



2023 Workplace Environment Survey

Summary of findings relating to Pacific lawyers

The New Zealand Law Society commissioned Kantar Public to undertake a follow-up national survey of the legal community in 2023 to assess the current workplace environment for legal practice and determine what changes have occurred since the 2018 benchmark survey. Fieldwork for the 2023 survey took place from 4 April to 5 May 2023. Data were weighted to ensure survey findings reflect the New Zealand lawyer population characteristics for gender and region. The full findings are available in a separate report.

This document provides a summary of the key findings relating to Pacific lawyers in their current workplace environment, and changes that have occurred since 2018.

Definitions

Two measures of prevalence of **sexual harassment** are used in this report: the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (RCCC) definition¹ and a behavioural definition².

The 2023 survey used the RCCC Rules definition in place of the Human Rights Commission definition. Care should therefore be taken in interpreting any differences between 2018 and 2023 results using these definitions. However, the behavioural definition remains unchanged, allowing direct comparisons between 2018 and 2023 to be made.

Two measures of the **bullying** prevalence are used: the RCCC Rules definition³ and a behavioural definition⁴ (NAQ-r). The 2023 survey used the RCCC Rules definition in place of the Employment New Zealand definition of bullying. Care should also be taken in interpreting any differences between 2018 and 2023 results using these definitions. However, the behavioural definition remains unchanged, allowing direct comparisons between 2018 and 2023 to be made.

The questions about **employment discrimination** in the 2023 survey are new and use the Employment NZ definition.

1 The RCCC rules definition of sexual harassment: "Sexual harassment means- (a) subjecting another person to unreasonable behaviour of a sexual nature that is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person); or (b) a request made by a person or any other person for sexual intercourse, sexual contact, or any other form of sexual activity, that contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment." (r 1.2 Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008).

2 The behavioural definition of sexual harassment: respondents were asked about their personal experience regarding 15 behaviours. These have been grouped at the analysis stage into types of sexual harassment, as follows: unwanted sexual attention, crude/offensive behaviour, sexual assault, sexual coercion and other.

3 The RCCC Rules definition of workplace bullying: "Bullying means repeated and unreasonable behaviour directed towards a person or people that is likely to lead to physical or psychological harm." (r 1.2 Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008)

4 The Negative Acts Questionnaire (NAQ-r) is a standardised and validated instrument for the measurement of workplace bullying. This widely used tool was developed by Einarsen, Hoel et al. (2009). It asks respondents how often they experience 22 items describing personal bullying, work-related bullying and physically intimidating forms of bullying.

Notes to the reader

The sample sizes for Pacific lawyers⁵ are 56 in 2018 and 68 in 2023. Pacific lawyers include those that identified⁶ in the survey as:

- Samoan (22 in 2018, 39 in 2023)
- Cook Islander (5 in 2018, 4 in 2023)
- Tongan (8 in 2018, 7 in 2023)
- Niuean (2 in 2018, 3 in 2023)
- Fijian (13 in 2018, 9 in 2023)
- Another Pacific group. (10 in 2018, 12 in 2023).

The estimated maximum margin of error on the 2023 sample size of 68 is +/-11.2% (at the 95% confidence level and taking into account the size of the Pacific lawyer population). This reduces as the survey result moves closer to 0% or 100% (e.g. the margin of error on a survey result of 15% or 85% is +/-7.9%).

All differences reported on at the 'total Pacific lawyer' level are statistically significant at the 95% confidence level (unless otherwise stated). This means that we are 95% confident that the observed difference is real and not simply a result of surveying a **sample** of Pacific lawyers. Differences by gender are indicative only (and not necessarily statistically significant).

It is important to note that while we refer to 'Pacific lawyers' throughout the summary report, we recognise this only represents a small intersection of Pacific lawyers' experiences.

As in 2018, the 2023 survey sample of lawyers contains a lower proportion of men compared to the total sample of all 1,992 lawyer survey respondents. In 2023, 32% of Pacific lawyers surveyed are men and 68% are women. Whereas, the total sample of all lawyers consists of 45% men, 54% women and 1% gender diverse.

Whilst the main analysis compares Pacific lawyers with lawyers of any ethnicity (referred to as the 'average' or 'all lawyers'), and to 2018 Pacific lawyers' findings, analysis by gender was also undertaken to determine whether any observed differences between Pacific lawyers and all lawyers are due to the different gender profiles.

⁵ Non-lawyers in the legal community have been excluded in the sample. Non-lawyers in the legal community includes those that selected legal executive/assistant, non-legal staff or none of the above as their current role at Q21. What is your current role?

⁶ Note, ethnicity is multi-response in the survey.

General workplace wellbeing

All differences reported on as significant at the 'total Pacific lawyer' level are statistically significant at the 95% confidence level (unless otherwise stated).

Since 2018

Pacific lawyer job satisfaction has significantly worsened since 2018. In 2023, 65% of Pacific lawyers are satisfied (a decline of 19 points). This decrease stems from both men and women.

Compared to all lawyers in 2023

Pacific lawyers hold less favourable perceptions of their workplace than average, with regard to the following beliefs:

- Major changes being needed to their workplace culture
 - 45% of Pacific lawyers agree this is needed vs 24% of all lawyers. This disparity stems from both men and women.
- I receive the respect at work I deserve from colleagues and managers (including partners and directors)
 - 60% of Pacific lawyers agree vs 77% of all lawyers. This disparity stems from both men and women.
- I am satisfied with the balance between my work and other aspects of my life (such as family or leisure)
 - 48% of Pacific lawyers agree vs 62% of all lawyers. This disparity stems from both men and women.
- My manager (including partners and directors) cares about my wellbeing
 - 57% of Pacific lawyers agree vs 72% of all lawyers. This disparity stems from both men and women.

Sexual harassment

All differences reported on as significant at the 'total Pacific lawyer' level are statistically significant at the 95% confidence level (unless otherwise stated).

In summary, the prevalence of sexual harassment among Pacific lawyers (using the behavioural definition or the RCCC definition) has not changed since 2018 (regardless of gender). Sexual harassment using a behavioural definition is more prevalent among Pacific lawyers compared to all lawyers, and this disparity stems from women.

The prevalence of sexual harassment using the RCCC definition

16% of Pacific lawyers report having been sexually harassed in a legal environment at some time in their working life, comparable to the average (15%). Lifetime prevalence of sexual harassment is higher among Pacific women (21%) than Pacific men (5%).

10% of Pacific lawyers (13% of women, 5% of men) recall experiencing multiple incidents of sexual harassment in their lifetime, the same as the average for all lawyers (10%).

10% of Pacific lawyers (13% of women versus 5% of men) have experienced sexual harassment in the last five years, comparable to 7% of all lawyers.

11% of Pacific lawyers have witnessed sexual harassment in a legal workplace. This is not, statistically, significantly different compared to 2018 (19%) or all lawyers (19%).

The prevalence of sexual harassment using the behavioural definition

Among Pacific lawyers, the 5-year sexual harassment prevalence rate using a behavioural definition is 35%.

- This is, statistically, significantly higher than among all lawyers (22%). This disparity stems from women.
- This is not, statistically, significantly different when compared to 2018 (28%).

Prevalence of specific types of sexual harassment in the last 5 years (behavioural definition):

The most prevalent type of sexual harassment experienced by Pacific lawyers in 2023 is sexually suggestive comments or jokes that made the affected person feel offended (20%), followed by intrusive questions about their private life or physical appearance that the affected person found offensive (17%).

Pacific lawyers are, statistically, significantly more likely than all lawyers to experience two types of sexual harassment:

- Sexually explicit pictures, posters or gifts that made them feel offended
 - 8% of Pacific lawyers versus 2% of all lawyers. This disparity stems from women.
- Inappropriate staring or leering that made them feel intimidated
 - 13% of Pacific lawyers versus 6% of all lawyers. This disparity stems from women.

Understanding the circumstances and impacts of sexual harassment that has occurred in the last five years.

The results in this section are based on small numbers of Pacific lawyers who have experienced sexual harassment in the last 5 years according to the RCCC Rules definition or the behavioural definition.⁷

Due to the small base sizes the results in this section are not statistically significantly different from the 'all lawyer' population or from the 2018 results. The findings in this section should be treated as **indicative** only.

- 52% of the 26 Pacific lawyer respondents who were sexually harassed in the last 5 years experienced the harassment as a one-off event. For 25%, the sexual harassment went on for more than three months.

⁷ Caution, small base: those who have been sexually harassed in last 5 years (RCCC Rules/HRC or behavioural definition) – 2018 Pacific lawyers n= 16, 2023 Pacific lawyers n=26.

- Based on the 26 Pacific lawyer respondents who were sexually harassed in the last 5 years, the workplace (82%) and work-related events (22%) were still the most common places for sexual harassment to occur.
- Of the 21 Pacific lawyer respondents who experienced sexual harassment in the last five years in their workplace,⁸ 77% felt this type of behaviour was very rare, rare, or occurred sometimes in their workplace at the time.
- Of the 26 Pacific lawyer respondents who were sexually harassed in the last 5 years, 27% were 'extremely' or 'very' offended by the harassment.
- The most common personal effects of being sexually harassed in the last 5 years among the 26 Pacific lawyer respondents:
 - 29% said that it affected their emotional or mental wellbeing.
 - 14% said the harassment changed their behaviour or outlook.
 - 8% said it affected their job or career prospects.
- Of the 26 Pacific lawyer respondents who experienced sexual harassment in the last 5 years, most commonly they were an employee in a law firm (at 45%).
- Most commonly among the 26 Pacific lawyer respondents, the harasser is a client (25%), followed by others (23%), and managers, supervisors, partners, or directors (17%).
- Men (78%) were most likely to be the harasser of the 26 Pacific lawyers who had been sexually harassed in the last 5 years.
- Of the 26 Pacific lawyers who experienced sexual harassment in the last 5 years, 19% sought support or advice.
- Of the 5 Pacific lawyers who sought support or advice⁹, the most common sources were another lawyer at work and friends or family.

Bullying

All differences reported on as significant at the 'total Pacific lawyer' level are statistically significant at the 95% confidence level (unless otherwise stated).

The prevalence of bullying among Pacific lawyers has not changed since 2018 (using the RCCC rules or the behavioural definition). Pacific lawyers are more likely than 'all lawyers' to experience bullying over a six-month period (this disparity stems from both men and women).

⁸ Caution, small base: those who have experienced sexual harassment in the last five years in their workplace - 2018 Pacific lawyers n=10, 2023 Pacific lawyers n=21

⁹ Caution, small base: those that sought support or advice Pacific lawyers - 2018 n=5, Pacific lawyers 2023 n=5

The prevalence of bullying using the RCCC rules definition

- Using the RCCC Rules definition, 52% of Pacific lawyers have experienced workplace bullying in their lifetime in a legal environment.
 - This is comparable to all lawyers in 2023 (52%) and the 2018 result for Pacific lawyers (48%).
- Over a six-month period, 27% of Pacific lawyers have been bullied
 - This is higher¹⁰ than all lawyers, at 17%. This disparity stems from both men and women.
 - This is not significantly different compared to 2018 levels (34%).

The prevalence of bullying using the behavioural definition

- Prevalence of workplace bullying (NAQ-r definitions): these findings are not statistically significantly different from the 2018 Pacific lawyer result, or the 2023 'all lawyer' result.
 - Overall bullying behaviour: 79% of Pacific lawyers have experienced at least one of the NAQ-r behaviours in the last 6 months (this compares to 84% of all lawyers in 2023 and 92% of Pacific lawyers in 2018)
 - Work-related bullying: 78% of Pacific lawyers have experienced at least one of the work-related bullying NAQ-r behaviours in the last 6 months (this compares to 80% of all lawyers in 2023 and 85% of Pacific lawyers in 2018)
 - Person-related bullying: 65% of Pacific lawyers have experienced at least one of the person-related bullying NAQ-r behaviours in the last 6 months (this compares to 65% of all lawyers in 2023 and 80% of Pacific lawyers in 2018)
 - Physically intimidating bullying: 33% of Pacific lawyers have experienced at least one of the physically intimidating bullying NAQ-r behaviours in the last 6 months (this compares to 29% of all lawyers in 2023 and 47% of Pacific lawyers in 2018)
- Pacific lawyers are more likely than all lawyers to have experienced 8 of the 22 behaviours covered by the NAQ-r. This is similar to 2018, when Pacific lawyers were more likely to have experienced 9 of the 22 behaviours.

Understanding the circumstances and impacts of bullying that has occurred.

The results in this section are based on the 57%¹¹ of Pacific lawyers who have **ever** experienced bullying according to the RCCC Rules definition.

- Bullying of Pacific lawyers is mainly carried out by one specific person (65%) and by someone in a senior position (55%).
- The gender of the bullying perpetrator is slightly more likely to be men (52%).
- The bullying commonly affected Pacific lawyers' emotional or mental wellbeing (68%) and career prospects (59%).
 - Pacific lawyers are more likely than average to have experienced depression from the bullying (36% of Pacific lawyers versus 19% of all lawyers). This disparity stems from both men and women.

¹⁰ Note, this is statistically significant at the 90% confidence level.

¹¹ This equates to 39 respondents.

- 42% of those affected by bullying sought support or advice, most turning to friends or family, followed by another lawyer at work, and a lawyer outside of work.
- 12% of those affected by bullying formally reported or made a complaint about the bullying.
- Discrimination based on demographics is the main perceived motivator for bullying (56% of those who have experienced bullying), particularly age/experience, and to a lesser extent race / culture.
 - Pacific lawyers are more likely than average to perceive race / culture as a motivator for bullying (24% of Pacific lawyers versus 7% of all lawyers). This disparity stems from both men and women.
- The most common barriers to seeking support or making a complaint are fear of the consequences (55%) and a distrust in the process and/or outcome (42%).

Employment discrimination

All differences reported on as significant at the 'total Pacific lawyer' level are statistically significant at the 95% confidence level (unless otherwise stated).

- 29% of Pacific lawyers have experienced employment discrimination in the last five years.
 - This is significantly higher than among all lawyers (11%). This disparity stems largely from women.
- Pacific lawyers who have faced employment discrimination are most likely to attribute it to ethnicity (59%), social background (37%), and appearance (29%).
- 53% of Pacific lawyers who experienced employment discrimination felt it led to a loss in confidence, 50% felt they experienced anxiety as a result, and 47% say it led to them resigning from their job.