

“Bullying, Sexual Harassment and Sextortion: our efforts to address it within the legal profession”

A keynote speech presented by Sara Carnegie, Director of Legal Projects, International Bar Association at African Women on Board’s Safety in the Workplace Launch

Introduction

1. Hello to everyone, my name is Sara Carnegie and I am the Director of legal projects at the International Bar Association.
2. I am honoured to have been asked to provide a keynote speech and congratulate African Women on Board’s efforts on this issue. I am delighted to have heard about the launch of their Safety in the Workplace initiative and commend action to you all. Congratulations to all of those involved and thank you to the organisers and attendees of this important event. I am very sorry that I could not be there in person with you, but sadly my diary commitments and the ongoing travel difficulties have meant that is not possible. I hope we can manage to meet in person in the not too distant future!
3. The IBA is the global voice of the legal profession. We have over 80,000 members, 250 of the biggest law firms, a growing number of in-house corporate legal teams and over 190 bars and law societies. I run a team of lawyers and we work with members to deliver projects on the biggest issues and challenges facing the legal profession. One of our most significant areas of work in the last 2 years has been on bullying and sexual harassment in the legal profession.
4. The MeToo Movement which unfolded in earnest in 2017, (although it had been started in 2006 it took over a decade to gain significant public momentum) - created a safer platform for women to come forward about the sexual harassment and sexual violence they had experienced. Since 2017, their collective voices [brought down](#) big Hollywood names, Harvey Weinstein being the most obvious whose insidious and criminal behaviour over decades was finally brought into the open - shaking America’s elite media circles, and forcing other industries to take a closer look at how the women within their ranks were treated.
5. The legal profession was not far behind – with the International Bar Association carrying out a global study in 2018 and publishing its [report](#) in 2019. The results were shocking and the launch of the report was followed by a global campaign to raise awareness of the results, the stories and to share our recommendations on what should be done to address this appalling reality.
6. I will talk more about the results shortly, but it was obvious to see that the global legal profession had and sadly still has, a problem. With 7,000 respondents this was the largest ever global survey of its kind on this topic. The evidence was overwhelming. This is a global issue, with 1 in 3 women sexually harassed in the workplace and workplaces failing to act. Of those who responded from the African continent, nearly half of the female respondents reported having been sexually harassed in their workplace.

Sextortion

7. In tandem with this work, I undertook research and published a [report](#) in September 2019 on the concept of sextortion – a component of the sexual harassment problem. Sextortion is a form of sexual exploitation and corruption which occurs when people in positions of authority – whether government officials, judges, educators, law enforcement or employers – seek to extort sexual favours in exchange for something in their power to grant. This is a form of corruption where sex rather than money is the currency of the bribe.’
8. What we wanted to achieve was a need to raise awareness that this was a serious problem and that the abuse of entrusted power for personal sexual benefit was never acceptable. We found that it was dealt with in variety of ways in different jurisdictions, whether as corruption, sexual offending or a disciplinary matter – such as harassment in the workplace. Each solution presented problems and disadvantages, so our core message was a cry for international recognition of this being a particularly insidious form of corruption which disproportionately impacted women and girls.
9. Sextortion has long been a silent form of corruption, hiding in plain view. Until recently, it was never discussed or recognised as a distinct phenomenon within either the corruption framework or the framework of gender-based violence. Lacking a name, sextortion remained largely invisible, and few research projects, laws or strategies were developed to address it.
10. The question in relation to sextortion is whether corruption should be formally viewed through a gender lens. The stereotypes and attitudes that view demands for sexual favours as different from demands for cash are deeply entrenched and shape the way corruption is defined and interpreted in laws, national action plans, anti-corruption policies, public information materials, and research efforts.
11. We need to make gender part of the anti-corruption mindset. Failing to consider the gender aspects of corruption means that we get laws, policies, strategies, data, codes of conduct, and trainings that do not adequately address the full range of corrupt conduct. There is a lot of work to be done to assure that gender receives appropriate consideration in each of these endeavors, and progressive law firms, businesses and of course the bars of each jurisdiction should lead the way.
12. When I travelled to Tanzania in late 2019, I spoke to talk to lawyers and law students about these issues – and was horrified to hear about the prevalence of sextortion among young women applying to work at law firms, with members of the audience telling me it was common to be offered a training opportunity on the basis of doing ‘something’ for it. A quid pro quo exchange which the young woman did not want to agree to, but was also desperately worried about what options would be available if they refused.

Sexual Harassment in the workplace

13. What is true of both harassment and sextortion is that they are chronically underreported. From our survey, we found that $\frac{3}{4}$ did not report and we found that this applied worldwide – with little variation. No one has confidence in the mechanisms to report, and so much of this behaviour goes on unchecked and unresolved. Why? The status of the perpetrator was

usually a very real concern, in addition to fear of repercussions, career sabotage and a sense that the behaviour was endemic to the workplace and was perceived as acceptable.

14. When people report, usually via internal work channels, 67% felt that the response was insufficient or negligible and in $\frac{3}{4}$ of cases the perpetrator was not sanctioned. If a policy was in place – and in nearly a third of cases there was none, there was a correlation with less likelihood of sexual harassment by senior people, but it did not appear to improve reporting rates. SO policies alone are not the answer.
15. So what happens to the victim? The impact can be significant. A third of those who experienced sexual harassment had left or were likely to leave their workplace and some would consider leaving the legal profession for good. There will be absences, attrition in the workforce, a stressful working culture and potential reputational damage. It does not make business sense to run a firm or an organization where people are bullied, sexually harassed and made to feel deeply uncomfortable. It may also be the case that you are committing a criminal offence.
16. In the UK we are seeing a steady increase in the number of cases being reported, where major law firms are seeing senior people disciplined for harassment offences, resulting in fines, suspensions and more serious outcomes. What is imperative is that the law firm needs to be seen to act, to mean it and to change any culture that implies perpetrators can act with impunity. The same trend is happening in many other jurisdictions. Clients, and new recruits will not want to work with firms that are not operating with clear and appropriate policies, positive and safe workplace environments and genuine accountability when things go wrong. This now genuinely matters and the workplace of today is both shaped and judged by its diversity and inclusion priorities – which includes wellbeing, safety and respect for everyone.
17. The report concluded with 10 recommendations and I urge you to read it – these apply to all organisations, wherever they are based in the world.
 - Raise awareness and make sure the discussion is being held and involving all parts of the hierarchy.
 - Implement or revise your policies and standards;
 - introduce regular training and make it meaningful;
 - increase the dialogue and share best practice;
 - lead from the top – make sure your culture shift is driven by senior leadership – engage all age groups, men and women;
 - Gather data and improve transparency of the issue;
 - Explore reporting models;

- Maintain momentum -think about establishing a permanent committee to maintain efforts to address these issues, monitor what is going on and take action when needed.
18. The legal profession is based on its members being of good character. We must uphold the law and maintain the highest ethical standards. Harassment and sextortion is contrary to our professional obligations, immoral and illegal in many jurisdictions. Such conduct is unacceptable in the modern legal workplace and we hope organisations will heed the evidence and take action. Work being done by entities such as African Women on Board are hugely important in changing the tone and the conversation for the better. I have spoken at many conferences over the years and I always leave with a sense of optimism. I hope that will be the same for you today, in starting to push for urgent and real change.