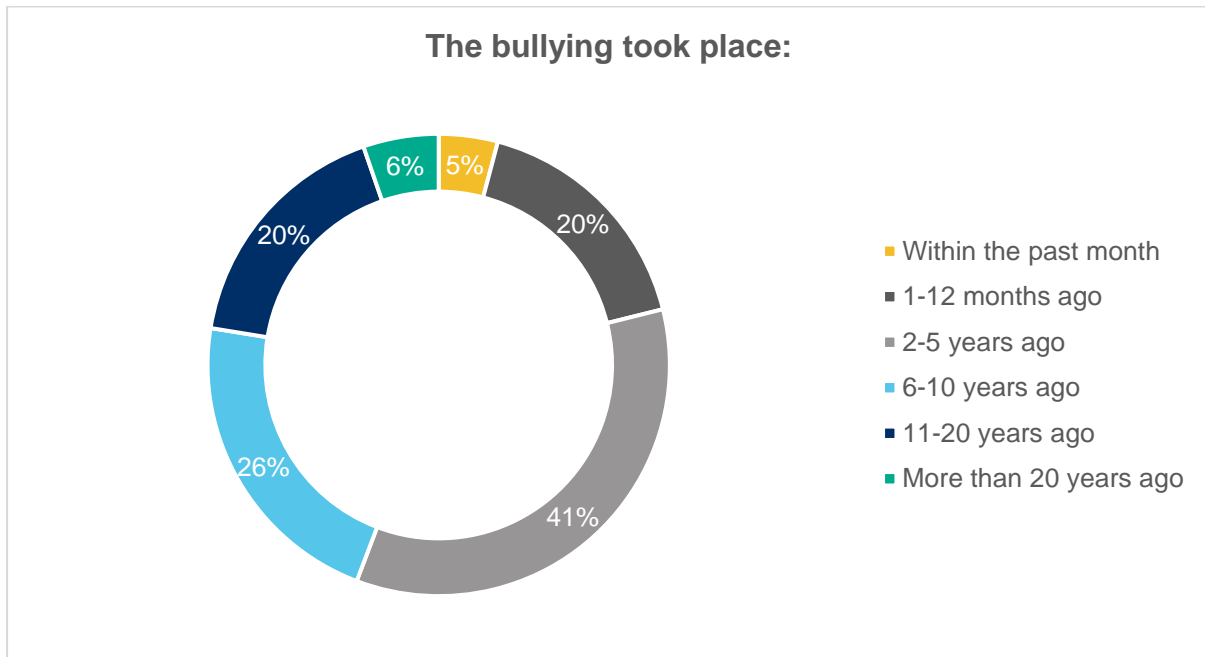
4.3.10.2 *Form of conduct witnessed bullying*



Of the 1,565 respondents to this survey, 33% (n.516) stated that they have witnessed bullying. The most common types of bullying witnessed by respondents was overbearing supervision, undermining of work output or constant unproductive criticism (65%) or the perpetrator deliberately giving too much or too little work, work not appropriate to the position or manipulating job content and targets (51%). Those who chose “Other” said they witnessed:

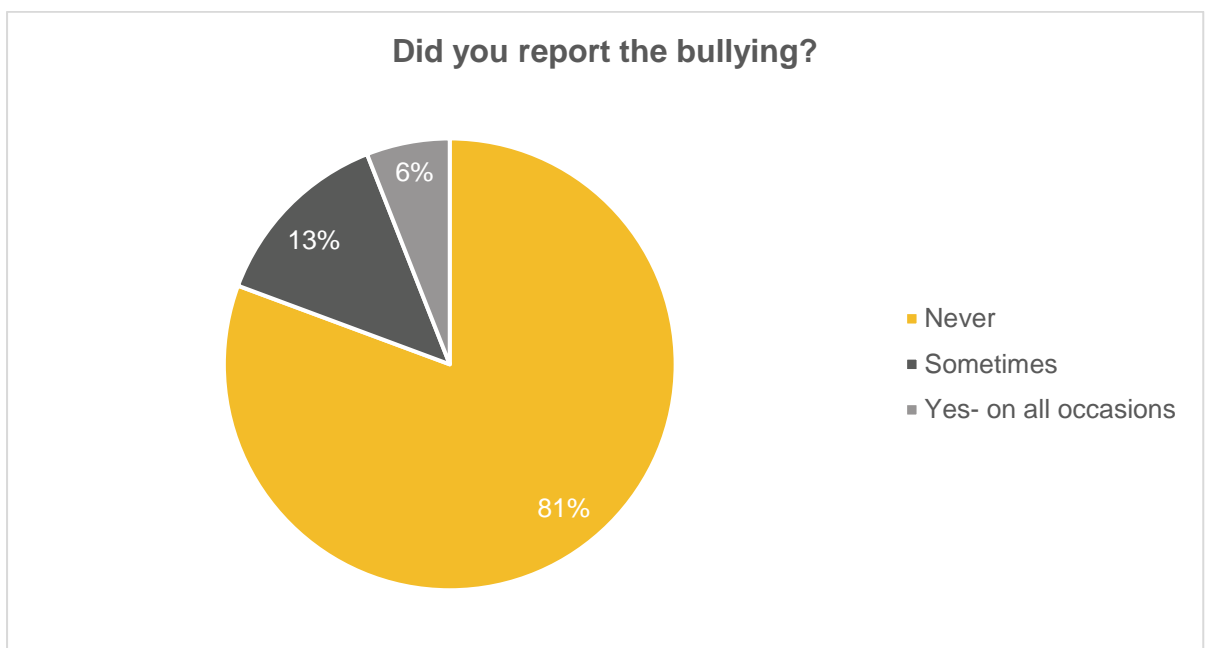
- Inappropriate conduct in the bar room (1)
- Bullying in the court from members of bench (1)
- Cultural (1)
- Outside of workplace against a colleague (1)

4.3.10.3 *Bullying witnessed timeframe*



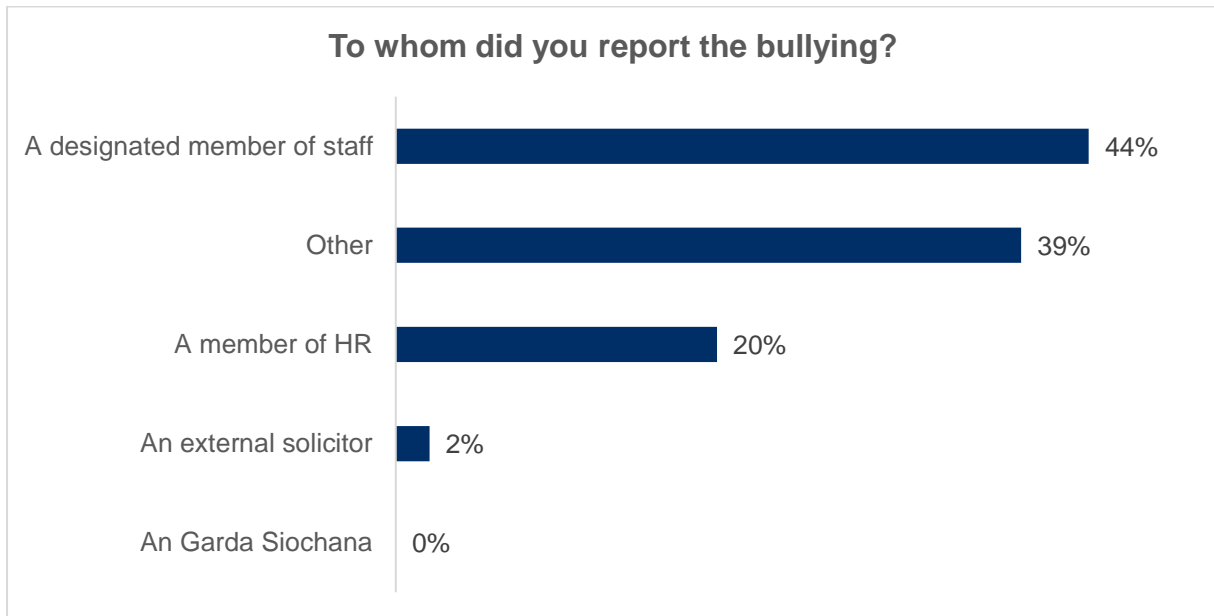
Respondents were asked when the incident took place and could select more than one option if considering multiple incidents. Of the respondents who witnessed bullying, 66% witnessed at least one of the incidences within the last 5 years: 5% within the past month; 20% between 1-12 months ago and 41% in the last 2-5 years. 26% witnessed at least one of the incidences over 20 years ago.

4.3.10.4 *Reporting witnessed bullying*



The majority of respondents (81%) said they never reported the bullying they witnessed, with only 6% saying they reported the bullying on all occasions.

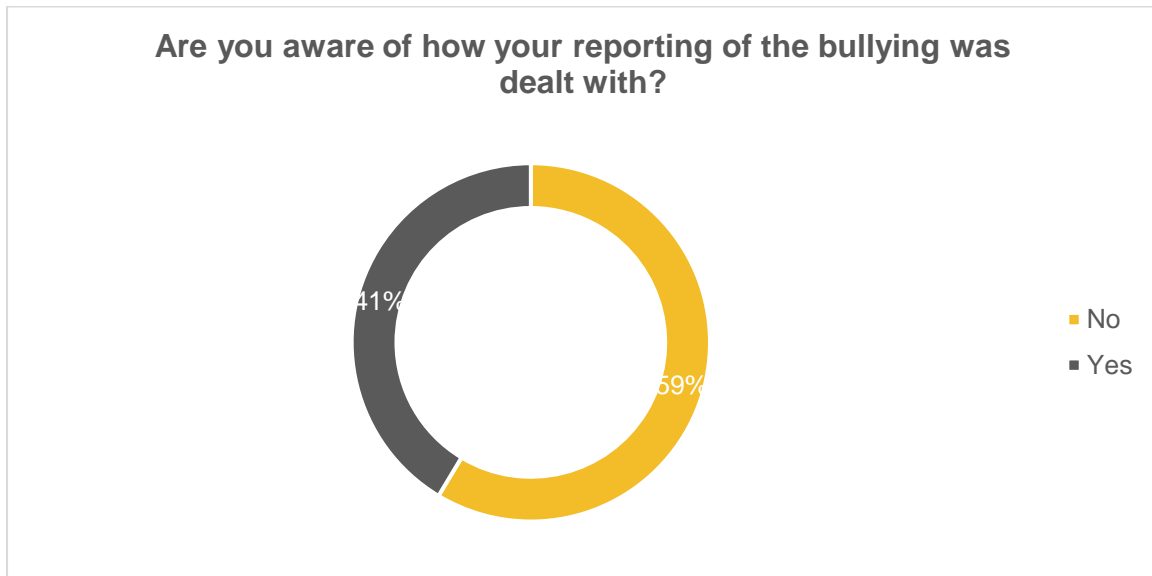
4.3.10.5 *Witnessed bullying reports*



Where reported, the most common person to whom the bullying was reported was a designated member of staff (44%), while 39% of respondents stated they reported to “Other”, noting this included:

- Partner (7)
- Senior/managing partner (5)
- Principal (4)
- Line manager (4)
- Addressed perpetrator directly (3)
- The boss (2)
- Colleague (2)
- Senior staff (2)
- Union (1)
- Barrister (1)

4.3.10.6 *Response to report of bullying witnessed*

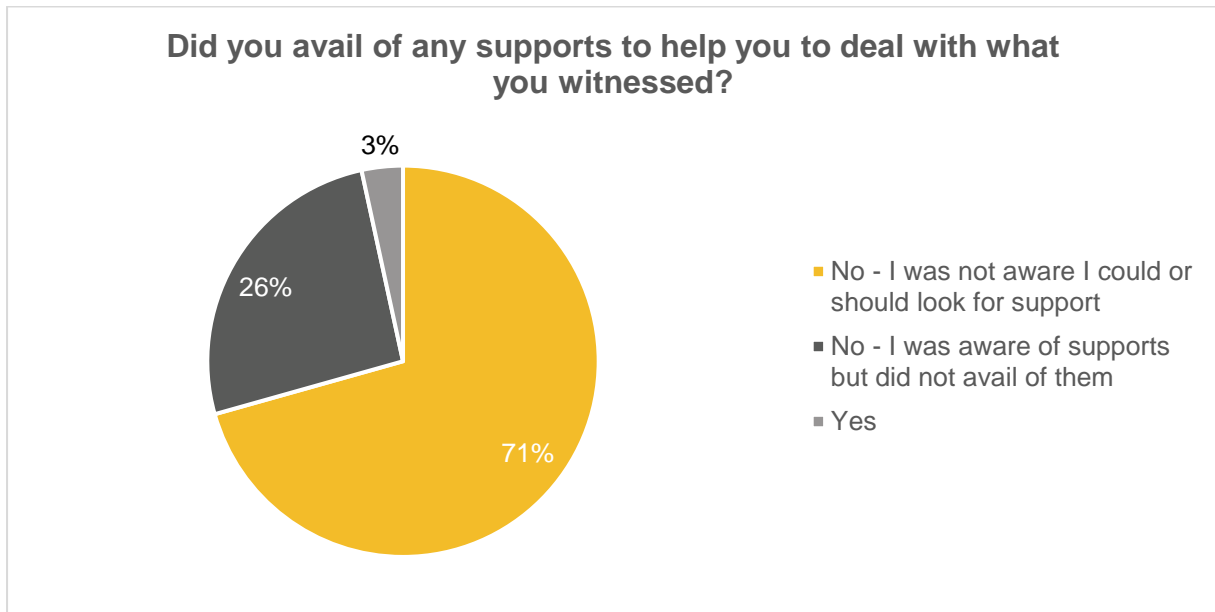


Of the 87 respondents who reported witnessing bullying, 41% (36) were aware of how their report of bullying was dealt with whereas 59% (51) did not know how the witnessed bullying was dealt with.

Those who reported bullying were asked to elaborate on how the bullying was dealt with. Frequency of response is noted below:

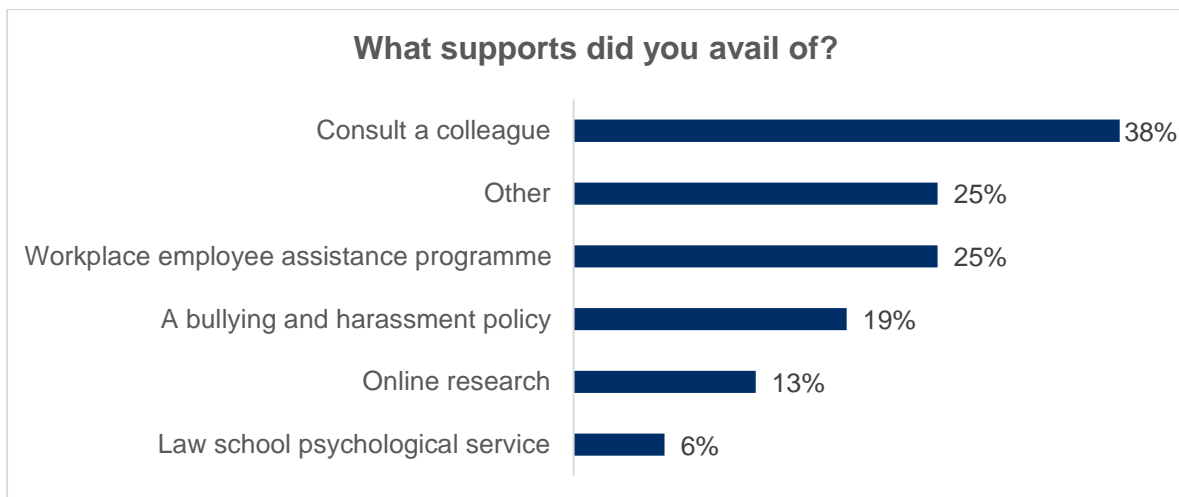
- Perpetrator confronted (9)
- The situation was ignored (8)
- Behaviour did not change (6)
- Victims asked to deal with it or move to another team (4)
- Perpetrator and victim forced to discuss amongst themselves (2)
- Behaviour stopped (2)
- Behaviour was reduced (1)
- Additional staffing (1)

4.3.10.7 *Supports used by witnesses*



Only 3% of respondents said they availed of any supports to help them deal with the bullying they witnessed. Of those who did not avail of supports, the main reason for this (71% of respondents) was because they were not aware that they could or should look for supports.

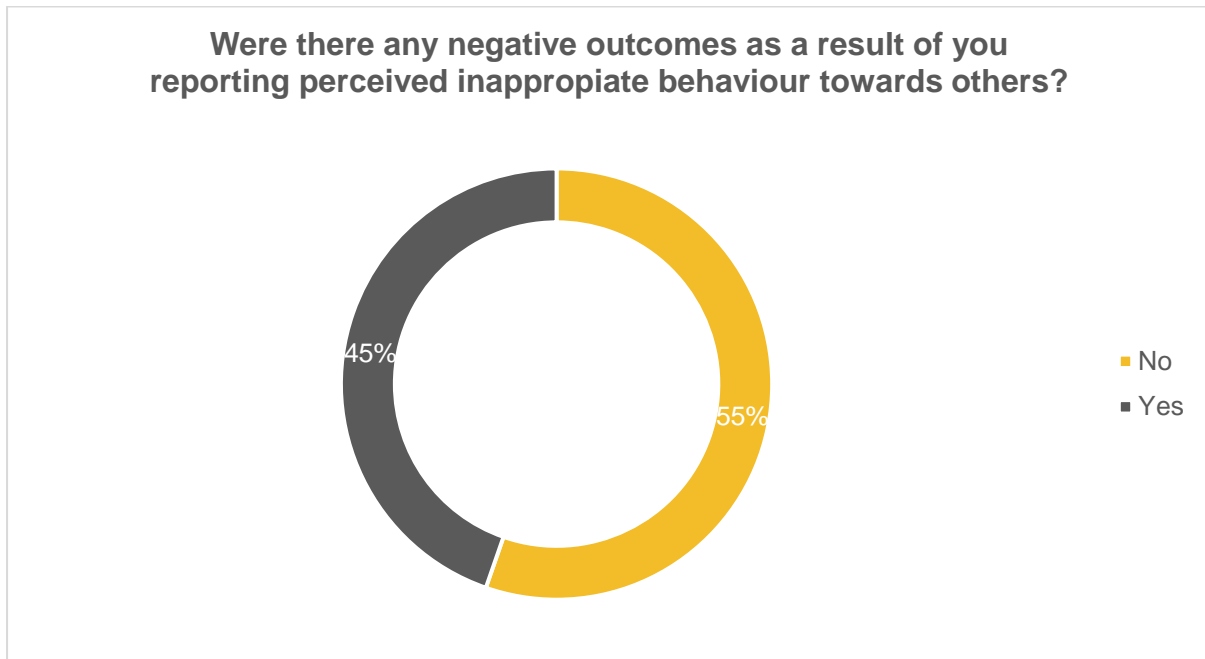
4.3.10.8 *Supports used by witnesses of bullying*



Of the 16 respondents who did avail of supports, 38% used Consult a colleague, 25% accessed the workplace employee assistance programme, 19% availed of a bullying and harassment policy, 13% did online research, 3% accessed the Law School psychological service and 25% accessed “Other” supports, including:

- Counselling (2)
- GP (2)
- Trade Union (1)

4.3.10.9 *Negative outcomes of reporting*



Of those who reported having witnessed bullying, 45% said there were negative impacts as a result of reporting, and explained those negative outcomes as being:

- Worsened/targeted by bully (8)
- Affected career/worried it would affect career (4)
- Continued nothing was done (3)
- Threatened (3)
- Contract terminated/Lost job (2)
- Shunned and excluded (2)
- Victim under stress affected confidence (2)
- HR did nothing (1)
- Seen as the problem for highlighting the issues (1)
- Left (1)
- Loss of interest in job (1)
- Was not believed (1)

Additional comments provided from those who witnessed bullying are shown below:

- Witnessed unfair criticism, demeaning and belittling (18)
- Commonplace/part of culture/accepted (15)
- Witnessed both bullying/harassment and overbearing behaviour (15)
- Impacted mental health and wellbeing (13)
- High staff turnover/left/others left (13)
- Verbal abuse and aggression, threatening behaviour (10)
- Mistreatment of trainees/juniors (9)

- Overworked/lack of training (9)
- No action taken/not held accountable (9)
- Lack of management skills/unprofessional behaviour (7)
- Power imbalance/abuse of position (7)
- Traumatic/stressful (7)
- Tried to support targets of bullying (6)
- Long-term/continuous/on a daily basis (5)
- Fear of reporting/impact on job/repercussions (5)
- Perpetrator promoted (5)
- Destroyed confidence (4)
- Toxic environment (4)
- Perpetrator boss/in senior position (4)
- Lack of boundaries (3)
- Exclusion (3)
- Discrimination against people with children (2)
- Spoke directly with perpetrator (2)
- Lost position after maternity (1)
- Excuses made for perpetrator (1)
- Perpetrator demoted (1)

4.3.11 Witnessed Harassment

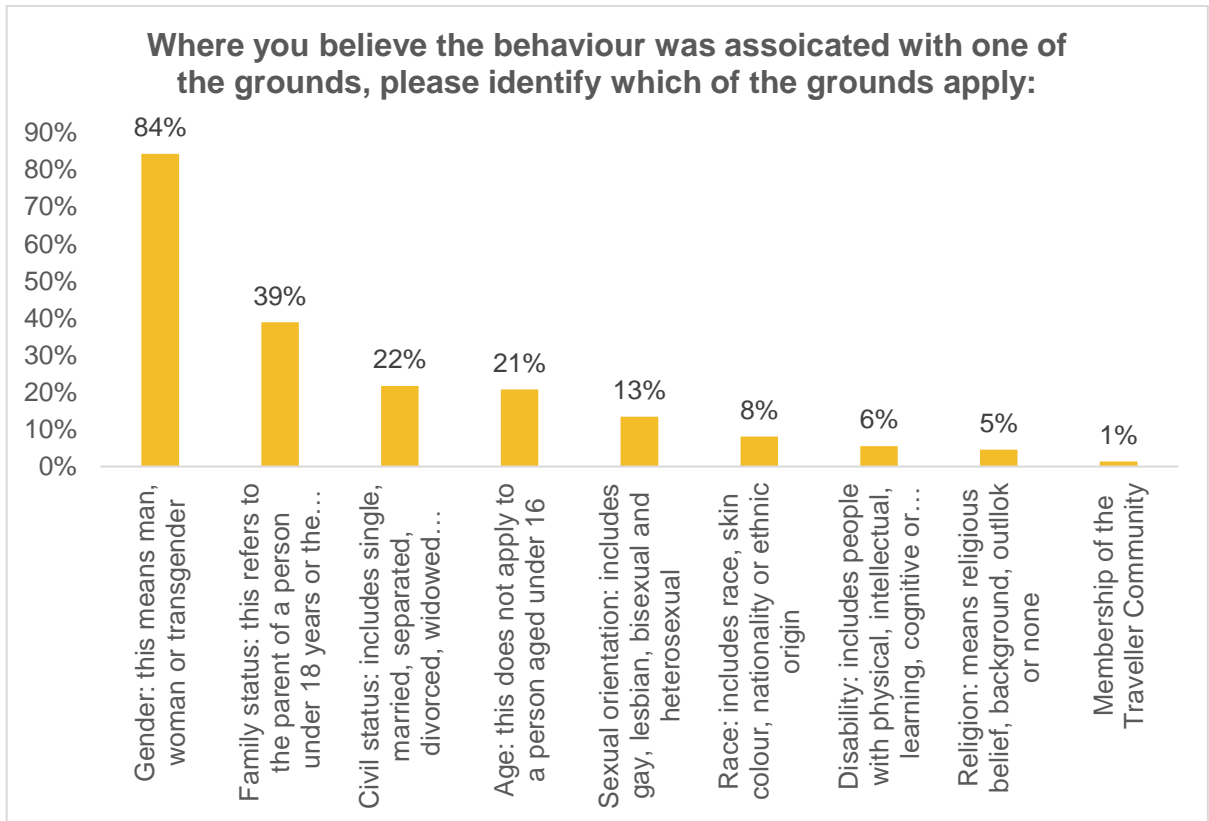
4.3.11.1 Key Insights Harassment Witnessed

- Gender was the most common ground (84%) respondents associated with the harassment witnessed.
- Respondents witnessed a wide range of harassment behaviours in the workplace as depicted in 4.3.12.3.
- Over a quarter (28%) of respondents said they witnessed harassment within the last 12 months.
- 81% of respondents said they never reported the harassment they witnessed and only 3% reported it on all occasions.
- The main person to whom harassment was reported was a designated member of staff (43%).
- 54% of respondents who reported witnessed harassment were unaware of how the harassment was dealt with.
- Only 3% of respondents said they availed of supports to help them deal with what they witnessed.
- 74% of respondents who reported the harassment they witnessed said they experienced negative outcomes as a result.

4.3.11.2 Grounds

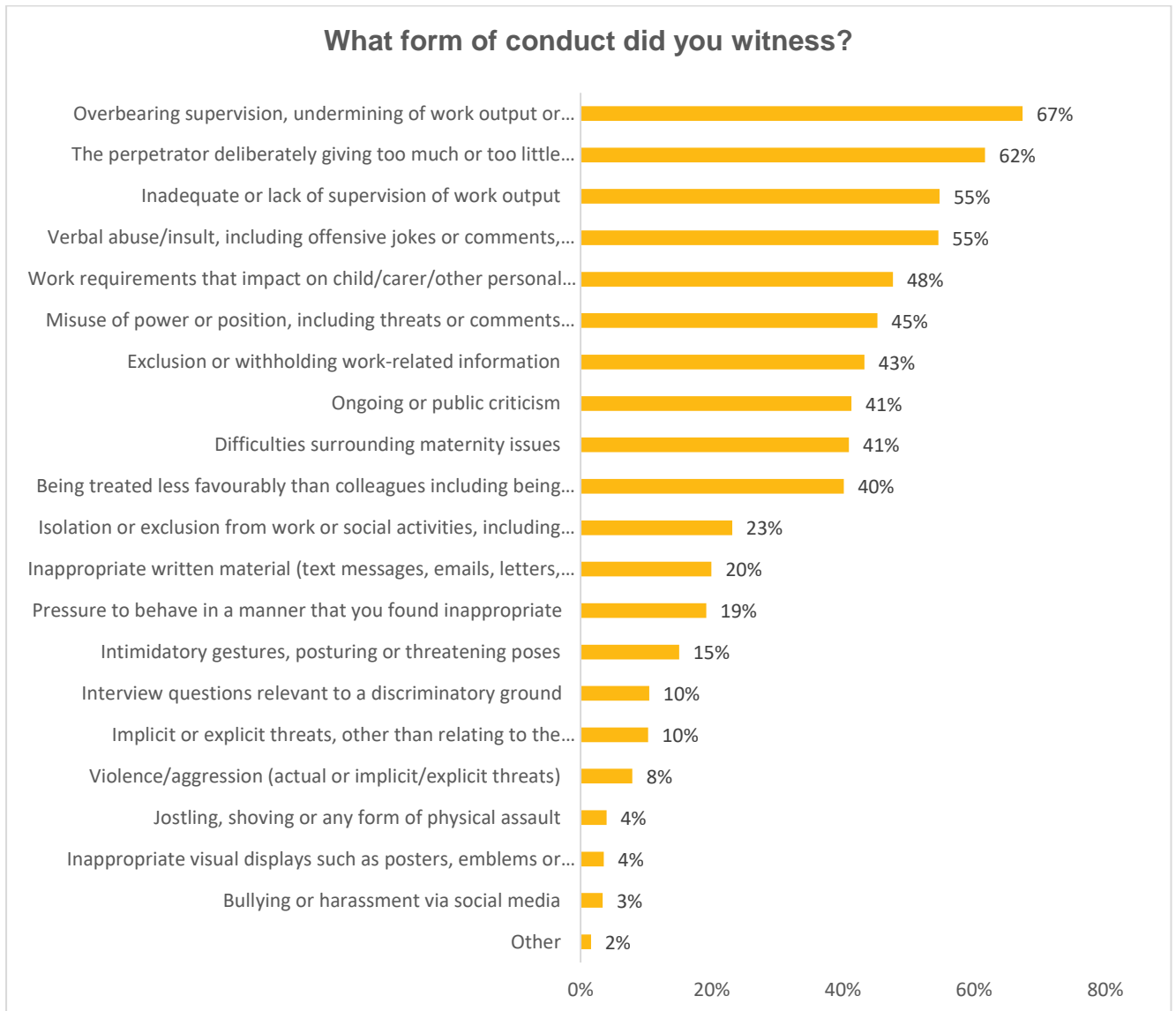
Respondents were asked whether the behaviour they witnessed was associated with one of the grounds, to identify whether the behaviour was related to bullying or harassment. As previously outlined, the grounds are:

- a. **Gender:** this means man, woman, or transgender
- b. **Civil status:** includes single, married, separated, divorced, widowed people, civil partners, and former civil partners
- c. **Family status:** this refers to the parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- d. **Sexual orientation:** includes gay, lesbian, bisexual and heterosexual
- e. **Religion:** means religious belief, background, outlook, or none
- f. **Age:** this does not apply to a person aged under 16
- g. **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- h. **Race:** includes race, skin colour, nationality, or ethnic origin
- i. **Membership of the Traveller community.**



Gender was identified by the majority (84%) of respondents as the associated ground for the harassment they witnessed. Family status (39%), civil status (22%), age (21%) sexual orientation (13%), race (8%), disability (6%), religion (5%) and membership of the travelling community (1%) were also considered to be grounds for the harassment witnessed by respondents.

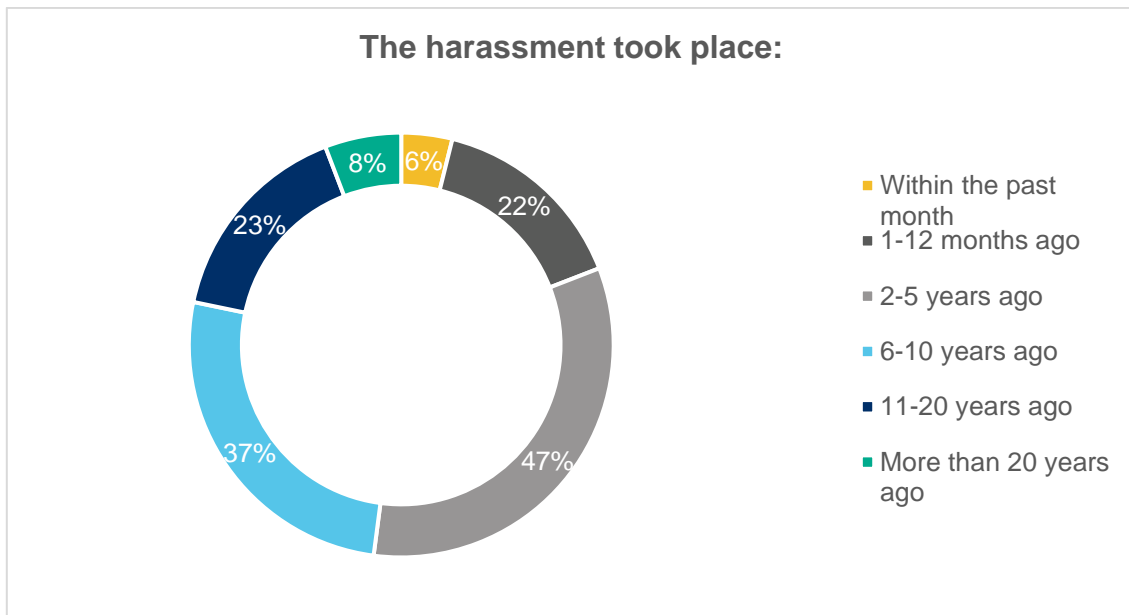
4.3.11.3 *Form of harassment witnessed*



The most common form of harassment witnessed by respondents was overbearing supervision, undermining of work output or constant unproductive criticism (67%). Of those who witnessed harassment, over half also said they witnessed: the perpetrator deliberately giving too much or too little work, work not appropriate to the position or manipulating job content and targets (62%); inadequate or lack of supervision of work output (55%); and, verbal abuse/insult, including offensive jokes or comments, ridiculing, or demeaning language, shouting, or spreading malicious rumours (55%). Those that cited “Other” (2%) mainly noted:

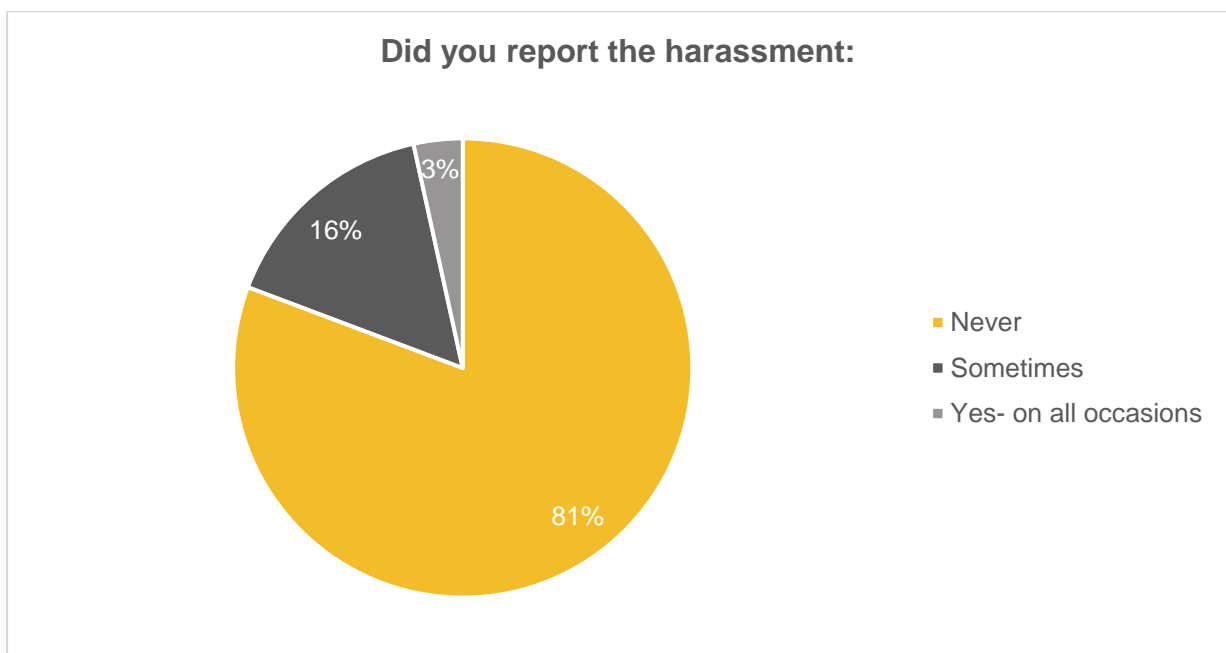
- Mistreatment of trainees/junior employees (2)
- Abuse of position/power imbalance (2)
- Job lost due to maternity (1)

4.3.11.4 *Timeframe*



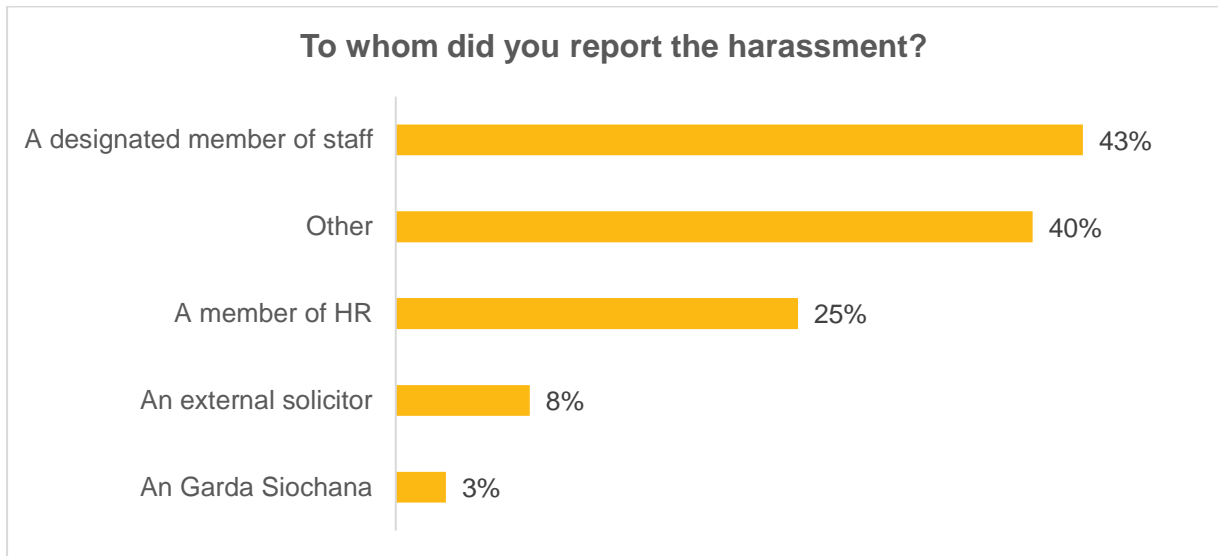
Respondents were asked when the incident took place and could select more than one option if considering multiple incidents. Of the respondents who witnessed harassment, 75% witnessed at least one of the incidences within the last 5 years: 6% within the past month; 22% within the last 1-12 months and 47% within the last 2-5 years. 8% witnessed at least one of the incidences over 20 years ago.

4.3.11.5 *Reported Harassment*



Only 3% of respondents who witnessed harassment said they reported the harassment witnessed on all occasions, while 16% reported it sometimes and 81% said they never reported it.

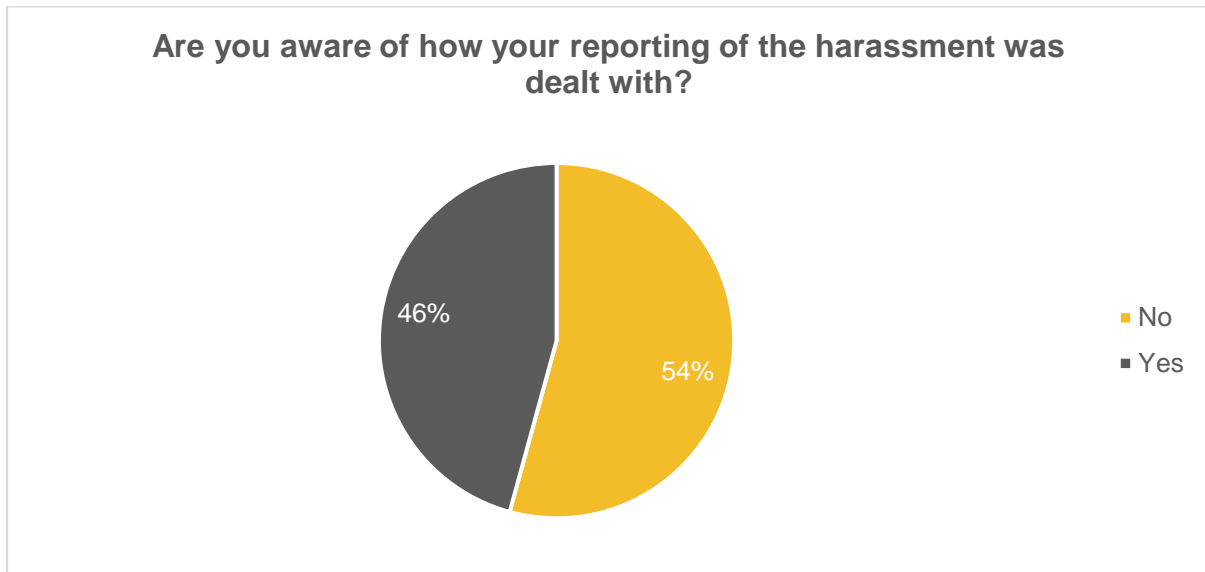
4.3.11.6 *Reports harassment witnessed*



The most common person to whom respondents reported the harassment was a designated member of staff (43%). Respondents who witnessed and reported harassment also reported to a member of HR (25%), an external solicitor (8%) and in a small number of cases (3%) the harassment was reported to An Garda Síochána. Those who reported to someone other than those listed above (40%), stated they reported the harassment to

- Senior Colleague/Line manager (13)
- Partner (8)
- Addressed perpetrator directly (7)
- Principal (2)
- Social worker (1)
- Colleagues (1)
- The boss/employer (1)
- Bully was senior in authority (1)
- Law Society (1)
- Work-place relations (1)

4.3.11.7 *Response to reporting*

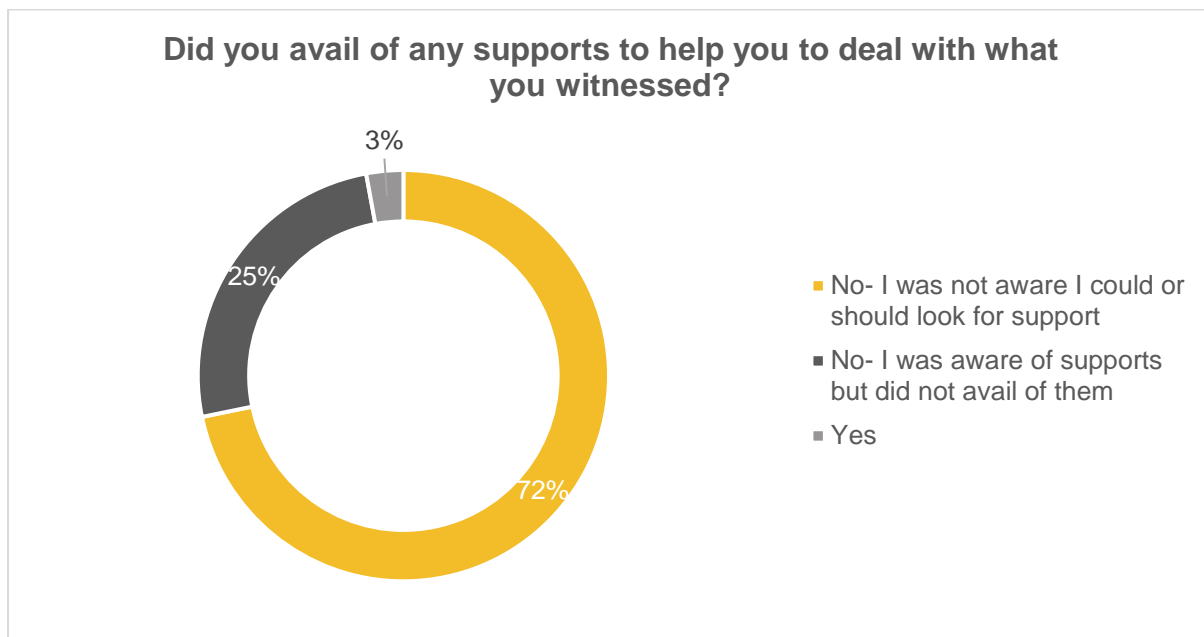


Of the 94 respondents who reported witnessed harassment, 46% (43) were aware of how their report of witnessing harassment was dealt with while 54% (51) were unaware.

Those who reported witnessed harassment were asked to elaborate on how the situation was dealt with. Frequency of response was noted as follows:

- The situation was ignored (14)
- Perpetrator was confronted (8)
- Behaviour did not change (6)
- Victims asked to deal with it themselves or move team (4)
- Perpetrator was moved/left/asked to leave (4)
- The situation was covered up (3)
- Behaviour stopped (2)
- Behaviour was reduced (1)
- Behaviour worsened (1)
- Victim was provided guidance and assistance (1)

4.3.11.8 *Supports used*

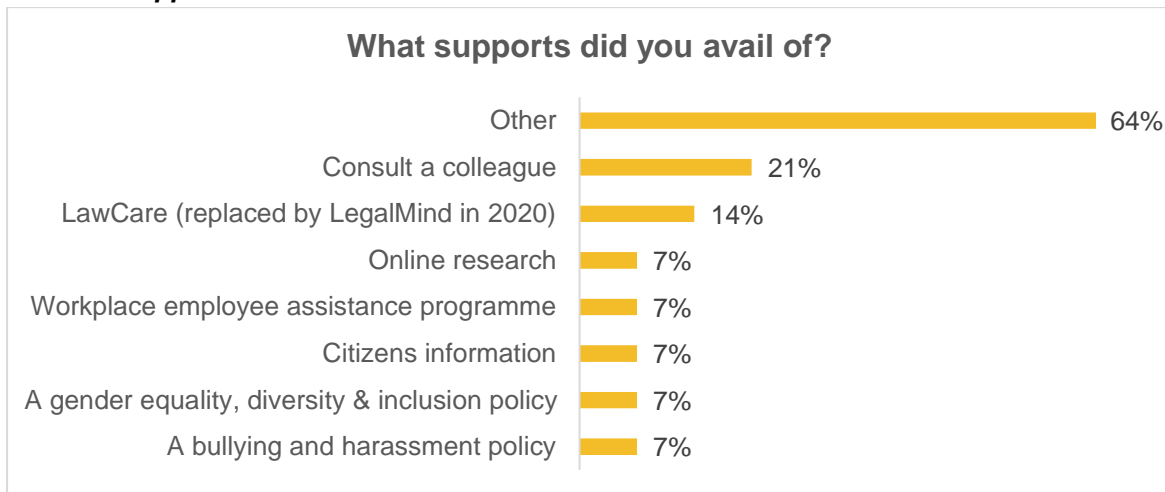


Only a small number (3%) of respondents who witnessed harassment said that they availed of supports to help them deal with what they had witnessed. The majority of respondents (72%) were not aware that they could or should look for support, while a quarter (25%) were aware that supports were available but did not avail of them.

Those who explained why they did not avail of supports provided the following detail:

- Did not require support (19)
- Fear of repercussions (12)
- Due to status of perpetrator (3)
- Felt should not get involved (2)
- Supports are monitored/confidentiality (1)
- There was no support (1)

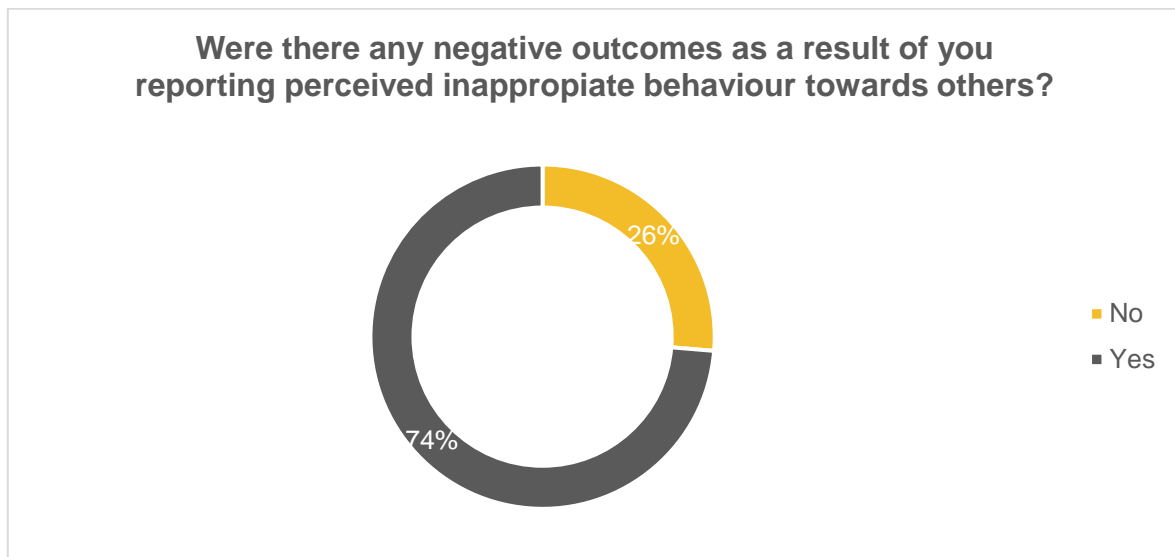
4.3.11.9 **Supports**



Over a fifth (21%) of respondents who availed of supports used Consult a colleague, with 14% stating LawCare (replaced by LegalMind in 2020). 7% availed of each of the online supports, workplace Employee Assistance Programme, Citizens Information, a gender equality, diversity and inclusion policy and a bullying and harassment policy. Of those who cited “Other” (64%), the additional detail provided was:

- Counselling (7)
- GP (3)
- Arbitration (1)
- Friends and family (1)

4.3.11.10 **Negative outcomes of reporting**



Of those who reported the harassment they witnessed on some or all occasions, 74% said they experienced negative outcomes as a result of this and they elaborated as shown below:

- Affected career and progress (9)
- Intimidated/ridiculed/victimised (9)

- Excluded and ignored (6)
- Targeted by perpetrator (6)
- Made feel it was my fault/no sense of humour (4)
- Viewed as a troublemaker (3)
- Fired/let go (3)
- Was not kept confidential (3)
- Not addressed (3)
- I left (2)
- Not believed/not taken seriously (2)
- Victim left job (2)
- Damaged confidence and mental health (1)
- Threatened with disciplinary action (1)

Additional context provided in relation to witnessing harassment is presented below by frequency of response:

- Gender discrimination (57)
- Discrimination due to maternity/family status/having children (46)
- Abuse of position/power imbalance (37)
- Mistreatment of trainees/juniors (29)
- Inappropriate sexual/sexist comments and behaviours (25)
- Ridiculed, demeaned, belittled (13)
- Discrimination re sexual orientation (11)
- Age discrimination (9)
- Public criticism, belittling (8)
- Racism/Racist remarks (8)
- Isolation/Exclusion (7)
- Shouting and Aggression (7)
- No allowance for personal or health matters (7)
- Serious bullying resulting in mental health difficulties (6)
- Ongoing continuous daily abuse (6)
- Endemic/culturally ingrained (6)
- Overworked/lack of training (4)
- Snobbery/class discrimination (4)
- Bringing people to tears (3)
- Spreading of rumours and malicious behaviour (2)
- Inappropriate behaviour by clients (2)
- Physical abuse (2)
- Discrimination regarding disability (2)
- Discrimination on religious grounds (1)

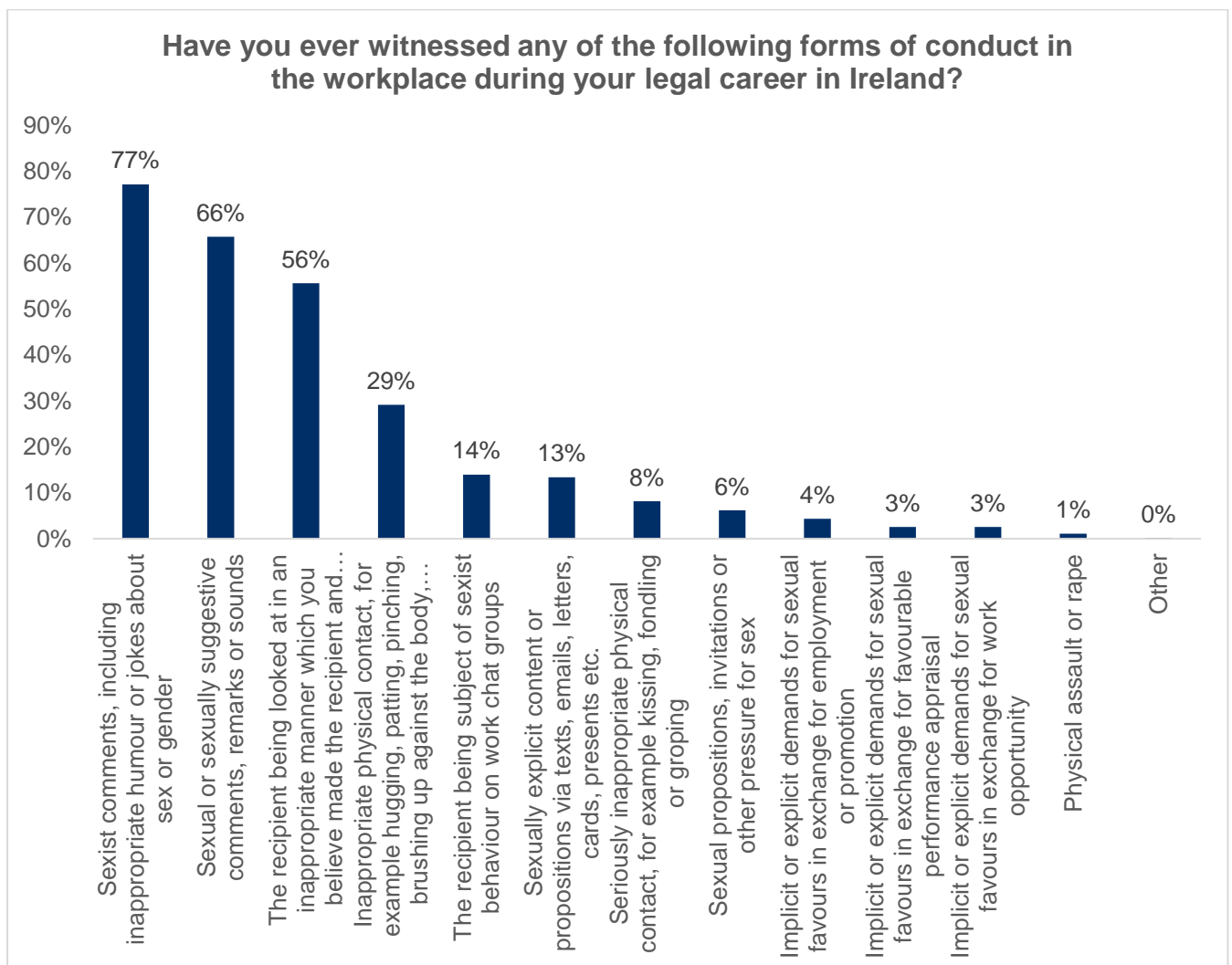
4.3.12 Witnessed Sexual Harassment

4.3.12.1 Key insights Sexual Harassment witnessed

- Respondents witnessed a wide range of behaviours related to sexual harassment in the workplace as depicted in 4.3.13.2.
- 13% of respondents said they witnessed sexual harassment within the last 12 months.
- 90% of respondents stated that they never reported the sexual harassment they witnessed.
- 52% of respondents who reported the sexual harassment were unaware as to how the harassment was dealt with.
- Only 2% of respondents said they availed of supports to help them deal with what they witnessed.
- 40% of respondents who reported the harassment they witnessed said they experienced negative outcomes as a result of this.

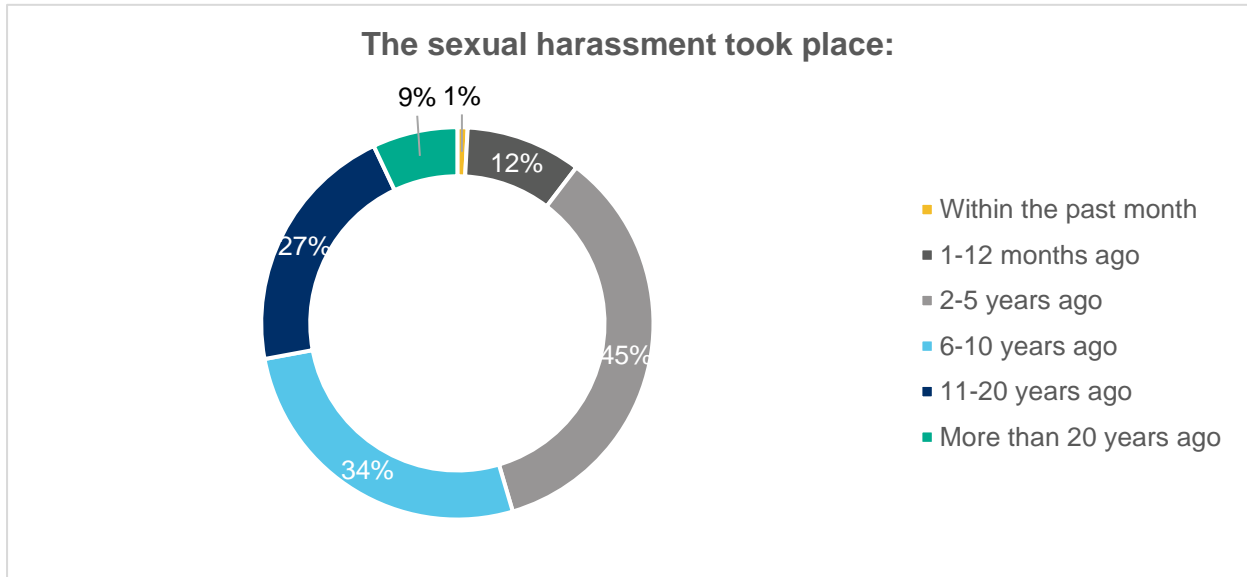
4.3.12.2 Conduct Witnessed Sexual Harassment

For the following questions related to sexual harassment, respondents were asked to consider their experiences as a bystander/witness during their legal career in Ireland only.



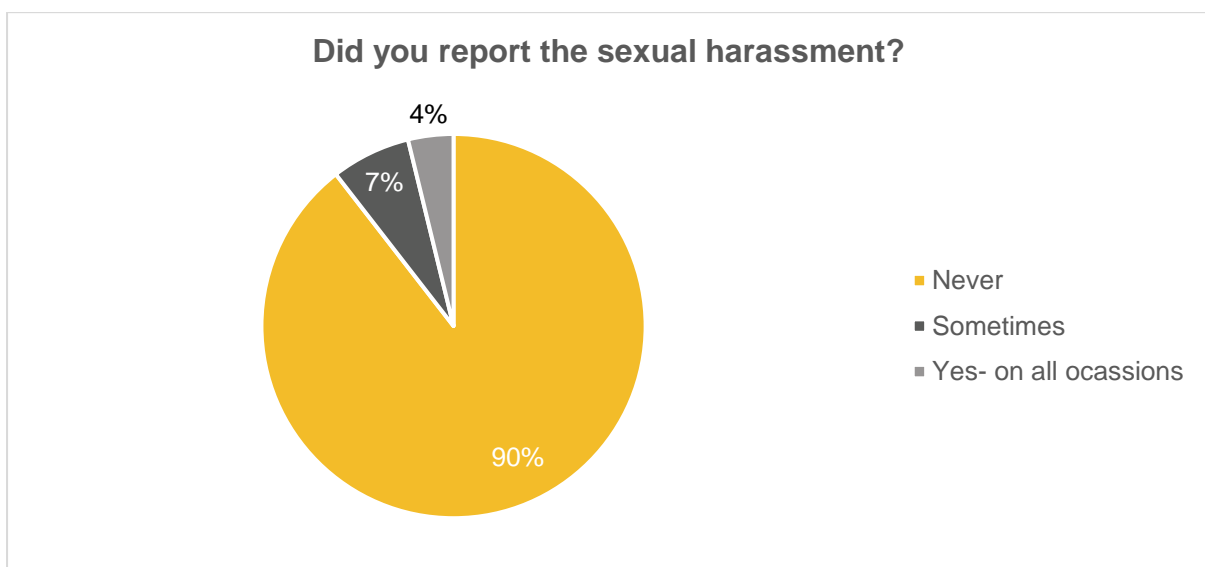
The most common forms of sexual harassment witnessed by respondents to the survey included sexist comments (77%), sexual or sexually suggestive comments, remarks or sounds (66%) or the recipient being looked at in an inappropriate manner which you believe made the recipient and others witnessing this feel uncomfortable (56%).

4.3.12.3 *Timeframe Sexual Harassment witnessed*



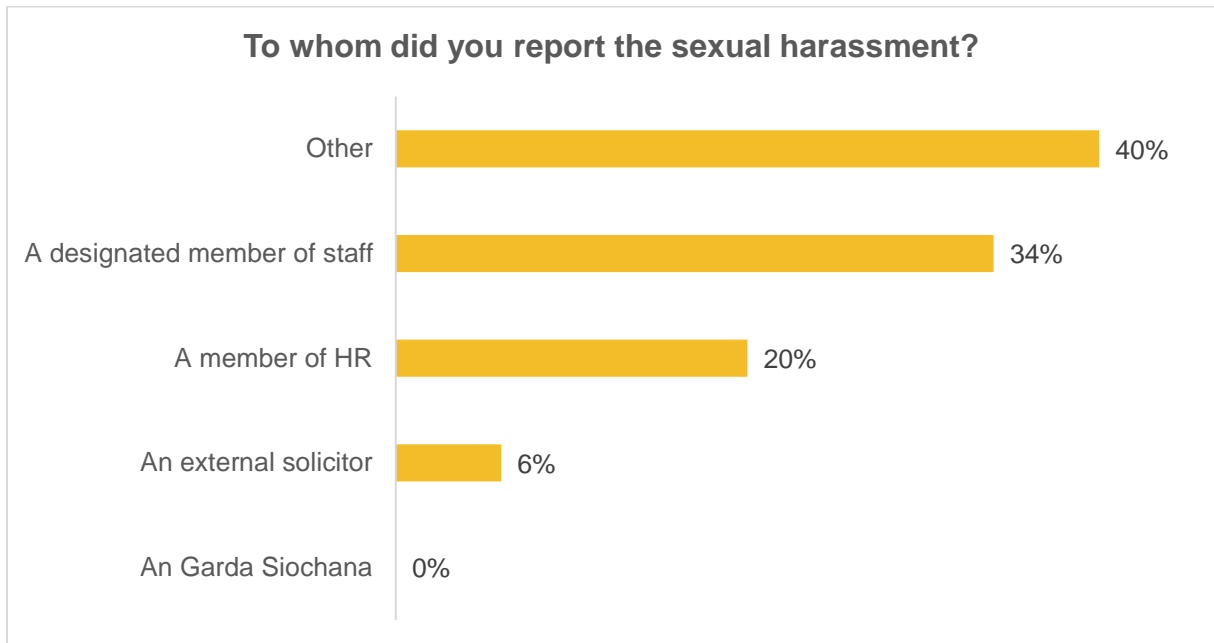
Respondents were asked when the incident took place and could select more than one option if considering multiple incidents. Of the respondents who witnessed sexual harassment, 58% witnessed at least one of the incidences within the last 5 years: 1% within the past month; 12% within the last 1-12 months and 45% within the last 2-5 years. 9% witnessed at least one of the incidences over 20 years ago.

4.3.12.4 *Reporting Sexual Harassment witnessed*



The majority of respondents (90%) never reported the sexual harassment they witnessed, 7% said they reported it sometimes and only 4% said they reported it on all occasions.

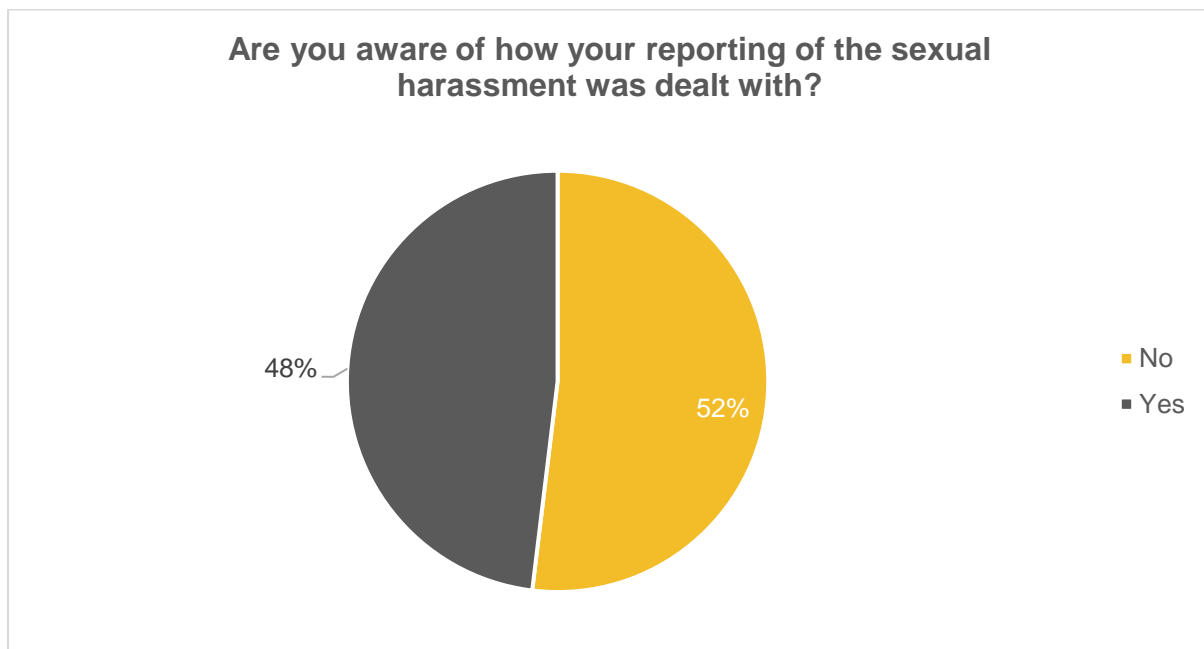
4.3.12.5 *Reports sexual harassment witnessed*



Those who reported the sexual harassment were asked to whom they reported it. Over a third of respondents (34%) reported it to a designated member of staff, and a fifth (20%) reported to a member of HR. None of the witnessed sexual harassment was reported to An Garda Síochána. Those who cited “Other”, said they reported to:

- Spoke to perpetrator (5)
- Partner (4)
- Senior management/Line manager (3)
- Senior/Managing partner (3)
- The boss (2)
- Colleagues (1)
- Principal (1)

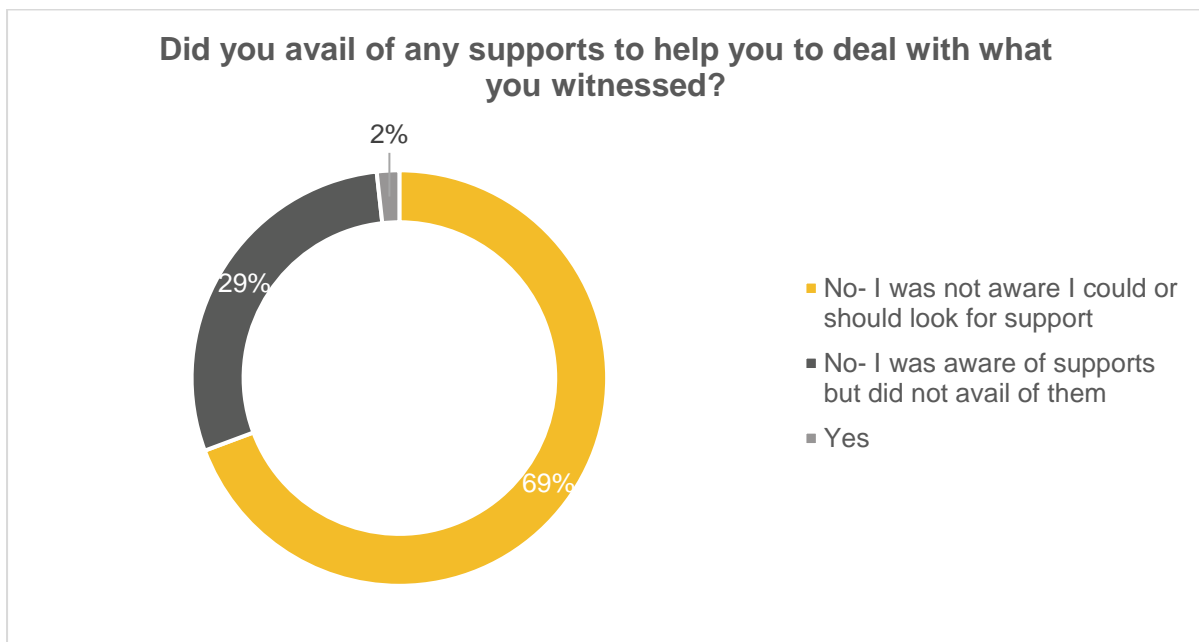
4.3.12.6 *Response to reporting sexual harassment witnessed*



Out of the 52 respondents who reported witnessed sexual harassment 52% (27) were not aware of how the reported sexual harassment was dealt with while 48% (25) were aware of the response and they provided further detail below:

- Appallingly/totally dismissed (3)
- The perpetrator was spoken to (3)
- Client(s) kept away from victim (2)
- The individual responsible was let go (2)
- Apologised (2)
- Resolved/not repeated (2)
- Perpetrator was an equity senior partner so was not reprimanded (1)
- The perpetrator was disciplined (1)
- Victim spoken to (1)
- Spoke to perpetrator directly (1)
- Led to breaking up of partnership (1)
- Action taken against perpetrator (boss) (1)
- Left the firm (1)

4.3.12.7 **Supports Sexual Harassment witnessed**

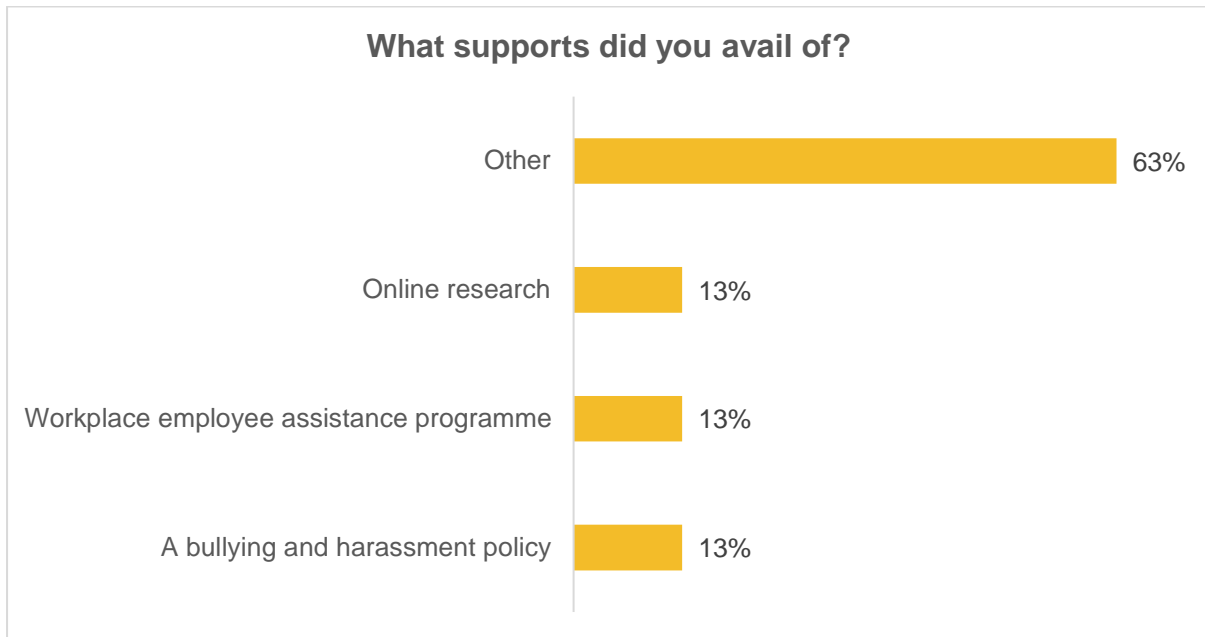


Only 2% of those who witnessed sexual harassment said they availed of support to help them deal with what they witnessed. The majority of those who did not avail of supports, said this was because they were not aware they could or should look for support (69%), with the rest saying they were aware of the supports but did not avail of them (29%).

Respondents explain why they did not avail of supports as follows:

- No support required/I was not the victim (21)
- Didn't think it was serious enough (8)
- Fear of negative reprisals (8)
- Did not think it would make any difference (7)
- Did not want to get involved (3)
- Victim did not want me to (2)
- Too busy availing of supports for conduct I was experiencing myself (2)
- The victim dealt with the matter (1)
- Management aware of it, but did nothing (1)
- Lack of evidence (1)
- No supports offered (1)
- Not treated seriously (1)
- No confidence in supports available (1)
- Those speaking out are punished (1)

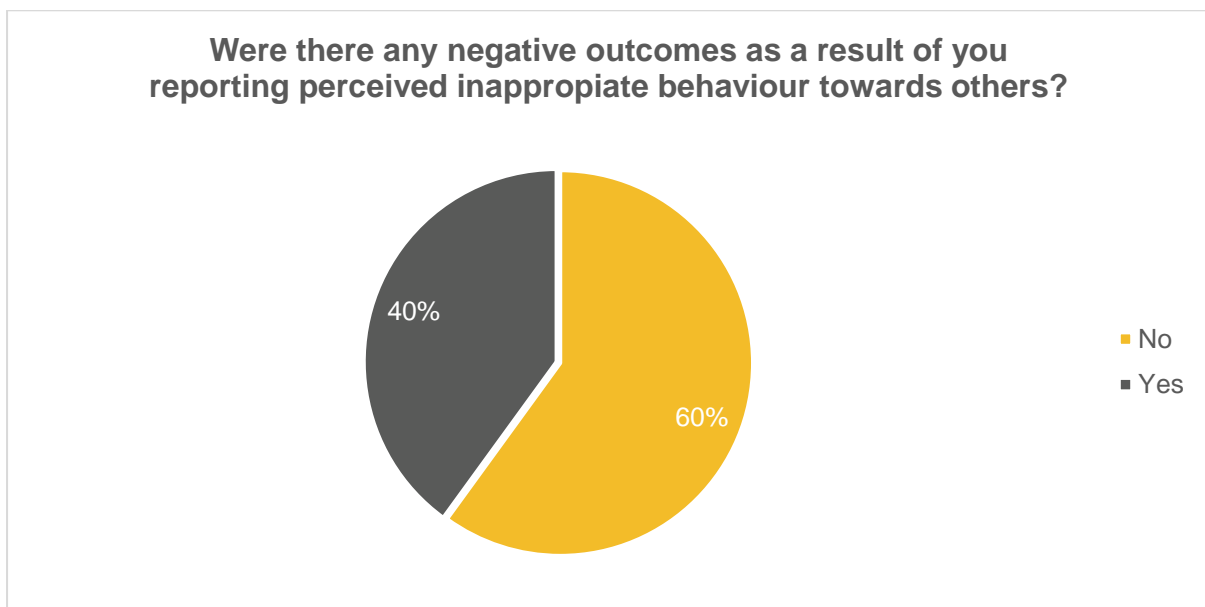
4.3.12.8 *Supports used*



Respondents who did avail of supports, used online research (13%), work employee assistance programme (13%) and a bullying and harassment policy (13%). The majority (63%) cited using “Other” supports, which included:

- Private counsellor (3)
- GP (2)
- Prayer (1)
- Friends and family (1)

4.3.12.9 *Negative outcomes of reporting sexual harassment witnessed*



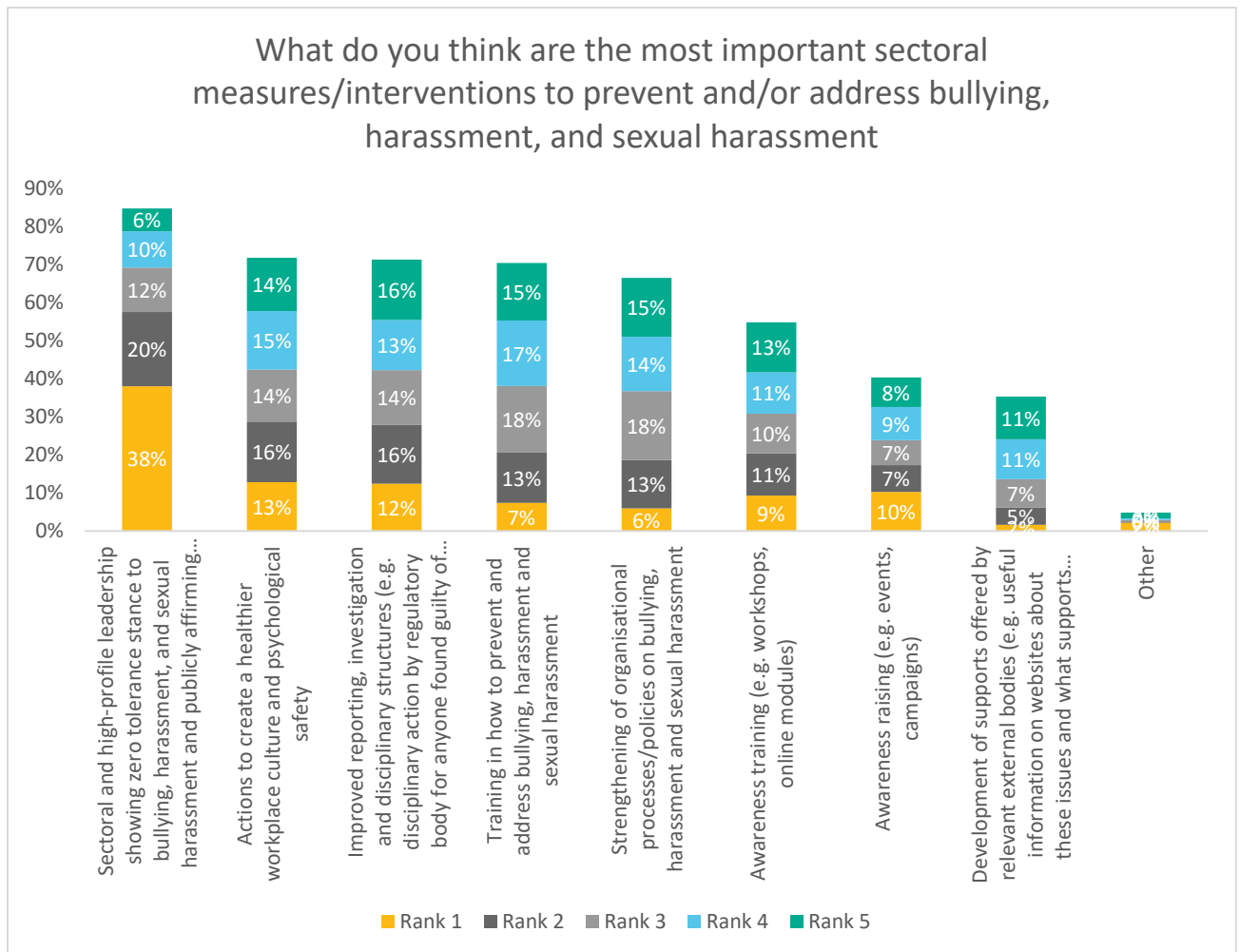
Of those who reported the sexual harassment they witnessed on some or all occasions, 40% said they experienced negative outcomes as a result and provided the explanations below:

- Marked out/targeted (4)
- I was fired/others fired (3)
- Treated badly (2)
- Can't complain in law firms. No forum (2)
- Seen as having no sense of humour (1)
- Labelled with derogatory comments (1)
- Not believed (1)
- I was made to feel in the wrong for highlighting issue (1)

Additional context about the sexual harassment witnessed is shown below:

- Inappropriate sexual comments/behaviours - male to female (14)
- Occurred at a social event (11)
- Inappropriate comments/behaviours to trainees (10)
- Inappropriate grabbing and touching (4)
- Inappropriate comments from a client (4)
- Inappropriate comments, female to male (3)
- It was ignored/no support for victim (3)
- Sexual homophobic comments (2)
- Regret not intervening (1)
- Inappropriate sexist jokes, by male partners who appeared to think were ok (1)
- Females openly discussing how to protect each other (1)
- Sexually suggestive lewd jokes were commonplace (1)
- Toxic culture towards women (1)
- Attempted to support victim (1)
- Felt part of the course as a woman (1)
- Times have changed and what was previously tolerated is no longer acceptable (1)
- Colleagues intervened to protect a young girl (1)

4.3.13 Interventions



Respondents were asked to rank from one to five what they think are the most important sectoral measures/interventions to prevent and/or address bullying, harassment, and sexual harassment. The measure ranked by the most respondents, as well as the measure ranked 1 most frequently, was “Sectoral and high-profile leadership showing zero tolerance stance to bullying, harassment, and sexual harassment and publicly affirming positive workplace behaviours”. Those that ranked “Other” mainly noted:

- Education and training at all levels (11)
- Culture needs to change, needs complete overhaul (10)
- All employees need to be treated with equal respect and dignity (6)
- Need a genuinely anonymous and confidential (independent) reporting facility (6)
- Those responsible should be held accountable (6)
- Safeguards/protections in place for trainees, so they receive adequate training and are not exploited (5)
- Address huge power imbalance, workers of lower status need to be more protected (5)
- Change needs to start from top down (5)

- Sanctions/actions against firms where there are repeated claims of bullying, harassment and sexual harassment (5)
- More gender balance education and enlightenment to treat women as equals (4)
- Awareness that fear of repercussions stop victims speaking out/protections should be put in place (4)
- Those in charge of others should undertake mandatory CPD training (4)
- Supports for the perpetrator and victim (2)
- Overhaul in acceptance of maternity leave and working parents (2)
- Stop techniques such as withdrawal of work and constructive dismissal on those who come forward (2)
- Address bullying and sexual harassment at social/external events (2)
- Enforcement of policies (2)
- Think current supports are more than adequate (2)
- Periodic/annual checks/surveys across all firms (2)
- Reported to the media and exposed (1)
- Greater awareness of age discrimination (1)
- Awareness of class-based discrimination (1)
- Firms need to fire serial harassers instead of promoting them (1)
- Legislate, lobby against working illegal hours (1)

Respondents were also asked to comment if they felt there were any other actions or interventions that they felt would progress the Dignity Matters project to address the subject of bullying, harassment and sexual harassment in the solicitors' profession. Responses and frequency of response are noted below:

- Mandatory training and education (4)
- An independent Dignity at Work Officer role or an external body should be created (3)
- Psychological safety knowing that reporting won't cost you your job (3)
- Severe consequences for perpetrators (3)
- Leadership (2)
- Address any imbalance in treatment from those in higher positions (2)
- Discussion forums to promote awareness and support (1)
- Legislation allowing for switch off and work/life balance, with penalties for employers for breach of same (1)
- In the case of any sexual harassment the matter should be referred to the Gardai immediately (1)
- Help women stay in private practice particularly when they become mothers (1)
- The competence and independence of HR professionals needs to be examined (1)
- Regulation of a trainee's role (1)
- Anger/stress management classes mandatory as part of PPC1 and PPC 2 (1)
- Law Society to have a disciplinary function and publish outcomes of hearing in the Gazette (1)

4.3.14 Changes resulting from COVID-19

Respondents were asked whether they had noticed any changes over the past 12 months in relation to the incidence of, and/or workplace response to, bullying, harassment and sexual harassment in the solicitors' profession, particularly in light of the COVID-19 changing work environment.

There were a total of 1072 respondents. Responses were broken into four categories based on frequency of response as follows:

Responses	1072 Respondents	Percentage
■ No change	735	69%
■ Better/improved/less incidents working from home	125	12%
■ Left job/retired/don't know	147	14%
■ Worsened	65	6%

No change

Of respondents who answered no change as a result of COVID-19, the views expressed were that the same level of bullying still existed during COVID-19, no change was noticed due to working remotely and others had not personally experienced a change as their present job was not where they had experienced the behaviour previously.

Better / improved/ less incidents working from home

12% of respondents felt things had got better, improved or that there were less incidents due to working from home.

Left job/ retired/ don't know

14% answered not applicable as they had left the position, had retired or did not know if there had been change.

Worsened

6% of respondents felt the situation had worsened as a result of COVID-19 and this has resulted in rising work environment stress levels.

5 Individual Conversations and Sector Case Studies

5.1 Individual conversations and case studies

Within the scope of the Dignity Matters survey and report, it was agreed with the Law Society that a small number of individual conversations would be held with solicitors who indicated they would be willing to speak about their experience. The case studies were conducted as anonymised conversations with three survey respondents hereinafter referred to as interviewees. All three interviewees were asked the same questions designed to elicit:

- The story of their experience of the behaviours they had in mind when completing the survey
- Their views on the supports available to them at the relevant time, and
- Their views on how such situations could be better addressed going forward.

The cross-section of respondents with whom conversations were held were two female and one male respondent, of varying ages, who had experienced either bullying, harassment or sexual harassment, worked in a variety of workplaces and locations.

It was also agreed that case studies would be developed based on inputs from the legal sector internationally via the IBA, the theatre sector in Ireland via the Irish Theatre Institute and the third level sector in Ireland via Professor Louise Crowley, University College Cork (UCC). All case study interviewees agreed to their names and organisations being included.

5.1.1 *Individual conversation 1*

The behaviours described by the interviewee were perceived as inappropriate, repeated and undermining their dignity at work. The interviewee believes they were lured to take up a role through misrepresentations by the principal and that it became clear within two weeks of taking up appointment that promises of position and remuneration would not be realised.

The interviewee described a manic workplace where tasks would be set and priorities revised within 30 minutes to an hour and continuous queries on work status “Have you finished that?”, “Is this done yet?”, “Where’s this?”. The interviewee described continuous pressure with nobody left alone long enough to get anything completed. The principal’s erratic emotional demeanour was described as impacting on the working environment.

The interviewee sought to address the situation with the principal whose response was to demean the interviewee’s work saying “I’m really doubting this now. You didn’t give the impression at all that you were a slow worker and that you were not capable of doing a handful of tasks together.” Other examples of what was described as constant belittling and undermining behaviour included reading the interviewee’s work, sometimes in group setting, and commenting “This doesn’t even make sense”; “This is laughable” etc.

The interviewee described difficulties introduced deliberately when they had family responsibilities to attend to, particularly after the arrival of a new baby. While working late was the norm, a request to leave by 6pm one day per week resulted in comments such as “This is what it takes to be a successful lawyer.” “Wanting to be home with your family at different times is not going to cut it.” The interviewee believes this was deliberate and aimed at their parental responsibilities.

In what the interviewee outlined as a turning point; leave was refused to attend a funeral of a close personal friend (as the leave application had not been submitted within the requisite period). Additional tasks were introduced “deliberately” late the same day which were described as urgent but known not to be. The interviewee worked until between 1am and 2am for the following two nights to ensure attendance at the funeral.

The interviewee described feeling very panicked and worried in case anything personal and/or urgent arose as home life had to be sacrificed at every turn in favour of work matters due to the pressure brought to bear. With hindsight the interviewee felt it was remarkable how quickly their confidence was lost, even in routine tasks, due to the constant negative critique. The incidents occurred on a daily basis with about 40% taking place in front of others and the more intense criticisms taking place one to one. Ultimately the interviewee described becoming introverted both at work and on a personal level in addition to a doubt in their ability to undertake tasks resulting in tasks actually taking longer.

The interviewee felt there was nowhere to go to seek support with the difficulties being experienced as the person involved is an employment law solicitor and principal of the practice and, as such, the interviewee believed it was useless to try exercise their rights.

The interviewee’s suggestions for future changes were:

- There should be someone to talk to in order to avoid comments afterwards “why didn’t you talk to someone?”.
- That an attestation be added to the practising certificate application along the lines that the person has contributed to a safe working environment for all, so that consideration of such matters occurs at least once a year.
- That the Law Society Gazette be used to get this information in front of people on how to make the profession a safe place to work, what resources are available and what help is available.
- That mandatory CPD (one hour compulsory) around bullying etc and safe working environments be introduced with, at the end, clear instructions of where to find support if difficulties are being experienced.

5.1.2 Individual conversation 2

The interviewee described systemic and culturally embedded bullying behaviours over a number of years and presented multiple incidents of perceived inappropriate behaviours in the course of work with consequential damage to dignity at work. The interviewee’s relationship with their initial line manager had been difficult and when another line manager took over similar phrases were used to those used by the first line manager e.g. “I used to think you were intelligent”. When the interviewee described being overwhelmed to the line manager the response was that the line manager was overwhelmed also. The interviewee described not having received training for (at least some of) the required tasks and comments such as “Why is this taking so long?” were made creating constant undermining. There were also criticisms of not being able to manage annual leave when the interviewee carried forward leave due to pressure of work. Annual appraisals resulted in the interviewee fighting “tooth and nail” for reasonable assessments. The interviewee described the behaviour as constant and degrading creating a perception of being picked on and saw it as part of a greater problem of ineffectual management and overall lack of management ability.

The behaviour was described as repeated and affecting the interviewee's entire working life and while incidents did not happen every day the interviewee's work life and environment was "poisoned by it" resulting in constant and ongoing efforts by the interviewee to avoid the behaviour.

The interviewee described approaching Human Resources (HR) and their trade union and while unions can get involved in such matters neither they nor HR were of support in this case. The interviewee described how nothing was done in the absence of a formal complaint and their solution was to find a way to leave the area controlled by the line manager without giving up the job.

It was noted that the workplace had a well-established and detailed Dignity at Work policy and procedures to address such matters. It appears that no action was taken in the absence of a formal complaint despite the matter being raised on multiple occasions with HR. Indeed, despite being on notice HR returned the interviewee to the same unit and assigned them to the same line manager on return after a period of time away from the role. This is compounded because the interviewee indicated that HR were aware that their replacement was similarly treated.

5.1.3 Individual conversation 3

The interviewee referenced an unwelcome sexual encounter with a colleague which took place at a non-work-related event. Having confided in other friends/colleagues from work, the interviewee was distressed by the subsequent working environment with colleagues (at least some of whom had been at the same non-work event) in circumstances where the interviewee's version of events was not accepted ("There are two sides to every story"). The interviewee was subsequently informed by one colleague/friend that the matter was being discussed in the workplace, disseminating reports of the incident to others who had not previously been aware of the situation. The interviewee told the alleged perpetrator of the unwelcome sexual encounter that they should never speak to them again.

The interviewee did not raise the matter formally at work as it would be escalated and because of fear in terms of career and career progression. The day-to-day impact of meeting colleagues in the difficult and hostile environment resulting from the incident and related discussions has been alleviated by working at home caused by the COVID-19 pandemic. The interviewee, feeling there were no supports available, considered the employee assistance arrangements but decided to seek support privately.

The interviewee stated it would help a lot if HR could be asked not to put the alleged perpetrator in the interviewee's work sphere without indicating why this is required, but they understand this is "neither feasible nor practical". The interviewee suggests that arrangements could be put in place to protect a person in that position without having to disclose fully and create a full investigation. Finally, the interviewee pointed out it is "still a very male-dominated profession" making it difficult for these things to be resolved.

5.1.4 Case Study: International Bar Association Interviewee: Sara Carnegie, Director of Legal Projects

Founded in 1947, shortly after the creation of the United Nations, the International Bar Association (IBA) is the global voice for the legal profession and is comprised of more than 80,000 individual international lawyers from most of the world's leading law firms and some 190 bar associations and law societies spanning more than 170 countries. In 2017, through a study it commissioned on 'Women in Commercial Legal Practice'¹⁴, the IBA uncovered key barriers to women successfully progressing in their careers. It was through this research that the prevalence of bullying and harassment, and its impact on career progression, became evident. Around the same time, the global #MeToo movement came to prominence, prompting a moment of reflection for the IBA.

"As the profession charged with upholding the law and acting with integrity, this cannot be ignored - if we can't get this right - there is a problem", says Sara Carnegie, Director of Legal Projects at the IBA. In response to the findings of their 2017 study, the IBA decided to launch a worldwide survey (and their largest ever project) on bullying and sexual harassment in the legal profession.

Published in 2019, 'Us Too? Bullying and Sexual Harassment in the Legal Profession'¹⁵ received 7,000 responses worldwide and indicated substantial, engrained issues, including the fact that "one in two female respondents were being bullied and one in three males; one in three females reported sexual harassment, as had one in fourteen male respondents... these weren't historical responses either, many were recent within the last 12 months." There were also engrained cultural norms that needed to be challenged; for many respondents, the fear of reporting bullying or harassment based on the perceived or actual threat to their career was substantial. Health, safety, wellbeing, and the impact of bullying on mental health was also apparent, as Sara Carnegie comments, "one respondent cited that they 'felt sick every time I went to work' due to their experience of bullying."

In addition, the role of the bystander was established as a critical issue; where colleagues witness an incident of bullying or harassment "it's important that they speak up or report - and that organisational cultures support that". The report concluded that accountability for incidents of bullying and harassment was inconsistent, with responses highlighting the fact that little if any sanctions or repercussions applied, particularly where senior staff members were perpetrators.

'Us Too? Bullying and Sexual Harassment in the Legal Profession' generated substantial interest across the legal profession internationally, complemented by multiple awareness events around the world held by the IBA to engage the sector in the need for change. Events were also held with the European Commission and the World Bank due to the fact that "the report generated a lot of interest from outside the legal profession too - it created a ripple effect".

¹⁴ Ellis, J and Buckett, A (2017) *Women in Commercial Legal Practice*, IBA Legal Policy and Research Unit <https://www.ibanet.org/MediaHandler?id=9a9d8fe6-347f-4a1d-b441-2900085b197c>

¹⁵ Pender, K (2019) *Us Too? Bullying and Sexual Harassment in the Legal Profession*, IBA Legal Policy and Research Unit <https://www.ibanet.org/MediaHandler?id=B29F6FEA-889F-49CF-8217-F8F7D78C2479>

However, the main impetus behind the report was to promote change across the profession, internationally. Included in it were ten recommendations, starting with the need to raise awareness, and the need for organisations to have a policy that was fit-for-purpose, accessible and easily used by staff.

Furthermore, the introduction of customised training, run regularly, with everyone taking part (including the leaders of the organisation) was hugely important, “it has to be normalised... and leaders need to take ownership” adds Carnegie.

The role of data as a tool for monitoring change was also noted as vital in promoting change over time - this could be done through flexible reporting models, allowing people to share their experiences anonymously. Developing awareness of policy, process and how to report incidents early on in a professional career is paramount to change too.

Ultimately, the report highlighted the need for the entire topic of bullying, harassment and sexual harassment to be seen as a sector-wide and profession-wide priority. A zero-tolerance approach should be taken, with proportionate ramifications, “there needs to be a sense that this is unacceptable - and there are consequences”.

Sara Carnegie cautions that there does need to be an understanding that not every experience within the profession can be classified as bullying or harassment, “you have to allow for constructive criticism, though there is a big difference between that and what constitutes completely unacceptable behaviour”.

The risk of not prioritising Dignity at Work is costly, with staff attrition, client loss and reputational damage just some of the likely outcomes, “no firm wants their name in the spotlight for predatory or negative behaviours”. Moreover, it is a case of being reflective of the standards expected of the legal profession, by maintaining the highest ethical behaviour, “it is our duty to model that behaviour. The public expects the legal profession to be modelling good character to inspire confidence and trust.”

5.1.5 Case Study: Irish Theatre Institute **Interviewees: Siobhan Bourke and Jane Daly, Co-Directors**

Irish Theatre Institute (ITI) was founded in 1994, and is a resource organisation that nurtures, promotes and drives the ambition of Irish theatre makers and Irish theatre. In 2018, ITI led a major theatre sector initiative to respond to allegations of bullying, harassment and sexual harassment in Irish theatre. Speak Up and Call It Out brought the sector together to identify key actions that needed to be taken to promote Dignity at Work. This year, Speak Up and Call It Out Phase II was launched, with the ACTiON cross-sectoral arts worker survey, designed to garner an in-depth understanding of the experiences of people working across the arts.

The catalyst for Speak Up and Call It Out responded to a wider conversation about Dignity at Work in the arts, according to Jane Daly, Co-Director of ITI “Much like the international arts community, the Irish theatre and arts community has witnessed a groundswell of experiences of bullying, harassment and sexual harassment forthcoming since the #MeToo movement in 2017.” The movement ignited a conversation about workplace experiences around the world, and for the theatre community in Ireland, this also provided a platform for people to speak openly about their experiences. This conversation highlighted a substantial sectoral challenge that needed to be responded to in a collaborative and open manner.

In the immediate aftermath of the international #MeToo movement online, a number of high profile cases began to emerge through the testimonies of survivors of bullying, harassment and sexual harassment.

Very quickly, it was abundantly clear that these experiences weren't confined to one or two cases, but rather, that there was a wider cultural issue that needed to be addressed. Siobhan Bourke, Co-Director of ITI notes that "the theatre sector is populated by freelance workers, so the power imbalance between those with decision-making authority, and those seeking employment by those people, was a key factor. With that in mind, we understood that as a sector, we would need to work together to reach a mutually agreeable solution."

In early 2018, and with the support of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, ITI hosted an event entitled *Speak Up and Call It Out - Dignity in the Workplace: Towards a Code of Behaviour for Irish Theatre*¹⁶. The event featured a number of key Irish and international figures and focused on how the theatre community could improve its workplaces and the experiences of those working in them. "We also piloted a Code of Behaviour¹⁷, which outlined key definitions, protocols and selected a number of companies and independent artists to test the code. This was followed by an event later that year where those companies and artists talked about their experiences of piloting the code, and the sector, more widely adopted the code."

This year (2021), ITI launched a sector-wide survey (including all publicly-funded artforms) to gain a more in-depth understanding of peoples' experiences, as well as identifying key tools and supports to really embed change. "It became clear that these experiences weren't confined to *just* theatre, rather they were sector-wide, and indeed, society-wide" Looking forward, both of ITI's Co-Directors feel that culture change is crucial to achieve a lasting impact, "our ultimate objective with *Speak Up and Call It Out* has always been about culture change. Policies and processes are crucial, but in and of themselves, they won't have the desired effect. You need both awareness of acceptable behaviour, which is led by example by those at the top of a sector and/or organisation, alongside robust policy and practice."

With both the Code of Behaviour, the forthcoming analysis of its ACTiON survey, and the recommendations contained within it, ITI is hopeful that this will ultimately lead to a more positive working environment for everyone employed in the arts. However, this can only be achieved where implementation of policy and best practice lead to accountability and consequence where appropriate. "People need to know that if they speak up, not only will you be heard - you will be supported".

The need for vocal sectoral leadership, buy-in and collaboration is crucial to achieving this type of change. "We all want to see change happen, and that can be done so much more effectively when it's a cross-sectoral approach. We've also paid close attention to approaches taken by other sectors, other countries and will continue to do so. This is more than a sectoral issue... it's a societal one"

¹⁶ Speak Up and Call It Out: Towards a Code of Behaviour for Irish Theatre
https://www.irishtheatreinstitute.ie/publications.aspx?t=speak_up_call_it_out_andcontentid=223028

¹⁷ Dignity in the Workplace | Towards a Code of Behaviour of Irish Theatre Discussion Document
<https://www.irishtheatreinstitute.ie/attachments/c512602b-e015-48fa-a071-b70ed31a5e65.PDF>

5.1.6 Case Study: Higher Educational National Framework to End Sexual Harassment and Violence

Interviewee: Professor Louise Crowley, Institutional Lead, University College Cork (UCC)

The Higher Educational National Framework to End Sexual Harassment and Violence¹⁸ was written by a group of government appointed experts and launched in April 2019. Initiated by the Minister of State at the Department of Education and Skills, a cross-sectoral summit was convened to highlight the prevalence of sexual harassment and violence in Irish Higher Education Institutions, sparked by a series of reported incidents of rape and sexual assault early in Semester 1 2018, which had increasingly become the focus of media and public attention.

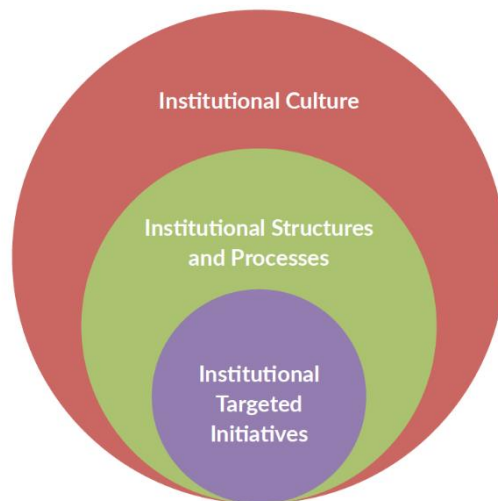
Professor Louise Crowley, an invited speaker at the stakeholder summit, member of the Expert Group responsible for developing the National Framework and Institutional Lead on the implementation of that Framework at University College Cork notes that “Bullying, harassment, sexual harassment and assault had all been issues that existed at Third Level for quite some time, but they were ‘under the radar’. No one institution was willing to put their head above the parapet to address the issue given the likely media-driven implication that such an institution had an issue with sexual violence thus causing negative impact on student recruitment, institutional reputation etc. Ultimately it took a number of issues reaching public awareness to catalyse a sectoral response. A lack of consistent and coherent institutional policies and approaches also underpinned the need for a joined-up, pro-active response.”

The Third Level educational sector is unique in that it has two distinct cohorts: staff and students, with different governance - employment-based and student rules. For this reason, bullying, harassment and sexual harassment can be experienced differently by both cohorts. Professor Crowley adds that “There are, for instance, different power imbalances which gives rise to complicated, different dynamics. This also affects the way in which issues are experienced and governed.”

For this reason, bringing the sector together to discuss individual institutional experiences and challenges, as well as engaging external stakeholders to provide their views, proved to be a key turning point. Up until that point there was no great impetus to establish the prevalence or nature of the issues; where it was happening, if there were ‘hot-spots’, and how an institution ought to respond. In addition, in identifying the issues involved and the capacity for institutions, both individually and collectively to enact responses to effect cultural change, they developed quite quickly, an appetite to do better, which could be accelerated by the provision of a platform for institutions with particularly advanced or successful initiatives to share their knowledge and practices.

This led to the development of the National Framework, which sets out the key areas for change:

¹⁸ **Higher Educational National Framework to End Sexual Harassment and Violence, Department of Education, 2020, <https://www.gov.ie/en/publication/678fee-framework-for-consent-in-higher-education-institutions-safe-respect/>**



Outcomes are to be structured as recommended in the Framework document i.e. initiatives will be accompanied by supporting structures and processes, which in turn are produced by and are embedded in a positive institutional culture. Project reporting will therefore be in three parts:

- a. Institutional structures and policies
- b. Institutional messaging
- c. Targeted initiatives

In terms of accountability the Framework also embeds reporting processes, detailing the required actions and mandating that all Higher Education Institutes (HEIs) develop and publish an institutional action plan that addresses the requirements set out within the Framework. The measures in the action plans must be targeted, consistent and measurable, with cross-organisational buy-in and commitment. Professor Crowley cites the role and support of university management at UCC as critical to the success of their work “The support of management means that change will happen, because this is such a challenging area for all involved, institutional commitment to change is crucial.”

With each HEI implementing its own action plan, what are the learnings for other sectors to consider in responding to bullying, harassment and sexual harassment? “Commitment, funding, education, awareness, processes - the need to de-stigmatise individual experiences, normalise reporting and investigations and the provision of accessible support to allow individuals to deal with them”. Raising awareness of the issues alongside ensuring meaningful, transparent and fair processes are in place, and ultimately institutional accountability is at their core of effecting change.

The Framework and each institutions’ action plan outline the vision and pathway for change (albeit crafted around the National template), drawing in a range of interconnected facets, including organisational culture, processes and reporting. Each Action Plan must be published on the institutional website, which instils a sense of commitment and meaningful accountability, as well as generating buy-in from the ground up. “Everyone in our community needs to see the value and importance of this work, that’s the way we’ll really achieve lasting change”.

6 Recommendations

6.1 Context of Recommendations

Chapters 3 and 4 outlined the insights gained in the research and consultation phase of the process and the Key Survey Findings chapter interprets the data gathered to determine crucial elements of the experience and witnessing of members of the profession of behaviours of bullying, harassment and sexual harassment. The Recommendations in this chapter are derived from both the findings and analysis and seek to recommend what could be done in future to address the emerging issues and create a positive future.

6.2 Recommendations

Having conducted the survey reported above, considered the information provided by other sectors in Ireland, secondary literature, national legislation and relevant codes of practice, we have developed the following localised recommendations guided by the “Us Too?” report recommendations, as required. These are suggestions and are made to provide a starting point for ongoing discussion of the issues. They are not considered to be exhaustive as other initiatives may emerge from this ongoing discourse. Having adopted the “Us Too?” report, this survey was commissioned by the Law Society of Ireland to, inter alia, recommend how the Law Society of Ireland, solicitor practices (small, medium and large) and inhouse/public sector solicitors can tackle the behaviours of bullying, harassment and sexual harassment (hereinafter referred to as ‘the behaviours’) in the profession and best prepare for challenges and opportunities ahead.

6.2.1 *Raise Awareness and Normalise the Conversation*

This report provides some insight into the nature, prevalence and impact of bullying, harassment and sexual harassment as experienced by members of the Law Society of Ireland. The survey findings demonstrate lack of awareness around the issues related to the behaviours, stemming from lack of information sharing, discussion and training (with 73% of respondents stating that their workplace did not provide information or training). Raising awareness, in conjunction with appropriate training, will underpin a better understanding of what is and is not bullying and harassment and will normalise the conversation. It should also encourage managers to intervene where the behaviours arise on the basis of their increased understanding of bystander intervention.

Normalising conversations on the behaviours may provide comfort/support to individuals considering their situation and considering whether to make a complaint as well as supporting those against whom a complaint has been made.

Awareness can be raised, in the first instance, by the publication of this report, to members, via Law Society communication channels i.e. the website, the Law Society Gazette and any other means considered appropriate. A media strategy should also be developed. Members should be encouraged to disseminate and discuss this report with staff or have a series of workshops to discuss its contents and to develop structures which are organisation specific to address issues locally. If championed by senior management, this type of initiative will have greater impact and will demonstrate leadership. The Law Society and Bar Associations should provide online and in person discussion forums which will facilitate the inclusion of sole practitioners.

Steps to increase awareness could include, at a basic level, brief mention of the entitlement to Dignity at Work for all, similar to reminders of the ethos or the strategic objectives of an organisation, at the opening of Council meetings, Bar Association meetings, conferences, town hall meetings, annual general meeting, periodic team meetings etc. thereby indicating that the sector leaders have taken a strong position on the matter.

The Law Society should consider including a further item in the annual attestation of members in relation to Dignity at Work. An initiative such as the Women in Law pledge implemented by the UK Law Society and Bar Council but with broader effect, to include dignity across all areas, could also be considered.

6.2.2 Implement and revise policies and standards

The individual conversation case studies indicate that the existence of a Dignity at Work policy in an organisation is not a guarantee that the behaviours will be eradicated or even addressed appropriately. However, they are a necessary starting point, and every workplace should be encouraged to implement a policy for the benefit of employees as well as for compliance.

Situations are described in the individual conversation case studies where the impugned behaviour is embedded even in organisations where policies, some long-standing, and procedures are in place and occasionally updated. There appears to be a disconnect between the existence of the policies and their implementation on a day-to-day basis to ensure behaviours are appropriate. Therefore, while the policies and procedures are without doubt important, the standards applied or required in an organisation should be based on the spirit of those policies. This requires the policies to be active documents rather than prepared out of necessity and then filed away. It is essential that policies are translated into work practices that create a workplace that embodies conduct that promotes and respects Dignity at Work for all.

Regular re-issue of the policy to every employee requiring a signature indicating that the policy has been read and understood would be useful. Many organisations have, in recent years, taken to re-issuing their Dignity at Work policy in advance of certain events such as the Christmas party due to the increased possibility of negative behaviours at such events. Periodic re-issue of the policy should be considered in order to support the normalisation of the conversation and as an indication that intolerance of the behaviours is supported at the highest level in each organisation. In addition, alongside the reissue/introduction of a policy awareness, training for all employees and managers is key to addressing such situations (and included in Recommendation 6.2.3).

As a result of the relatively recent publication of Statutory Instrument 674 of 2020¹⁹, an ideal opportunity arises to review and revise policies throughout the sector as it includes significant changes to the proposed handling of complaints in relation to bullying. The Law Society could take a strong position in respect of requiring members, as a minimum, to indicate that such a policy exists in respect of their practice/employment. Consideration should also be given to working with the profession to develop a compliance code and reporting structure. The CRA Compliance Code is informative in this regard.

¹⁹ SI No. 674 of 2020, Industrial Relations Act 1990 (Code of Practice for Employers and Employees on The Prevention And Resolution Of Bullying At Work) Order 2020

The IBA “Us Too?” report states that the existence of a policy should not become a barrier to the raising of complaints by, for example, requiring that a legal definition be met before the matter is addressed. This is adopted in this report also. In this regard, it is important to note that addressing a complaint within an organisation is fundamentally different to that same complaint being made to the WRC. An internal process handling a complaint of bullying, harassment or sexual harassment is normally addressed in accordance with a Dignity at Work Policy and is generally person A complaining about person B. The policy operates to guide the process and to assist employees experiencing relevant difficulties. When this is a complaint before the WRC it transforms to person A exercising statutory rights by lodging a complaint against the employer. It is at this point that the policy, its existence and operation, is relevant from a compliance perspective including whether the approach adopted by the employer is consistent with it.

We endorse the point made in the IBA report on policies, and therefore employers, being alert to the working environment in which such behaviours can arise. The EEA²⁰ provides for this by using the phrase “at a place where the employee is employed (in this section referred to as ‘the workplace’) or otherwise in the course of his or her employment” and it is particularly noteworthy that the recent SI 674 specifically refers to the use of cyber or digital means employed in a bullying event.

The Law Society of Ireland should consider strong support for the implementation of the two informal processes described in SI 674 in workplace policies. While the SI relates to bullying only, many employers are now adopting the second informal process for all types of Dignity at Work processes. Individual conversation 2 considered a situation where the employer, through HR, was put on notice of the difficulties being experienced. The situation was ignored and the interviewee reassigned to the same manager despite being put on notice.

Both the IBA report and this report refer to respondents’ lack of awareness of and faith in the processes and supports available. The function of a contact person is considered vital in that the role is normally to meet with any employee who has queries as to these processes and provide information. The contact information relating to those trained contact persons should be readily available and frequently circulated in every workplace. There is protection for employees in relation to penalisation or victimisation for asserting rights under the Safety, Health and Welfare at Work Act 2005 (the guidance included in SI 674 is provided in accordance with section 60 of that Act and replaces the previous Code of Practice issued by the HSA) and the Employment Equality Act 1998 (as amended) (relating to harassment and sexual harassment) and a policy which emphasises this protection arising from the legislation could increase reporting. Again, the SI 674 addresses these barriers in some measure and should be endorsed.

Finally, the arrangements provided for by policies should be adhered to and not be seen as a maximum entitlement for employees which can be avoided where possible. Rather, policies should be seen as enshrining the entitlements owing to an employee, a floor of rights, which can be improved upon by an employer where considered appropriate.

²⁰ Section 14A, Employment Equality Act 1998 (as amended)

6.2.3 *Introduce regular and customised training*

Training will raise awareness both in terms of the impact of the behaviours on an individual, the intolerance of the organisation towards the behaviours and the consequences of engaging in such behaviours. We endorse the IBA view that training should be relevant to the profession and to the sector (for in-house solicitors) rather than generic training where the examples used may have little or no relevance to the participants. It should also address the impact of the behaviours rather than simply the consequences. The objective of the training should be to increase awareness of the requirement for Dignity at Work and respect for others rather than simply those behaviours prohibited by law.

As mentioned above, managers must be trained in how to prevent and address incidents of the behaviours. Practice leaders and management play an important role in terms of day-to-day interactions and culture creation and they should be supported in that function. It is suggested that management skills and also culture change should form part of the overall context of training provided. Some level of mandatory training should be considered.

Where bystander intervention is promoted within an organisation, protections should be put in place for those who intervene and guidance provided as to what intervention is appropriate and safe. This guidance should be included in the overall training as the possibility of another colleague intervening in a situation may contribute to curbing the behaviours.

We would go further in respect of training and suggest that appropriate knowledge and experience should be a prerequisite for those implementing the policies and procedures to ensure that their intervention or lack of intervention does not exacerbate the situation such as was perceived to have occurred in individual conversation 2. In particular, those conducting the processes such as designated persons, contact persons and investigators must be fully trained in the conduct of the relevant processes.

Adequate training for those conducting and/or managing the processes could assist in circumstances where management of the information being transferred is required to ensure that the process does not in itself become a restriction or a weapon.

Awareness training should address what is and what is not covered in a Dignity at Work process. For example, in circumstances where a respondent believes a complainant's behaviour was inappropriate but does not complain about it, this is unlikely to be investigated in its own right or to be anything more than a contributory factor in the absence of counter allegations and appropriate terms of reference. However, such matters could form part of an informal process and/or mediation. This also applies to improving understanding that robust exchanges in respect of performance, conducted appropriately, do not constitute bullying. In addition, policies should also address misconceived complaints or complaints made with malicious intent.

It is interesting to note that in the 16% of cases where survey respondents indicated that they did receive training, 75% of them felt that the level of training or information sessions was adequate, indicating that there are examples where the training/information has been beneficial. It is also beneficial that the IBA, following on from the Us Too? report, have provided [e-learning training resources](#) "for use by the legal profession to ensure safe, supportive and respectful workplaces for everyone".

6.2.4 Increase dialogue and best practice sharing

We endorse the recommendation of the IBA in respect of dialogue and best practice sharing. The survey, individual conversations and case studies with other sectors point to an appetite to share information, experiences and learning. While due care would be required, it is recommended that in person and online discussion forums and communications are created where individuals, firms and professional bodies within the sector can pose questions, share information and increase knowledge through a variety of safe and secure knowledge sharing platforms, networks or committees/working groups. This and other studies emphasise the need to address issues around bullying, harassment and sexual harassment as a collective and how a better future can only be created together. The starting point of creating change is to increase dialogue and knowledge sharing within individual firms, within the profession and through the Law Society.

Consideration should also be given by the Law Society to working with other sectors who are also addressing similar issues and who are also taking a proactive approach to increasing Dignity at Work in their spheres.

We also recommend that designated persons defined in SI 674 and investigators benefit from a self-reflection and case discussion process, such as that required of mediators as part of their CPD arrangements. This could be encouraged both at a micro level within organisations and geographically for those not operating in sufficiently large organisations.

6.2.5 Take ownership

The intervention ranked as the top priority for most survey respondents was “sectoral and high-profile leadership showing zero tolerance stance to bullying, harassment, and sexual harassment and publicly affirming positive workplace behaviours”, emphasising the need for leadership, ownership and affirmation of positive workplace behaviours by the profession and for the profession. An awareness of these insights will inform leaders within the profession as to the difficulties being experienced, encourage them to champion change in the area and to openly support initiatives designed to eradicate unacceptable behaviours.

Where serious and palpable positions are adopted by leaders, making it clear that the behaviours have absolutely no place in the profession, this will promote a filtering down of these standards through the entire organisation and across the sector. Management can play a significant role in ensuring that within their area the behaviours are addressed and supports are in place and this should be assisted by appropriate training. As previously mentioned, the topic could be included in the opening statements of collective interactions locally and nationally with more comprehensive sessions addressing the topic included on conference, taskforce, bar association, working group/committee agendas.

Taking ownership applies to leaders, who can act as champions for change, as well as all members of the profession in being intolerant of the behaviours and calling out inappropriate behaviour when encountered. Senior members of the profession and managers can be role models, including for those entering the profession, as to what behaviour is expected rather than engaging in, or turning a blind eye to, the inappropriate behaviours.

6.2.6 Gather data and improve transparency

While the IBA data and this study provide a starting point in generating baseline data, there is no doubt that there is a dearth of comprehensive data on bullying, harassment and sexual harassment. No centralised record exists of complaints made, other than those made to the WRC, nor is there any central information as to the number of situations not reported.

This survey provides insights into the systemic underreporting for all behaviours experienced and witnessed (bullying (73%), harassment (81%) and sexual harassment (91%) not reported when experienced and bullying (81%), harassment (72%) and sexual harassment (90%) not reported when witnessed).

This report is the first step in establishing baseline evidence to provide an understanding of the situation in relation to the behaviours in the legal profession in Ireland and the extent of difficulties being experienced and opportunities for positive future change. It is recommended that a similar survey and intermittent pulse surveys are carried out in future. This will allow benchmark and comparative data to be created over time and also for data to “be used to measure progress and the efficacy of strategies adopted by the profession into the future” which was part of the expressed rationale for this study in the RFP.

The profession should also collect information, in the form of regular workplace climate surveys or a form of self-assessment (with appropriate arrangements for confidentiality/anonymity). Information should be gathered on how informed the workforce is with appropriate questions permitting an assessment of where gaps in knowledge or fears in relation to processes exist. In terms of transparency, the profession could, as recommended by the IBA, follow the example of the ‘Big Four’ accountancy firms who published data regarding the number of partners who left their jobs over a period following allegations of inappropriate workplace behaviour. While the likelihood of resistance to such steps is recognised, it could ultimately support a positive working environment with consequential increase in output and/or performance.

6.2.7 Explore flexible reporting models

The high levels of respondents who experienced or witnessed the behaviours without reporting this fact has been outlined in 6.2.6. The most common reasons for not reporting in the survey across all behaviours were the profile/status of the perpetrator (including where the perpetrator was the principal as also outlined in individual case studies). Other common themes were fear for the future of their careers, not having anyone to contact when the perpetrator was the principal of the firm, a belief that no action would be taken on foot of a complaint or being seen as humourless or as not a team player.

The IBA report supports a multi-faceted approach and we endorse that approach. We suggest that in addition to reporting arrangements being multifaceted, every member of the profession should be aware of a contact from whom they can receive unbiased information about such processes to enable a decision to report in the first place. Once that decision is reached, the employee should have a choice of reporting mechanisms that is sufficiently varied to cover the majority of situations. For example, where the alleged perpetrator is the head of a department or even the principal of the firm, it may be impossible for an employee to report the matter to HR in circumstances where there is a perception that HR is answerable to the perpetrator. Therefore, arrangements should be made to enable reporting separate from the organisation’s hierarchy. Flexible reporting arrangements such as these, supported by emphasis in the workplace that such matters are taken seriously, will support the erosion of barriers to reporting.

The IBA suggests a model adopted by the Bar in Victoria, Australia where in addition to formal complaint channels, the policy empowers complainants to lodge a complaint seeking investigation or “report for the purposes of improving the implementation of the training and awareness objectives”. Complaints are investigated, where possible conciliated, by a trained senior member of the bar. The Law Society could consider asking legal practices to opt in to such an approach with complaints investigated by a trained member employed in a different practice or by trained external investigators not associated with another practice, possibly on a panel held for that purpose. Equally, individual practices could jointly seek to embrace such a model among themselves. Where there may be a reticence to bring a member of a different practice in to investigate a complaint given the amount of business information that can arise in such investigations, alternative external individuals could receive complaints and/or investigate them.

Such a model is of assistance only to members who are employed in an organisation who has signed up to such an arrangement, in the absence of any requirement to do so. It is therefore likely to be of limited support to members who are employed in-house by organisations operating in other industry sectors. In addition, there is limited outlet for members working in a small practice where the principal is considered the perpetrator. The Law Society, as a regulatory body, should consider whether, at this time, it should consider receiving such complaints or set up an independent arrangement.

Mentoring is to be encouraged but as the Women’s Bar Association of Massachusetts observed, “commiseration is not a strategy” and mentoring should therefore not be seen as an alternative to flexible reporting arrangements.

6.2.8 Engage with younger members of the profession

As outlined in Key Insights, the Dignity Matters survey reveals that:

- of the respondents who experienced bullying 9% were aged 25-29 (the largest percentage by age being the 40-44 age group at 20% and the smallest being the 55-59 cohort at 8%)
- of the respondents who experienced harassment 6% were aged 25-29 (the largest percentage by age again being the 40-44 age group at 25% and the smallest being the 60+ cohort at 5%) and,
- of the respondents who experienced sexual harassment 7% were aged 25-29 (the largest percentage by age again being the 40-44 age group at 23% and the smallest being the 60+ cohort again at 5%).

It is recommended that bullying, harassment and sexual harassment are discussed and included in Law School modules for trainees, that dialogue takes place with the Younger Members Committee and other appropriate groups and that the profession understands expectations of all solicitors, including those entering the profession and younger solicitors, in relation to workplace culture specifically in terms of creating a positive workplace that promotes dignity at work.

However, as the survey responses show, the behaviours are experienced at all ages and as the profession has become more diverse it should not be assumed that the potential to experience the behaviours is entirely encompassed by any one group or age group. All cohorts, who for whatever reason lack power in their workplace, including the younger members of the profession, must be given a voice and efforts must be made to engage with these groups through the most appropriate channels.

Employers should acknowledge the imbalance as it may exist in their practice and engage on these topics. The Law Society should ensure this topic is covered during training. Senior members of the profession should champion such initiatives and ensure that hierarchy does not prevent interaction between senior and younger or junior members of the profession.

6.2.9 *Appreciate the wider context*

We endorse the IBA comments and recommendations in relation to mental health, diversity and wellbeing entirely and in particular the wider context within which the behaviours this report addresses exist. Comments in the survey and all three case studies eloquently describe what the IBA portray as the “bidirectional relationship” of mental health issues and negative workplace conduct.

It is important to acknowledge and address the additional element seen to arise in relation to mental health matters where they intersect with Dignity at Work matters and wellbeing is impacted for those experiencing, witnessing or perpetrating the behaviours as articulated in individual conversation 1 as well as in survey commentary.

It is important that individual workplaces work to address negative workplace behaviours that contribute to mental health issues and that supports and initiatives are provided that promote workplace wellbeing through sector and Law Society supports. An additional element to be considered is the impact of the situations on dependents of individuals with mental health issues. It is noteworthy that LegalMind is available to solicitors and their dependents at any time of the day or night and is an independent and confidential mental health support. Further wellbeing supports which already exist via the Law Society are also noted, for example, the Law Society’s [Professional Wellbeing Hub](#) and the individual counselling that is available to Law School trainees through Law School Psychological Services.

It is recommended that the dissemination of this report and recommendations is aligned with a campaign to ensure awareness of the supports available in the wider context of Dignity at Work and mental health and wellbeing. This would seek to address the low levels of awareness of available supports in the context of experiencing and witnessing the behaviours and could also have a resultant effect on levels of reporting.

6.2.10 *Maintain momentum*

The IBA describes a growing body of literature and perceived momentum in respect of these inappropriate behaviours and this report, as well as the reports in the sector case studies, add to the body of research in Ireland on the topic. That said, the value of the research and reports is in the resulting action. There is a risk that this and other phenomena such as #MeToo lose momentum without active pursuit and implementation of recommendations.

Within organisations the impact of a leader who champions this form of initiative in respect of the behaviours cannot be overstated. The Law Society should commit to keeping this topic high on its agenda while continuing to address diversity and inclusion.

There is an onus on the profession and the Law Society to put in place strategies, actions and implementation structures to facilitate progressive and proactive adoption of measures that will create positive change. It is suggested that a long-term taskforce be created to oversee the implementation of the recommendations with terms of reference that cover the initial planning period (including how to ensure profession wide action), the transition period, the review period when the impact and efficacy can be measured and reported and the subsequent planning period when lessons learned can be integrated into future action.

7 Conclusion

The overall purpose of the Dignity Matters report and report was to enable the Law Society to create a knowledge baseline on:

- the prevalence of bullying, harassment and sexual harassment in the solicitors' profession in Ireland
- how the profession addresses such matters if/when raised
- the professions' preparedness to respond to such matters in accordance with best practice

and to use that baseline to consider an evidence-based programme of action to address bullying, harassment and sexual harassment in the solicitors' profession and to support a culture of dignity, respect and inclusivity.

In an ideal world, a virtuous circle would exist where the existence of policies, procedures and protocols leads not to only awareness but also understanding of behaviours that are not acceptable and also understanding of what can and will be done to support those that are experiencing and witnessing bullying, harassment or sexual harassment.

However, as this report (and the "Us Too?" report) demonstrates, the mere existence of policies (which is evident in 62% of respondents' workplaces) does not lead to active information being provided (only frequent in 13% of cases), knowledge of who is responsible for complaints made under the policies (45% did not know) or a positive assessment of approach and response to incidences (only 31% felt the response was very good or excellent). In relation to training, while the level of training is low with 73% of respondents not having training or information sessions, the level of satisfaction amongst those who have had training/information sessions is high at 75%.

Common to bullying, harassment and sexual harassment behaviours is the workplace as the main location, the perpetrators most often being line managers or senior members of staff, most often male and occurrences being within the last 5 years for about a third of the cases of bullying and harassment and within the last five years for 54% of the cases of sexual harassment. In the main, incidences of all behaviours are unreported with as many as 91% of sexual harassment cases going unreported. The "profile/status" of the perpetrator was always the most frequent reason for not reporting, followed by either fear of repercussions or the behaviours being "endemic"/"acceptable" and lack of confidence in procedures. For the minority of cases that were reported, the response is rated in a range from 42% to 56% as totally inadequate and only 13% to 15% as excellent with very little knowledge of whether or not perpetrators were sanctioned (No or unsure accounting for 90-95% of reported incidences across the behaviours). Similar patterns are evident in relation to witnessing where levels of reporting are low and there is a lack of awareness of outcomes of reporting and low levels of accessing available supports.

It is evident that respondents did not access available supports due to lack of awareness, with only 4% of those who experienced bullying, 12% of those who experienced harassment and 4% of those who experienced sexual harassment using of any supports. It is also interesting to note that many of those supports were external to the workplace / profession.

A significant level of collective and positive change is required to move from an “endemic” culture of “acceptance” of behaviours that amount to bullying, harassment and sexual harassment to one that promotes, safeguards and ensures dignity at work, for all members of the profession at all stages in their career.

The recommendations in this report, which largely reflect the recommendations in the IBA “Us Too?” report, are designed to, over time, result in workplaces that have live policies, and provide supports that respond appropriately to incidences of bullying, harassment and sexual harassment.

There is an opportunity, by acting individually, collectively and cross-sectorally to create a profession where Dignity at Work is “endemic” and normalised. Armed with knowledge provided by this report and recommendations, the profession now has the data and proposed actions that can be used to measure progress and the efficacy of strategies adopted by the profession in the future.

8 Appendix 1: Definition References

8.1.1 *Irish Human Rights and Equality Commission*

<https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-in-the-provision-of-good-and-services/explanation-of-terms/>

What is Discrimination?

Discrimination is defined as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds which exists, existed, may exist in the future or is imputed to the person concerned. There are different types of discrimination covered including indirect discrimination, discrimination by imputation and by association.

What is Sexual Harassment and Harassment?

Sexual harassment and harassment in the provision of goods and services, accommodation and educational establishment is prohibited. A person (the 'harasser') shall not harass or sexually harass another person (the 'victim'), where the victim uses or seeks to use goods or services provided by the harasser, the victim obtains or proposes to obtain accommodation or related services from the harasser, or the victim is a student at or has applied for admission to or seeks to avail of any services offered by an educational establishment at which the harasser is in a position of authority.

Harassment is any form of unwanted conduct related to any of the discriminatory grounds. Sexual harassment is any form of unwanted conduct of a sexual nature. In both cases it is conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. A person who is responsible for a place that is an educational establishment or where goods, facilities, or services are offered to the public or a person who provides accommodation must ensure that any person who has a right to be there is not sexually harassed or harassed. The 'responsible person' will be liable for the sexual harassment or harassment unless they took reasonably practicable steps to prevent it.

What is Victimisation?

Victimisation is prohibited. Victimisation occurs where adverse treatment by a provider of goods and services, of accommodation or by an educational establishment is made as a reaction to a complaint of discrimination being made under the Equal Status Acts, to a person being a witness in any proceedings under the Acts or to a person having opposed by lawful means an action which is unlawful under the Acts.

Vicarious Liability

Employers are liable for discriminatory acts of an employee in the course of his or her employment unless they can prove that they took reasonably practicable steps to prevent the discrimination. It is therefore vital that an employer have comprehensive anti-discrimination, harassment and sexual harassment policies in place and that these are properly applied. Please note that these factsheets are for information only. They do not constitute legal advice and should not be treated as such.

8.1.2 **Employment Equality Acts, 1998 - 2015**

(7) (a) In this section—

- i. references to harassment are to any form of unwanted conduct related to any of the discriminatory grounds, and
- ii. references to sexual harassment are to any form of unwanted verbal, non-verbal or physical conduct of a sexual nature,

being conduct which in either case has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

(b) Without prejudice to the generality of paragraph (a), such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Definition of Bullying

The definition used in Ireland was presented by the ministerially appointed Task Force on the Prevention of Workplace Bullying in its report. This has been adopted by the LRC and HSA in their codes of practice and finally has been confirmed by the Supreme Court in *Ruffley*, 2017 IESC 33.

“repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to Dignity at Work but, as a once off incident, it is not considered to be bullying.”

Section 14A which includes the above definitions of harassment and sexual harassment also provides protection for a victim of harassment or sexual harassment from being treated differently by reason of rejecting or accepting the harassment or where it could reasonably be anticipated they would be treated differently.

Section 13 of those acts also provides that the Law Society, a body that controls entry to, or the carrying on of, a profession shall not discriminate, meaning that it must ensure it does not discriminate/harass/sexually harass its members and is treated as an employer for that purpose.

Section 13A will cover solicitors who are partners rather than employees and ensures they are treated as employees and the partnership is considered the partnership.

9 Appendix 2: Limitations / Observations

All research studies will be subject to certain limitations. As noted in the “Us Too?” Report, “findings of this report are predominantly descriptive and correlative – it is difficult with the present data to draw firm conclusions about causation. However, these limitations do not diminish this report’s significance.”

Limitations and observations noted in relation to this body of research are as follows:

Sample Size

The sample size refers to the number of participants included in the individual datasets. The size of the sample influences two statistical properties: the precision of estimates; and the power of the evaluation to draw conclusions. Because of this, larger sample sizes tend to be associated with a smaller margin of error. The overall sample size of 1,565 respondents is very robust, but the individual, subjective and qualitative nature of responses needs to be borne in mind.

Individual nature of the experiences

Situations varied in terms of the nature of the experiences, the range of detail and the combination of factors that encompass the overall individual experiences. This limits the ability to draw universal conclusions about any specific experience(s). That said, there is consistency across many responses, for example, in relation to types of behaviour experienced, locations, high levels of underreporting, reasons attributed to not reporting, low levels of training, low levels of supports being accessed, perpetrator profiles, lack of sanctions etc.

Non-response bias

A potential limitation is that those who have experienced or witnessed bullying, harassment or sexual harassment may have been more likely to respond to the Dignity Matters survey. This was identified as a potential bias from the outset, and mitigation strategies included noting in survey-related communications from the Law Society to the profession that participation from everyone was invited, and specifically noting in the introduction to the survey:

“The survey is not just for those who have experienced bullying, harassment and sexual harassment: it is vital that we hear from everyone, including those who have not been directly affected or have personally witnessed these behaviours in Ireland. All perspectives are relevant and will contribute to the Law Society’s thinking in relation to creating the conditions necessary for dignity at work.”

Nonetheless, there may still be some nonresponse bias.

Dearth of comparable data

This is the first specific study of its kind and scope in terms of bullying, harassment and sexual harassment in the solicitors’ profession in Ireland. While some other studies exist that provide overall data on bullying and/or harassment in the workplace in Ireland in general or bullying and/or sexual harassment in the solicitors’ profession as part of an overall study on dignity at work, this is the first to examine all three areas and to circulate a survey to the entire roll of solicitors and current trainees. Future studies will create data to which this data can be compared and insights gained.

Gender profile

Approximately two thirds (67.6%) of the respondents to the Dignity Matters survey were female, while just under a third (32%) were male, a small number (0.1%) were other (non-binary/self-defined) and (0.3%) preferred not to state their gender.

Comparability to IBA “Us Too?” Report

For a number of reasons the Dignity Matters report is not directly comparable to the “Us Too?” Report: the “US Too?” respondents were “from across the spectrum of the legal profession: law firms, in-house, barristers’ chambers, judiciary, government” in 135 countries, whereas Dignity Matters focused on solicitors in Ireland; the classification used in “Us Too?” was bullying and harassment; and the sample size for Ireland was under 100 responses for the IBA report, whereas it was 1,565 for the Dignity Matters report.



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