

# WORKPLACE ENVIRONMENT SURVEY

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PREPARED FOR THE NEW ZEALAND LAW SOCIETY

28 MAY 2018

EMBARGO: NOT FOR RELEASE UNTIL 10:00 AM, WEDNESDAY 30 MAY 2018

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# THE TASK AT HAND

The New Zealand Law Society commissioned Colmar Brunton to undertake a national survey of lawyers to assess the current workplace environment for legal practice. The survey explores safety of lawyers in the workplace with a specific focus on bullying and sexual harassment.

## THREE KEY OBJECTIVES:

- 1** To provide a measure of general workplace wellbeing in the legal workplace
- 2** To establish the prevalence and characteristics of sexual harassment in the legal workplace
- 3** To establish the prevalence and characteristics of bullying in the legal workplace.



## RESEARCH METHOD

An online survey of lawyers was conducted from 5 April to 1 May, 2018.

The New Zealand Law Society emailed 13,662 lawyers an invitation to complete the survey. The email contained a secure link to a survey managed by Colmar Brunton. Two reminder emails were sent to maximise the response rate. Confidentiality of responses was maintained at all times – neither the New Zealand Law Society or Colmar Brunton are able to identify individuals who have completed the survey.

The survey took an average of 15 minutes to complete. Questionnaire development involved the review of similar surveys undertaken<sup>1</sup>.

3,516 lawyers completed the survey – a response rate of 26%. The maximum margin of error on a total sample size of 3,516 (at the 95% confidence level and assuming simple random sampling) is +/-1.7%.

Following the completion of fieldwork, data were weighted to ensure survey findings reflect New Zealand Law Society member population characteristics for gender<sup>2</sup> and location.

<sup>1</sup>Two surveys were drawn on in particular: The AMS survey on bullying in the NZ senior medical workforce (*Health Dialogue issue 14, November 2017*) and the Australian Human Rights Commission research (*Working without Fear: results of the sexual harassment national telephone survey 2012*)

<sup>2</sup>The unweighted gender profile of survey respondents is male (38.3%), female (61.3%), and gender diverse (0.4%). The weighted gender profile is male (49.7%), female (49.9%), and gender diverse (0.4%). The weight for 'gender diverse' was determined by survey responses.



# 1

## KEY INSIGHTS AND CONCLUSIONS

# KEY INSIGHTS AND CONCLUSIONS

## GENERAL WORKPLACE WELLBEING

***Most lawyers get a great deal of satisfaction from working in law, but workplace pressures are also evident.***

Around eight in ten (79%) lawyers get a 'great deal of satisfaction' from their job, and enjoy the respect they deserve from colleagues and managers (including partners and directors).

However, workplace stress is also common – 60% find their job very stressful and 44% feel they work under unrealistic time pressures. Nearly three in ten (29%) feel major changes are needed to the culture of their workplace.

Both area of practice and demographic characteristics are discriminating factors in workplace wellbeing. Some aspects of Asian and Maori lawyers' workplace wellbeing are less favourable and may warrant further exploration.

## THE PREVALENCE OF HARASSMENT IN THE LEGAL WORKING ENVIRONMENT

***Nearly one in five lawyers have been sexually harassed on the basis of the Human Rights Commission definition.***

The prevalence of sexual harassment in a legal environment on the basis of the Human Rights Commission definition is:

- 18% of lawyers (31% of women and 5% of men) have been sexually harassed during their working life (to date)
- 10% of lawyers (17% of women and 3% of men) have been sexually harassed in the last 5 years
- 28% of lawyers have witnessed sexual harassment in a legal environment during their working life (to date).

The prevalence of sexual harassment in a legal environment on the basis of a behavioural definition (consisting of at least one of 15 behaviours measured) is:

- 27% of lawyers (40% of women and 14% of men) in the last 5 years.

***One in five lawyers have been bullied in a legal environment in the last six months.***

The prevalence of bullying in a legal environment on the basis of Employment New Zealand's definition is:

- 52% of lawyers have ever experienced bullying (to some degree)
- 21% of lawyers have experienced bullying in the last six months (to some degree)
- 6% of lawyers have frequently (from several times a month to daily) experienced bullying in the last six months.

## KEY CHARACTERISTICS OF HARASSMENT

### ***Experiences of sexual harassment and bullying are diverse***

In the last five years, 33% of female lawyers have experienced crude/offensive behaviour (e.g. sexually suggestive comments or jokes that made them feel offended), 30% unwanted sexual attention (e.g. intrusive questions about their private life or physical appearance that they found offensive), 12% inappropriate physical contact/sexual assault, and 5% sexual coercion.

In the last six months, 24% of all lawyers have frequently experienced work-related bullying, 15% have frequently experienced person-related bullying, and 4% have frequently experienced physically intimidating bullying.

### ***Targets of sexual harassment and bullying suffer both emotional harm and job-related consequences.***

Harassment most commonly affects lawyers' emotional or mental wellbeing including anxiety and depression (experienced by 61% of the 51% of lawyers who have been bullied, and 43% of the 18% of lawyers who have been sexually harassed). Impacts of job and/or career prospects are also common (cited by 42% of bullying targets and 32% of sexual harassment targets).

### ***Although sexual harassment and bullying behaviours affect a diverse range of lawyers, the survey findings suggest specific groups are more vulnerable.***

Prevalence of both forms of harassment is higher among women, younger lawyers, and to a lesser extent law firm employees (although the differences are much more pronounced with sexual harassment).

The type of law practised is a factor in prevalence levels, with both sexual harassment and bullying behaviours more common among lawyers working in criminal law. Bullying is also more common in family law.

Ethnicity plays a role in bullying, with prevalence levels higher among Maori, Pacific, and Asian lawyers. Of note, around a quarter of Pacific targets of bullying, and a third of Asian targets of bullying, perceive the bullying to be motivated by race and culture.

## KEY CHARACTERISTICS OF HARASSMENT (cont.)

***Sexual harassment is not confined to women as targets, and the perpetrators of bullying is not confined to men.***

In the last 5 years, 14% of men experienced one of the 15 sexual harassment behaviours measured.

Nearly half (49%) of bullying cases involve women as a perpetrator (either on their own or with others).

***Survey findings point to a need to break down the barriers to reporting***

Reporting of sexual harassment and bullying behaviours is low. For both of these, less than one in eight of those targeted reported the harassment or made a complaint. Likewise, only a third or less sought support or advice.

Fear of the consequences including the impact on career prospects, and distrust in the process or reporting outcome, are key barriers to reporting. This suggests any strategies to improve access to workplace reporting mechanisms must look to protect targets against the negative consequences that may be experienced.

***Strong associations between harassment and workplace factors suggest broader pressures need addressing***

Rates of bullying behaviours, in particular, are markedly higher when poor work environments exist, e.g. poor workplace cultures, poor work-life balance, unrealistic time pressures, poor employer/employee relationships etc.

The direction of the cause and effect relationship between bullying behaviour and these other factors is not known. Whilst poor workplace environments are likely to encourage bullying behaviours, the existence of bullying behaviours is also likely to contribute to a person's negative perceptions of their workplace environment and own wellbeing. Nevertheless, the strong associations suggest that reducing unsafe behaviours in the workplace may require strong leadership, changes in organisational culture, and broader workforce pressures to be addressed.

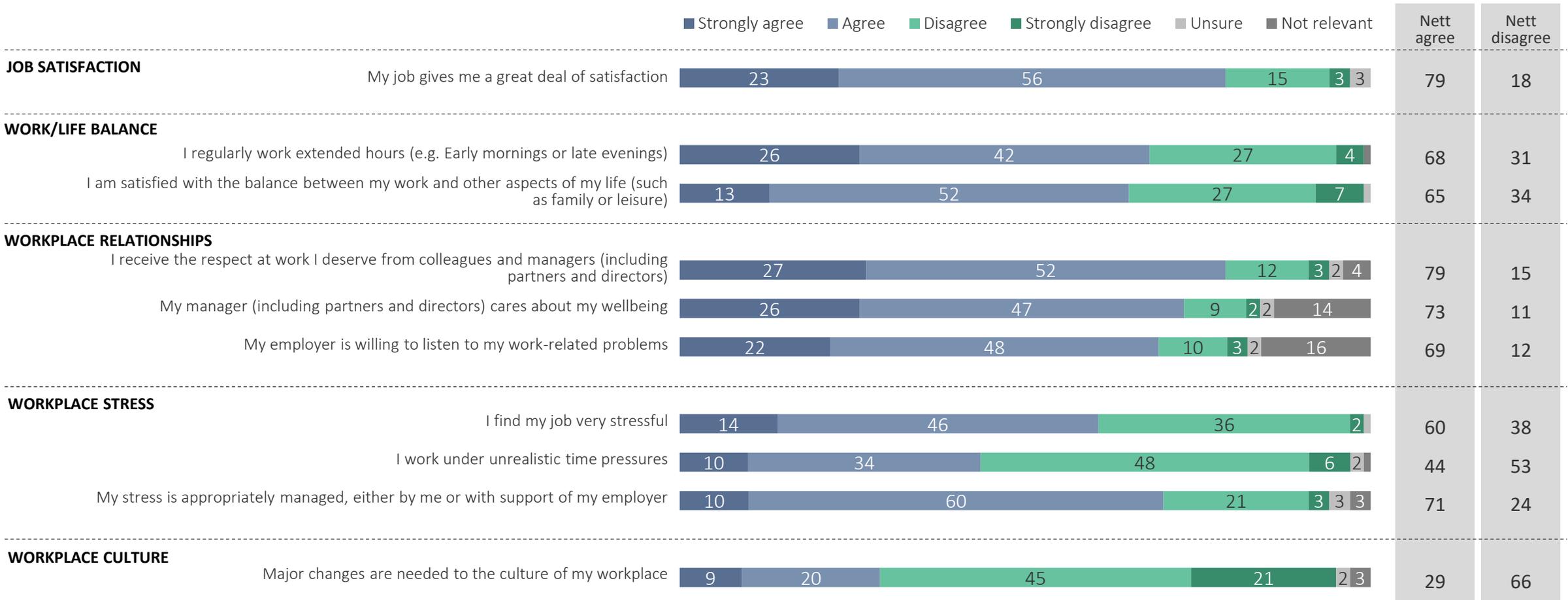


# 2

## **GENERAL STRESS AND WELLBEING**

# GENERAL WORKPLACE WELLBEING:

The legal profession gives the large majority of lawyers (79%) a great deal of job satisfaction. Lawyers are equally likely to enjoy respect at work from colleagues/managers (79%). However, more than a third of lawyers (34%) are dissatisfied with their work-life balance and six in ten (60%) find their job very stressful. Nearly three in ten (29%) feel that major changes are needed to their workplace culture.



Base: All respondents (3,516)

Q1 First, we'd like to ask you about stress and wellbeing in your workplace. Note, in this survey 'workplace' can include a courtroom, a prison, or anywhere a lawyer is required to go to carry out their job. How much do you agree or disagree that...

# SUBGROUP VARIATIONS – JOB SATISFACTION AND WORK-LIFE BALANCE



## JOB SATISFACTION

*Higher job satisfaction:*

- Men (81%)
- Older lawyers (86% of those aged 50+)
- Sole barristers (85%), Directors (87%), Partners (90%)
- Criminal (84%), Central and local government (85%).

*Lower job satisfaction:*

- Women (77%)
- Younger lawyers (71% of those aged under 30)
- Employed barristers (66%), employed in law firm (73%)
- Intellectual property (71%), Tax law (65%).

## WORK-LIFE BALANCE

Perceptions of work-life balance do not vary greatly by age (although working extended hours clearly drops off at age 70). Women are less satisfied with their work-life balance than men (69% vs 60%) despite being slightly less likely to say they regularly work extended hours (66% vs 69% of men).

Work-life balance issues are most prevalent among:

- Law firms with over 20 partners/directors: only 54% satisfied with work-life balance (vs 65% on average) and 84% regularly work extended hours (vs 68% on average)
- Lawyers working in:
  - Immigration (53% satisfied with work-life balance)
  - Criminal law (58% satisfied with work-life balance and 74% regularly work extended hours)
  - Civil litigation (74% regularly work extended hours)
  - Auckland lawyers (62% satisfied with work-life balance and 74% regularly work extended hours)

Lawyers working in central or local government specialties are more satisfied with their work-life balance (71%).

## WORKPLACE RELATIONSHIPS

Older lawyers felt the three measures were less relevant to their circumstances. Analysis based only on those who indicated the measures were relevant shows that:

- Women are somewhat slightly less positive about their workplace relationships – of note, only 79% of women say they enjoy respect from colleagues and managers (compared to 88% of men)
- Asian lawyers report less favourable workplace relationships, in particular:
  - Indian lawyers were less likely to enjoy the respect from others (70% vs 84% on average) and to feel that their manager cares about their wellbeing (68% vs 87% on average). Chinese lawyers were also less likely to feel the latter (75%).
  - Asian lawyers were less likely to say their manager is willing to listen to their work-related problems (79% vs 85% on average).
- Lawyers working in criminal law were less positive about all three measures of workplace relationships.
- Lawyers working in tax law were less likely to enjoy respect from others (73% vs 84% on average)
- Lawyers working in immigration were less likely to feel their manager cares about their wellbeing (70% vs 87% on average).

# SUBGROUP VARIATIONS – WORKPLACE STRESS AND WORKPLACE CULTURE

## WORKPLACE STRESS

Lawyers who are more likely than average (60%) to find their job very stressful are:

- 25-29 year olds (67%)
- Māori (67%)
- Sole barrister practices (70%) and partners (65%)
- Criminal law (69%)
- Family law (68%)
- Lawyers in firms with 1 to 3 or 4 to 9 partners (65% respectively)

Directors, sole barristers, lawyers in criminal law and construction, and Māori lawyers are more likely than average to feel they work unrealistic time pressures.

Young lawyers, sole barristers, and lawyers in criminal law or immigration are less likely than average to feel their stress is appropriately managed.

Women also have poorer perceptions than men of workplace stress issues (on all three measures). In particular they are less likely to feel that their stress is appropriately managed (66% vs 75% of men).

## WORKPLACE CULTURE

The belief that major changes are needed to a lawyer's workplace culture declines markedly with age: 40% of lawyers under 30 years feel major changes are needed compared to only 31% of 30-49 year olds, and 21% of those aged 50 years).

Other groups who are more likely than average (29%) to feel major changes are needed are:

- Indian (43%) and Chinese (41%) lawyers
- Lawyers working in immigration law (44%), tax law (44%) and criminal law (41%).



# 3

## SEXUAL HARRASSMENT

# MEASURING SEXUAL HARASSMENT

Two measures of prevalence of sexual harassment are used in this report.

## HUMAN RIGHTS COMMISSION DEFINITION

*“Sexual harassment is any unwelcome or offensive sexual behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment. Sexual harassment can involve spoken or written material, images, digital material or a physical act.” (Human Rights Commission website, 2018)*

## BEHAVIOURAL DEFINITION\*

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:

- Unwelcome touching, hugging, cornering or kissing
- Inappropriate staring or leering that made you feel intimidated
- Repeated or inappropriate invitations to go out on dates
- Intrusive questions about your private life or physical appearance that you found offensive
- Repeated or inappropriate advances on email, text, social networking websites or internet chat rooms by a work colleague

### CRUDE/OFFENSIVE BEHAVIOUR

- Sexual gestures, indecent exposure or inappropriate display of the body
- Sexually suggestive comments or jokes that made you feel offended
- Sexually explicit pictures, posters or gifts that made you feel offended
- Sexually explicit emails, texts or social media messages
- Inappropriate commentary, images or film of you distributed by your work colleague(s) on some form of social media without your consent

### SEXUAL ASSAULT

- Inappropriate physical contact
- Actual or attempted rape or sexual assault

### SEXUAL COERCION

- Requests or pressure for sex, or other sexual acts
- Implied or actual threats of differential treatment if sexual activity not offered

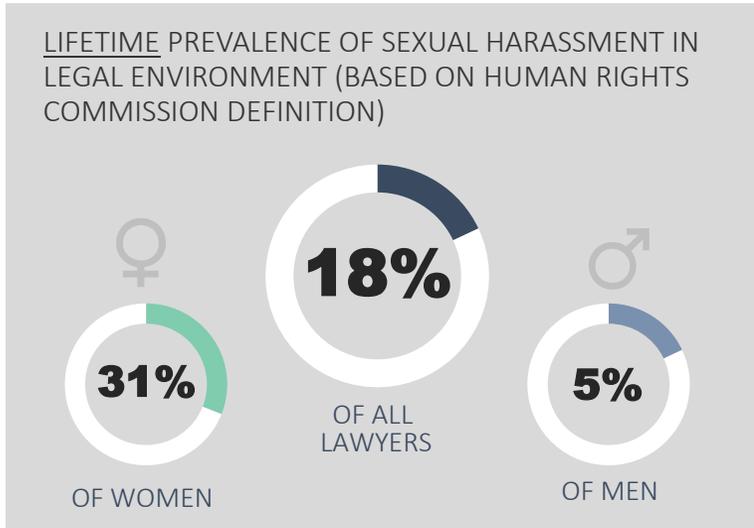
### OTHER

- Other unwelcome conduct of a sexual nature

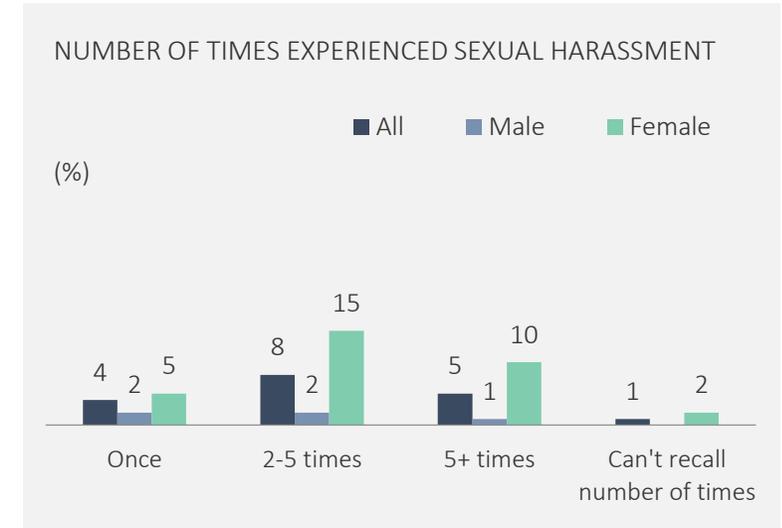
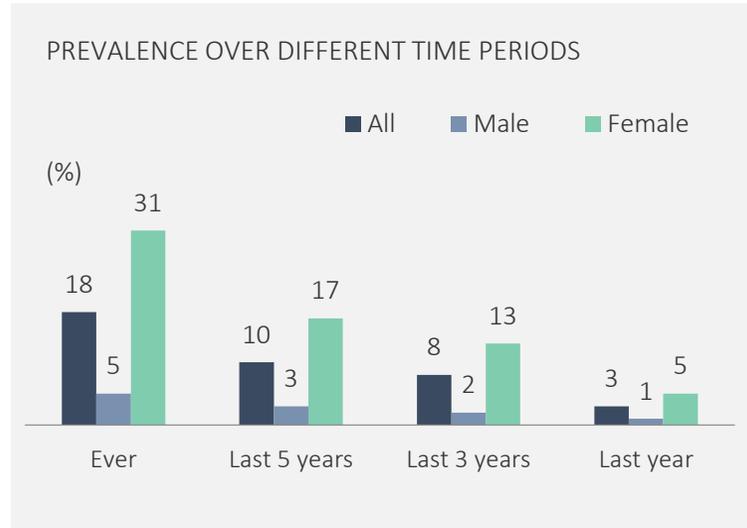
\*A respondent's response to this question was changed to 'none of the above' if the respondent indicated they had experienced one (or more) of the behaviours but then in subsequent questions said they didn't consider the incident to be 'harassment'. This affected 136 respondents.

# PREVALENCE OF SEXUAL HARASSMENT – HUMAN RIGHTS COMMISSION DEFINITION:

Nearly one in five (18%) lawyers report having been sexually harassed in a legal environment at some time in their working life. Prevalence is higher among women (31% vs 5% of men). One in ten (10%) female lawyers recall five or more incidents.



Base: All respondents (3,516), Men (1,347), women (2,155)



## LIFETIME PREVALENCE OF SEXUAL HARASSMENT IS HIGHER AMONG THESE WOMEN:

- 40-59 year olds (36%)
- NZ European women (33% vs 24% of non NZ European)
- Women in these current workplace types:
  - Sole practice (barrister/solicitor) (43%)
  - Barrister sole (49%)
  - Barrister chamber (42%)
- Women currently in director and sole barrister roles (48% and 49%)
- Women in law profession for 11 years or more (37%)
- Women in banking & finance (42%)
- Women in criminal law (45%)

**Little variation exists in lifetime prevalence of sexual harassment among men, except that prevalence is significantly higher among 30-39 year old men (9% vs 5% of all men)**

Q2 Have you ever personally encountered sexual harassment in a legal environment? This could include a legal workplace or a legal work related event or occasion. Responses in this chart relate to the response category 'Yes, I have been sexually harassed in a legal environment'

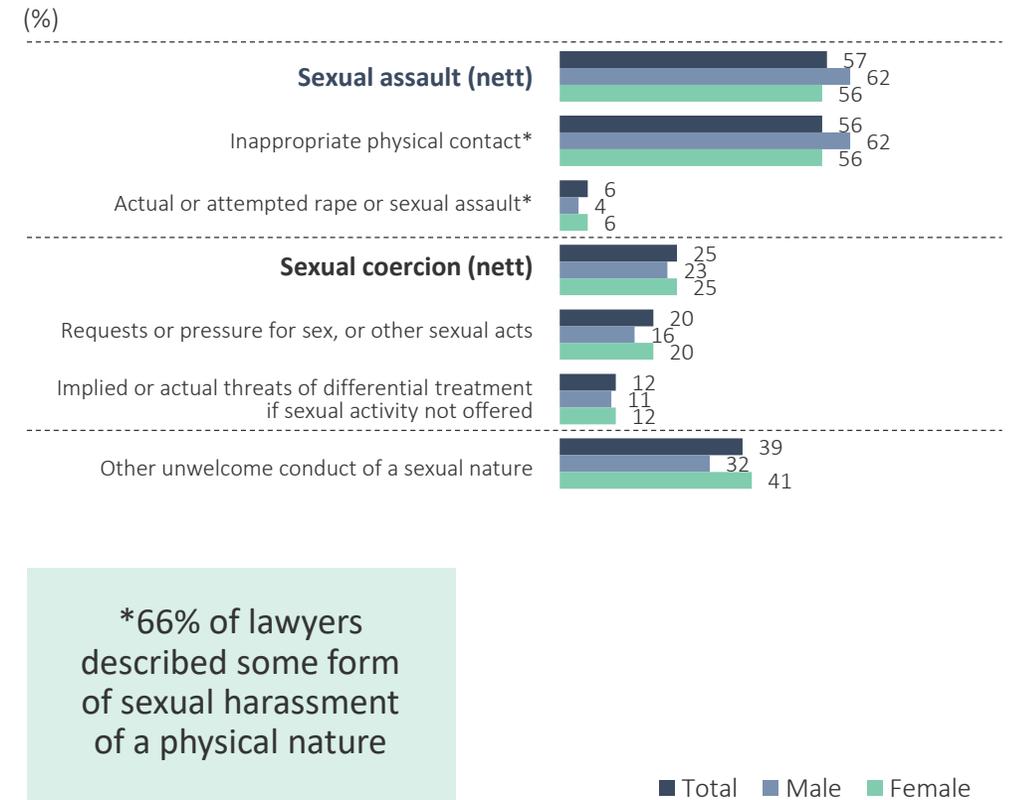
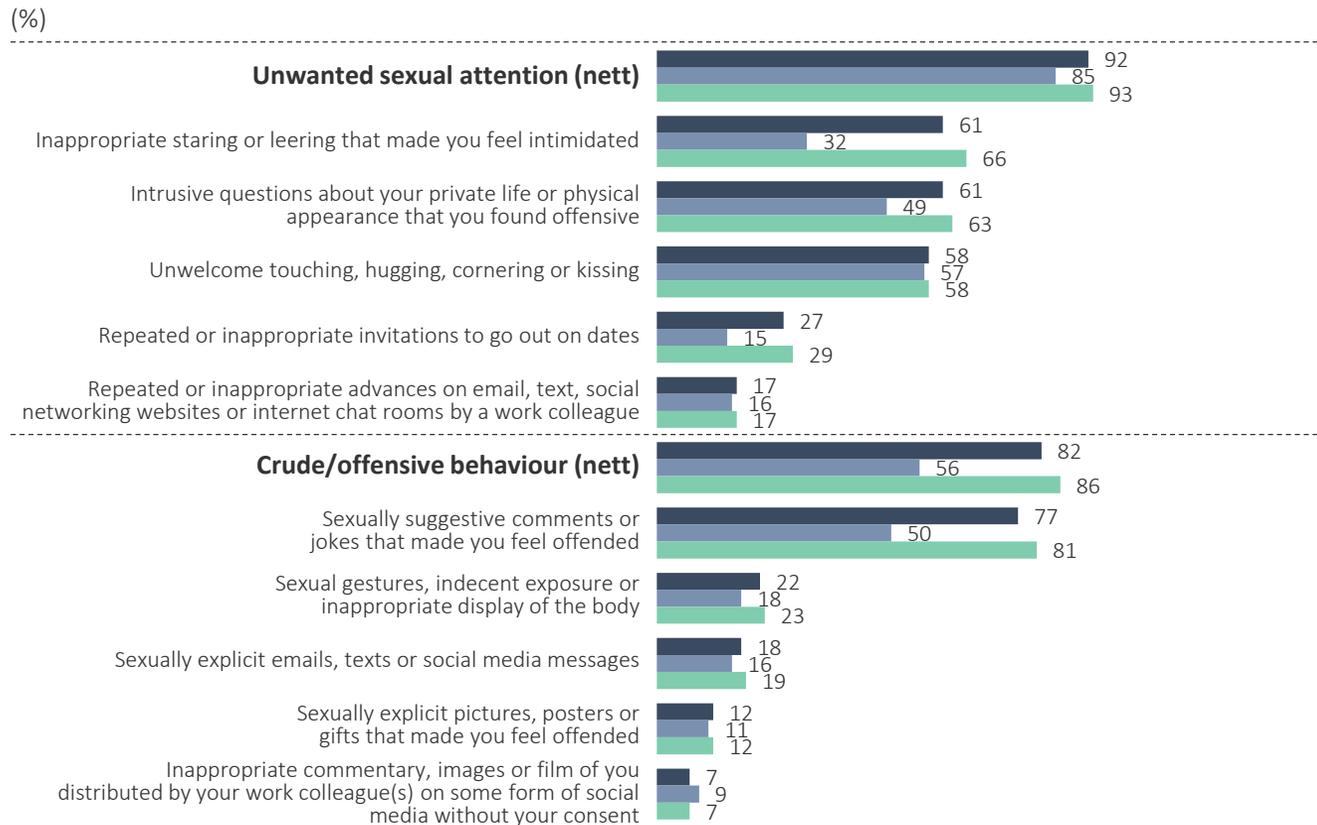
Q3 How many times have you personally experienced sexual harassment in a legal environment?

Q5a When did you last experience (sexual harassment/the type of harassment you indicated you experienced in the previous questions)?

# NATURE OF SEXUAL HARASSMENT:

The nature of sexual harassment varies widely. While non-physical forms of sexual harassment are most common, two thirds (66%) of lawyers who have personally experienced sexual harassment (as defined by the Human Rights Commission) described experiencing some form of unwanted physical contact.

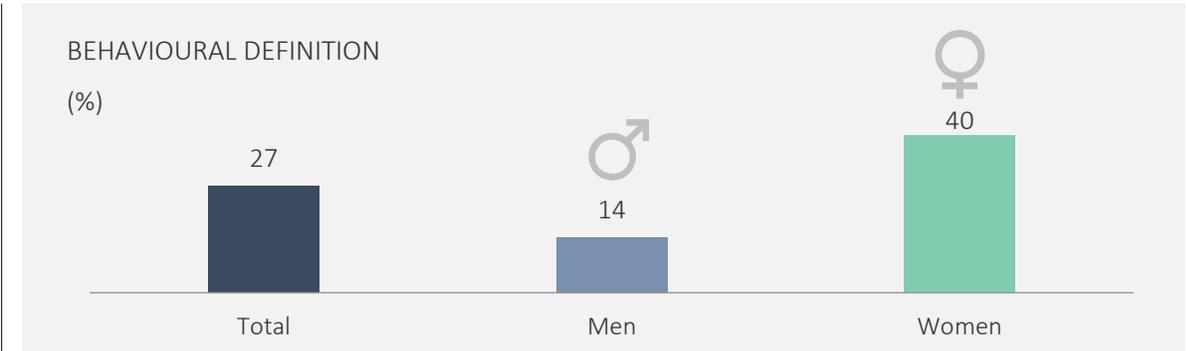
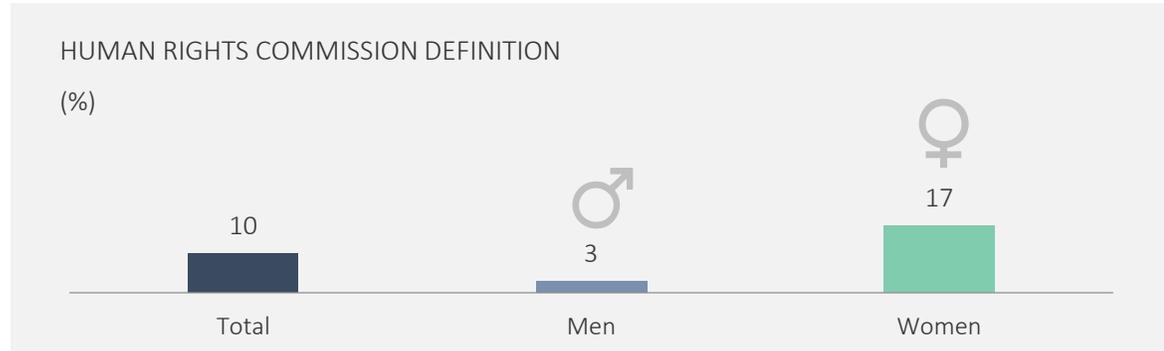
The 18% of lawyers (31% of women and 5% of men) who have been sexually harassed describe the harassment as...



Base: Personally experienced sexual harassment (Human Rights Commission definition) – all respondents (739), males (69), females (670)  
Q4 How would you describe this harassment? List provided.

# PREVALENCE OF SEXUAL HARASSMENT IN THE LAST 5 YEARS:

One in ten (10%) lawyers (and 17% of female lawyers) have experienced sexual harassment in the last 5 years on the basis of the Human Rights Commission definition. This rises to more than a quarter (27%) of all lawyers (and 40% of female lawyers) using the behavioural definition. Prevalence tends to be higher among younger women and younger men.



Among women, sexual harassment in the last 5 years (using the HRC definition) is higher than average (17%) among:

- 25-29 year olds (26%) and 30-39 year olds (20%)
- Lawyers who've been in the profession for 3-10 years (24%)
- Lawyers in criminal law (30%), tax (23%), immigration (22%) and civil litigation (21%)

Among men, sexual harassment in the last 5 years (using the HRC definition) is higher than average (3%) among:

- 25-39 year olds (6%)
- Those who've been in the profession 3-5 years (8%)

Among women, harassment in the last 5 years (using the behavioural definition) is higher than average (40%) among:

- Those aged under 30 years (55%)
- Lawyers who've been in the profession 3-5 years (58%) or 6-10 years (48%)
- Lawyers in criminal law (55%), immigration (48%) and civil litigation (44%)
- Employees in a law firm (44%)

Among men, harassment in the last 5 years (using the behavioural definition) is higher than average (14%) among:

- Those age under 40 years (23%)
- Māori (29%) (Pacific is also high at 25% but not statistically significant)
- Employees in a law firm (18%)

Base: All lawyers (3,516), male lawyers (1,347), female lawyers (2,155)

Q2 Have you ever personally encountered sexual harassment in a legal environment? This could include a legal workplace or a legal work related event or occasion. Responses in this chart relate to the response category 'Yes, I have been sexually harassed in a legal environment'

Q4 If personally experienced sexual harassment (in response to Human Rights Commission definition): How would you describe this harassment?

If personally experienced sexual harassment (in response to Human Rights Commission definition): In the last five years, have you personally experienced this in a legal environment?

Q5a When did you last experience (sexual harassment/the type of harassment you indicated you experienced in the previous questions)?

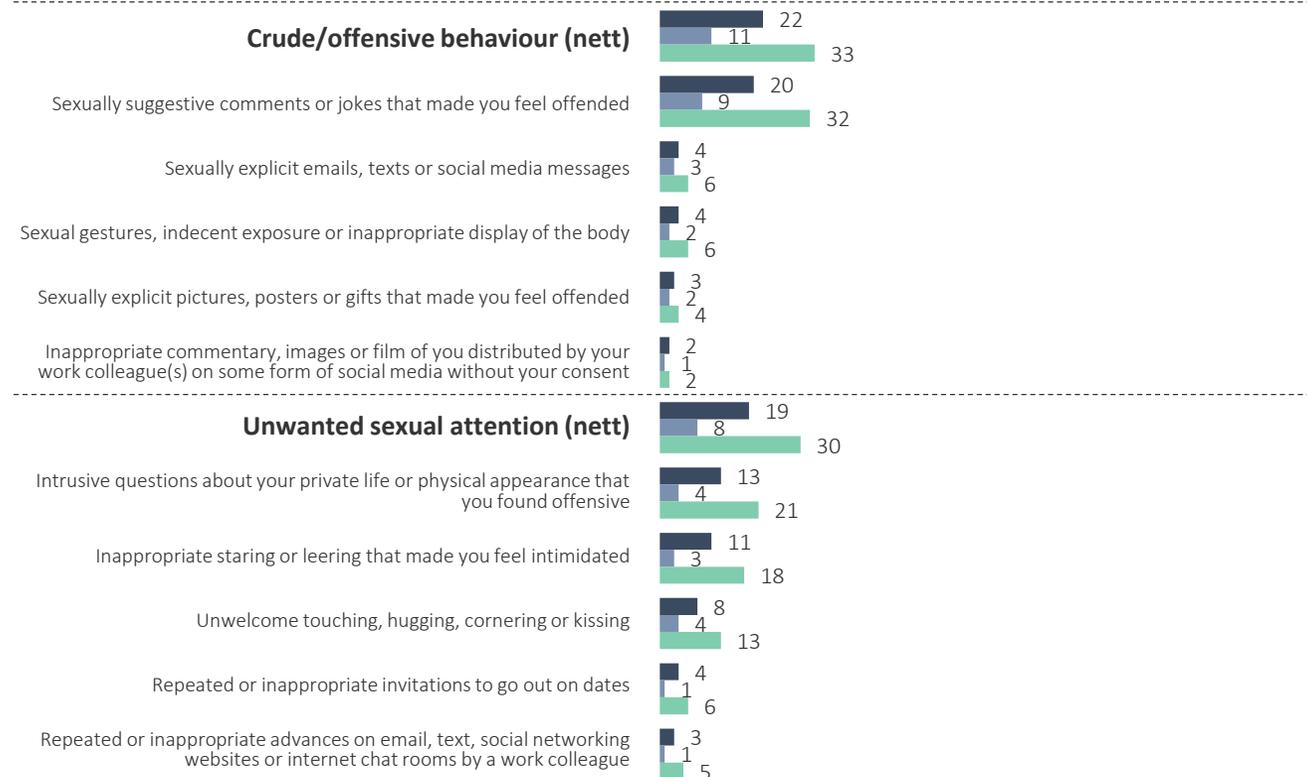
# PREVALENCE OF SPECIFIC TYPES OF SEXUAL HARASSMENT IN LAST 5 YEARS BY GENDER:



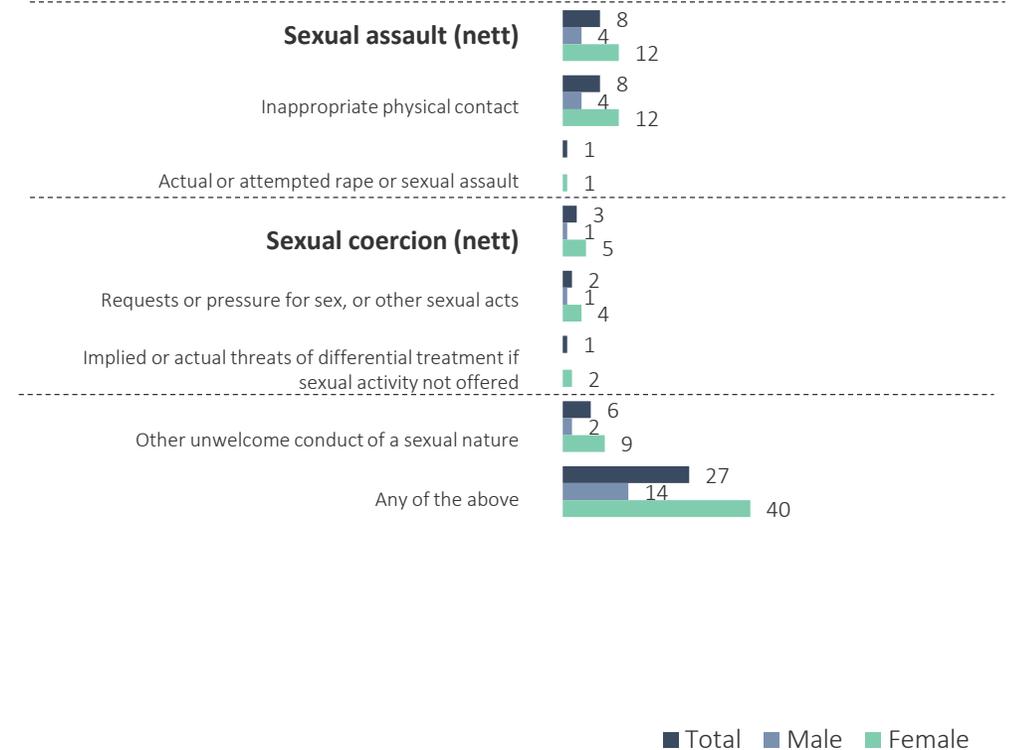
Proportions of around one in five lawyers have experienced crude/offensive behaviour (22%) and unwanted sexual attention (19%) in the last 5 years. Sexually suggestive comments or jokes that were offensive is the most common specific behaviour experienced (especially among women at 32%).

## Prevalence of specific types of sexual harassment in the last 5 years...

(%)



(%)



Base: All lawyers (3,516), male lawyers (1,347), female lawyers (2,155)

Q4 If personally experienced sexual harassment (in response to Human Rights Commission definition): *How would you describe this harassment?*

If personally experienced sexual harassment (in response to Human Rights Commission definition): *In the last five years, have you personally experienced this in a legal environment?*

Q5a *When did you last experience (sexual harassment/the type of harassment you indicated you experienced in the previous questions)?*

Q17 Are you (male/female/gender diverse)?

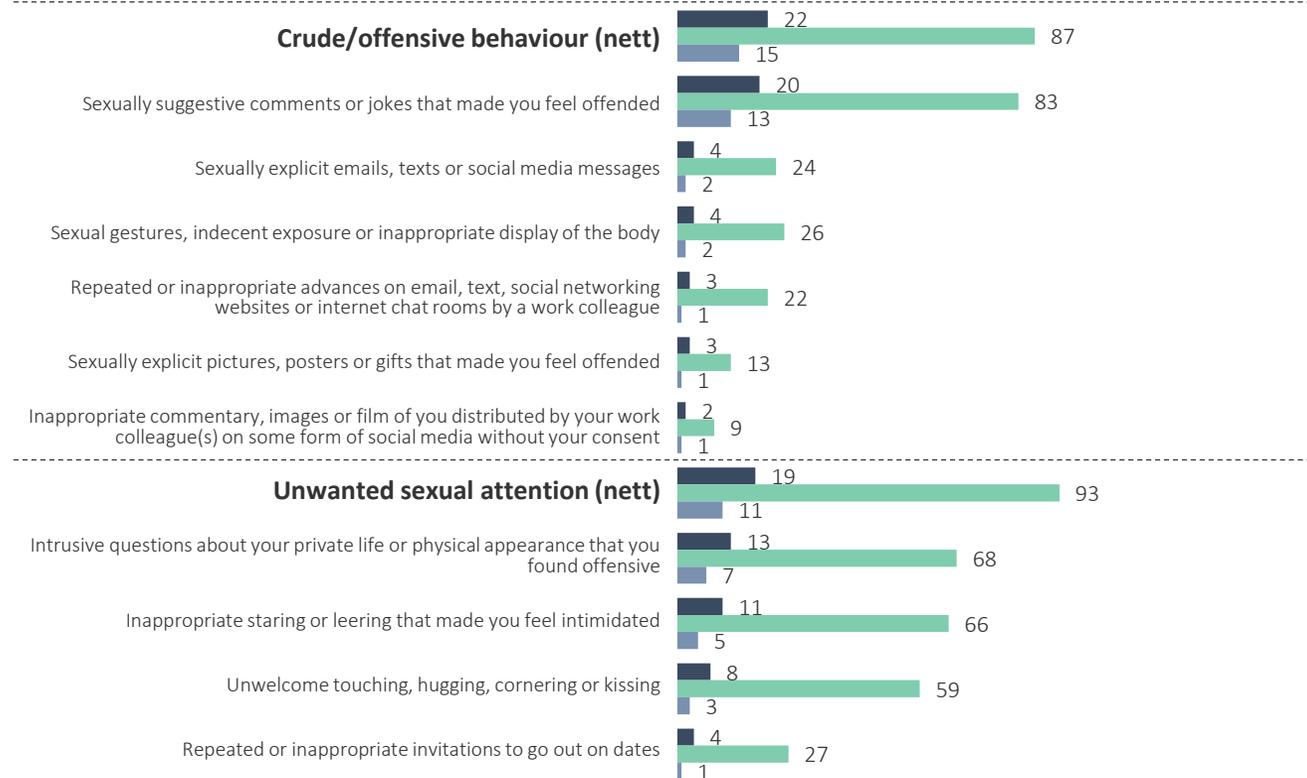
# PREVALENCE OF SPECIFIC TYPES OF SEXUAL HARASSMENT IN LAST 5 YEARS BY EXPERIENCE:

Lawyers who said they had been sexually harassed in the last 5 years (based on the HRC definition) most commonly experienced crude and offensive behaviour (87%) and unwanted sexual attention (93%), ahead of sexual coercion (26%) and sexual assault (8%).

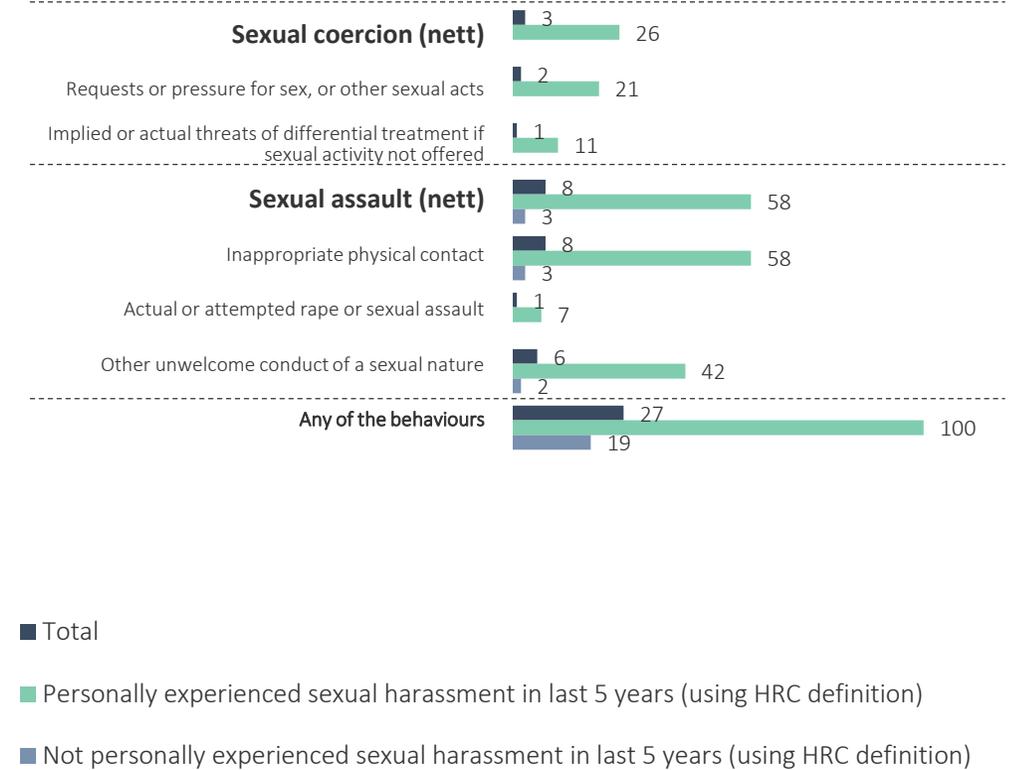
Nearly one in five (19%) lawyers who said they had not been sexually harassed in the last 5 years (based on the HRC definition) reported experiencing at least one of the behaviours over the same time period.

## Prevalence of specific types of sexual harassment in the last 5 years...

(%)



(%)



Base: All lawyers (3,516), lawyers who recall personally experiencing sexual harassment according to Human Rights Commission definition in last 5 years (401), lawyers who have not personally experienced sexual harassment according to Human Rights Commission definition in last 5 years (3,111).

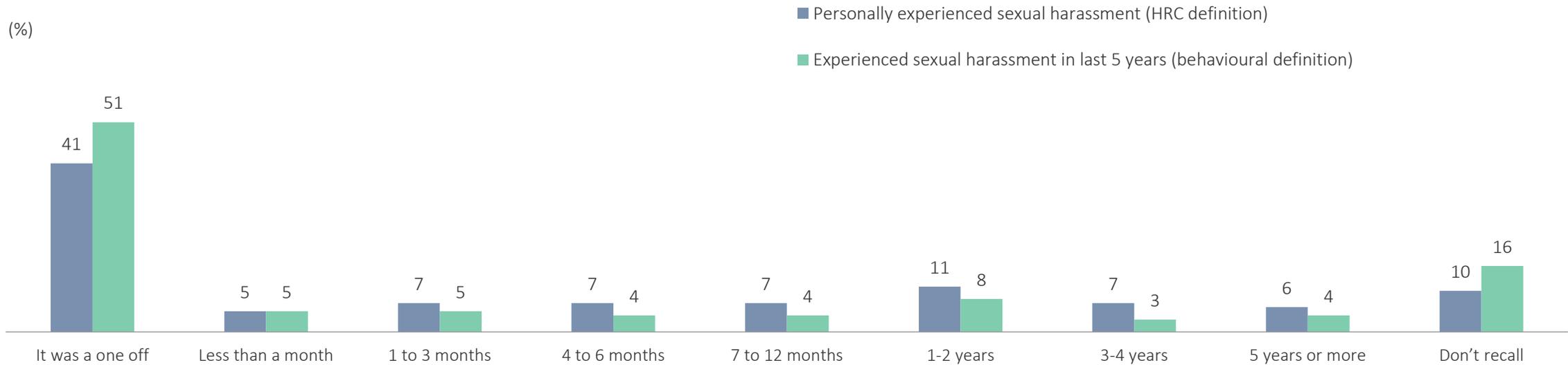
Q4 If personally experienced sexual harassment (in response to Human Rights Commission definition): *How would you describe this harassment?*

If personally experienced sexual harassment (in response to Human Rights Commission definition): *In the last five years, have you personally experienced this in a legal environment?*

Q5a When did you last experience (sexual harassment/the type of harassment you indicated you experienced in the previous questions)?

## DURATION OF SEXUAL HARASSMENT:

The harassment was a one-off event for more than 40%, and lasted for more than six months for around three in ten. Additional analysis shows that duration is not significantly impacted by gender of the target.



## WHERE SEXUAL HARASSMENT OCCURS:

Whilst sexual harassment is most commonly experienced in the workplace, work-related events are also a fairly common location for harassment. More than a third (35%) of lawyers who have been sexually harassed (HRC definition) say that type of behaviour was common in their workplace at the time.

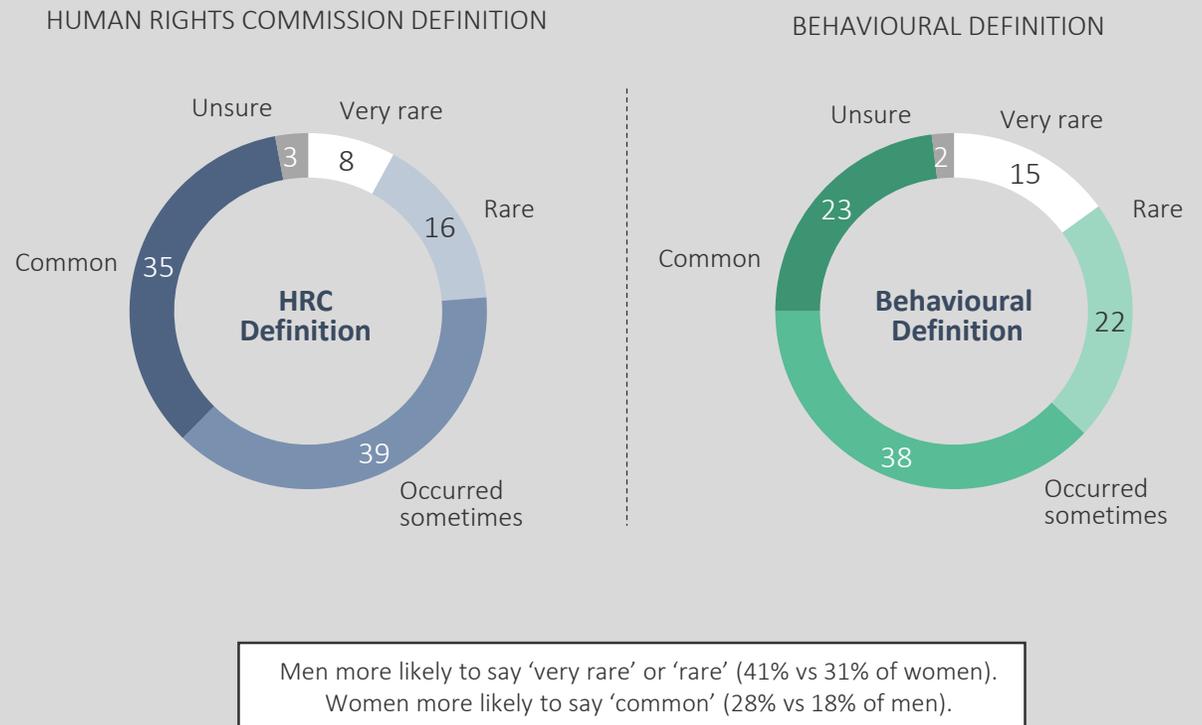
### WHERE HARASSMENT EXPERIENCED (%)

(%)



### HOW COMMON BEHAVIOUR WAS IN THE WORKPLACE AT THE TIME (%)

(%)



Base: Personally experienced sexual harassment under Human Rights Commission definition (735), experienced sexual harassment in last five years under behavioural definition (1,078).

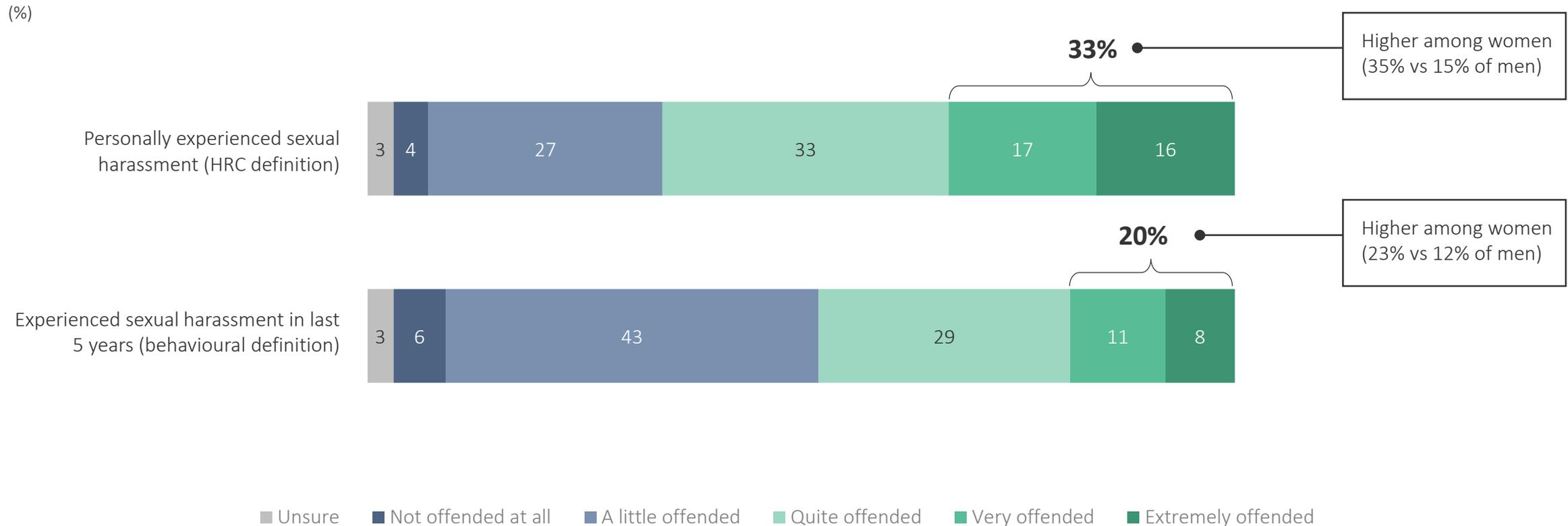
Q6 Next are a few more questions about the harassment. If you've experienced this more than once in a legal environment, please think about the most recent experience. Where did you experience the harassment?

Base: Experienced sexual harassment in the workplace – Human Rights Commission definition (525), last five years under behavioural definition (773).

Q7 Thinking about your workplace at that time, would you say that this type of behaviour was...

## DEGREE OF OFFENCE:

A third (33%) of those who have been sexually harassed (HRC definition) were 'extremely' or 'very' offended, a third were quite offended (33%) and nearly a third were only 'a little' or 'not at all' offended. The degree of offence is greater among those who reported sexual harassment using the HRC definition than those who have been sexually harassed on the basis of the behavioural definition.



## PERSONAL EFFECT OF HARASSMENT:

Around four in ten (39%) lawyers who have been sexually harassed (HRC definition) say the experience affected their emotional or mental wellbeing, and 32% say it affected their job or career prospects.



	Personally experienced sexual harassment (HRC definition)	Experienced sexual harassment in last 5 years (behavioural definition)
<b>Affected emotional or mental wellbeing (nett)</b>	<b>39%</b>	<b>27%</b>
Experienced anxiety	28%	19%
Experienced depression	10%	7%
Felt angry/annoyed/bitter	3%	2%
<b>Affected job/ career prospects (nett)</b>	<b>32%</b>	<b>20%</b>
You felt it affected your career prospects	17%	10%
You resigned from your job	19%	10%
You were 'labelled a trouble maker'	11%	8%
<b>Further bullying behaviour</b> - Ostracised, victimised, ignored, labelled as rude, pushy etc	<b>10%</b>	<b>7%</b>

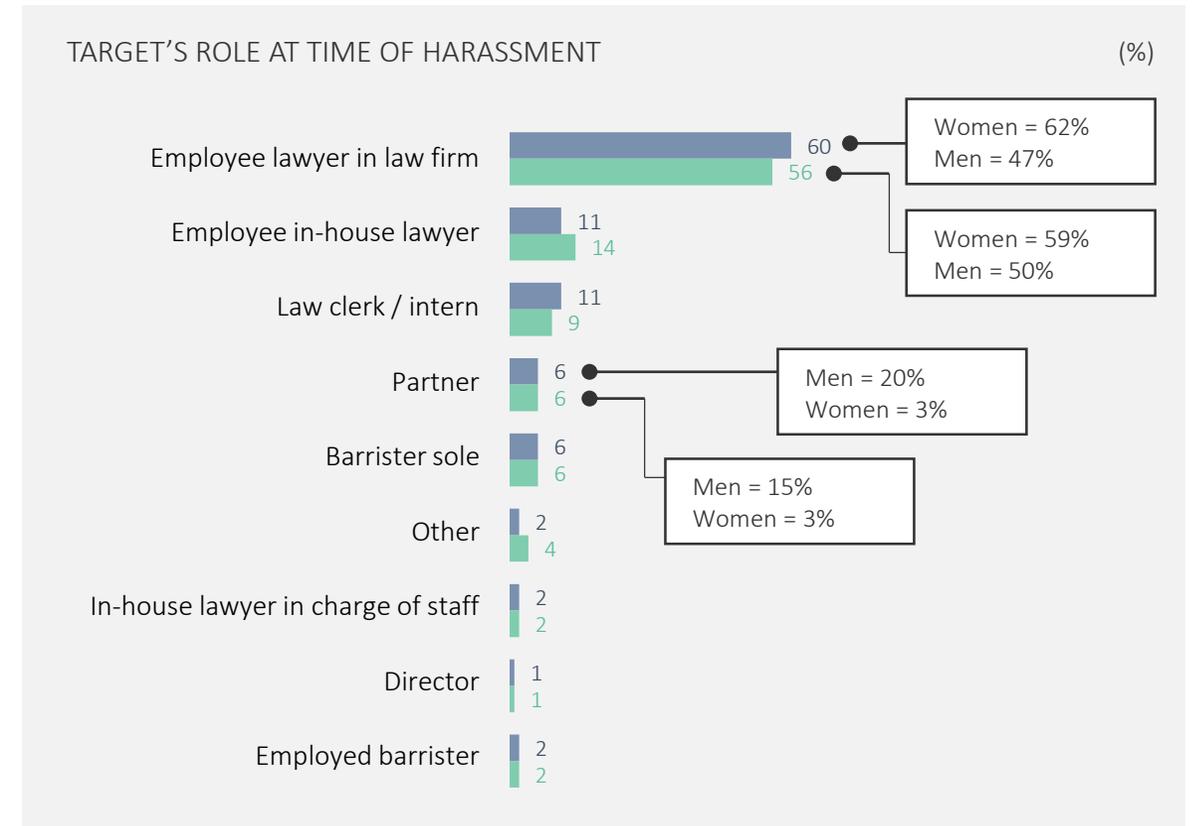
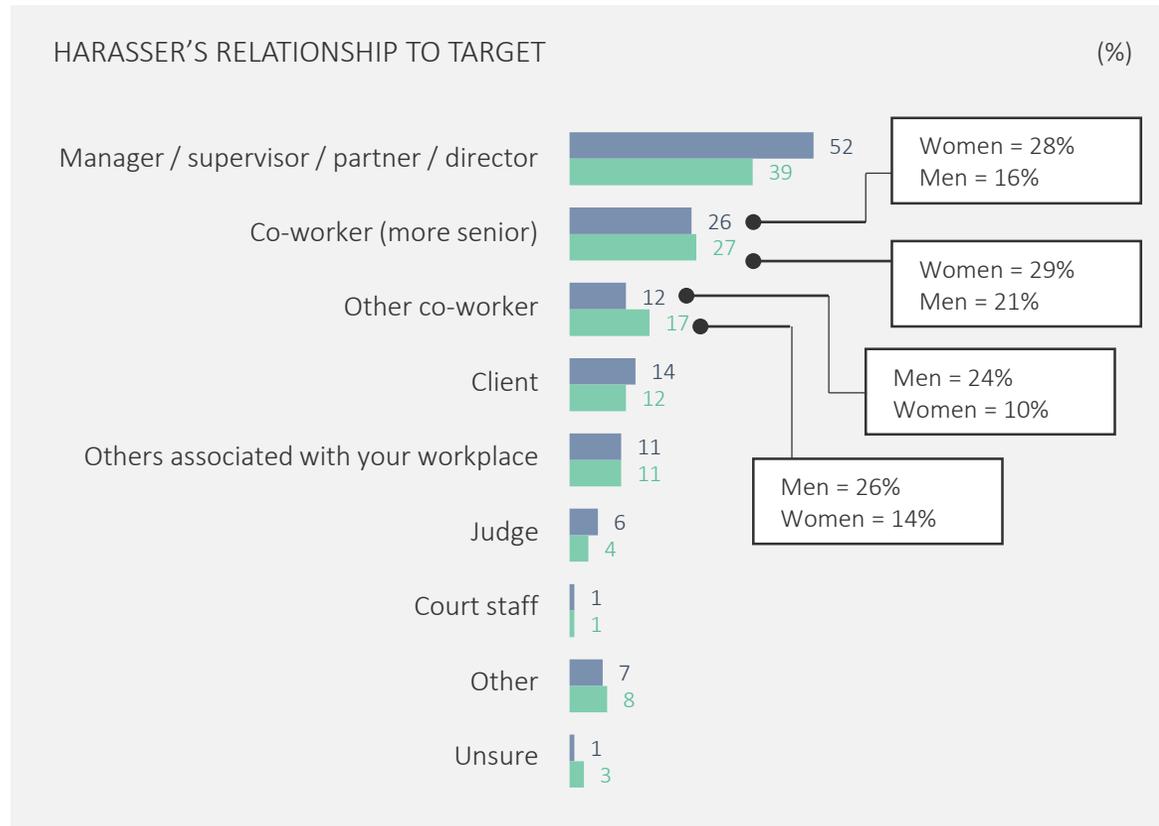
	Personally experienced sexual harassment (HRC definition)	Experienced sexual harassment in last 5 years (behavioural definition)
<b>Changed my behaviour/outlook</b> - More guarded, lost respect for others, avoid certain people and situations, less productive and passionate about my work	<b>3%</b>	<b>3%</b>
<b>Other</b>	<b>9%</b>	<b>7%</b>
There were no consequences for you	29%	45%
Prefer not to answer	5%	7%
Unsure	7%	6%

Categories that are similar have been grouped together and presented as a 'nett score' (see category labels). A nett score gives the % of respondents that gave at least one of the more detailed reasons (listed below the nett score).

Response categories of 1% or less are not shown in the chart but are included in the nett categories where relevant.

# RELATIONSHIP OF HARASSER AND TARGET:

Most targets were an employee lawyer in a law firm. The harasser is most likely to be the target's manager, supervisor, partner, or director. Women are more likely than men to be harassed by someone in a more senior position.



■ Personally experienced sexual harassment (HRC definition)

■ Experienced sexual harassment in last 5 years (behavioural definition)

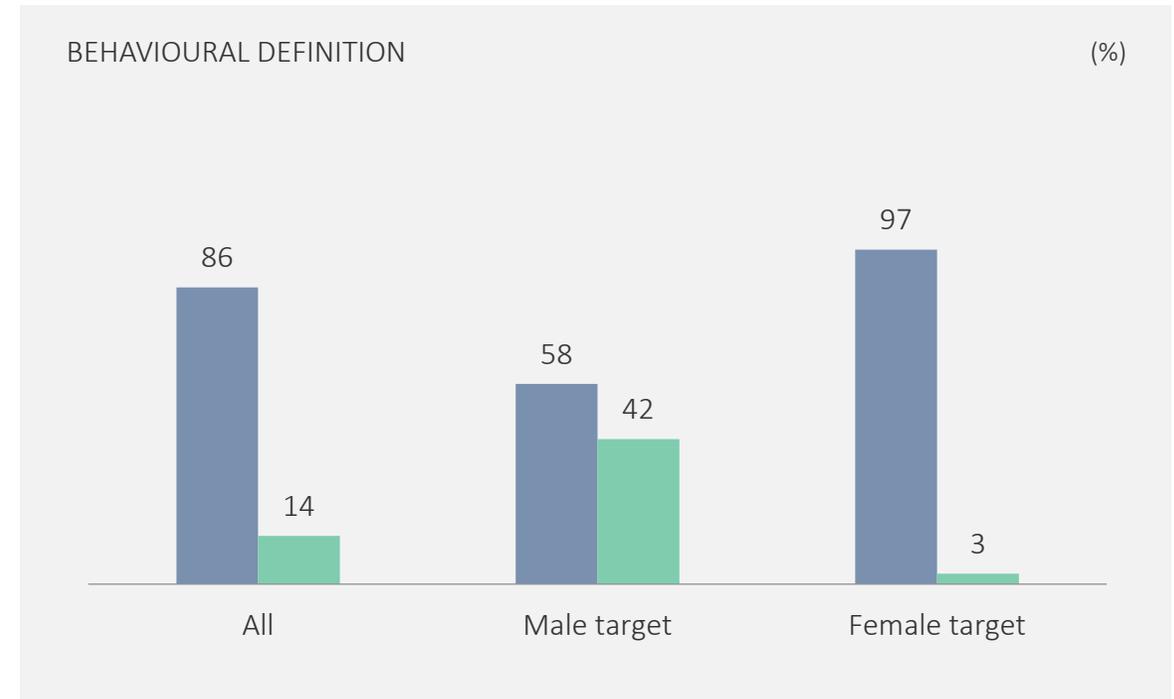
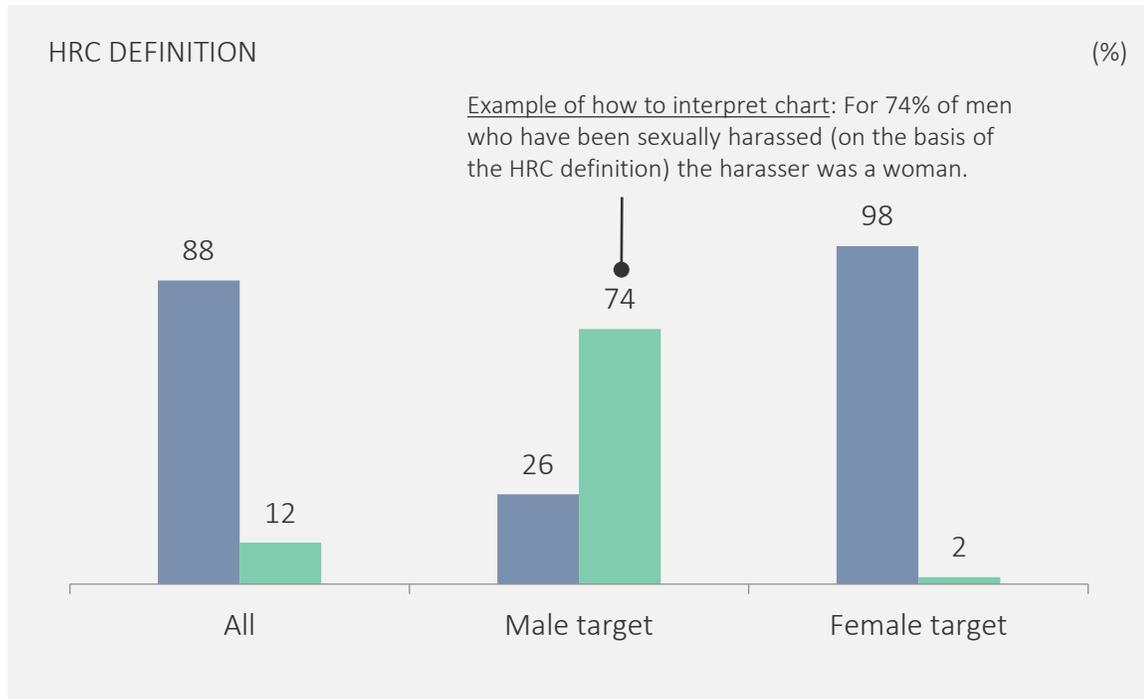
Base: Personally experienced sexual harassment under Human Rights Commission definition (735), experienced sexual harassment in last five years under behavioural definition (1,078).

Q9a What was the harasser's relationship to you?

Q10 What was your role at the time of the harassment?

## GENDER OF HARASSER:

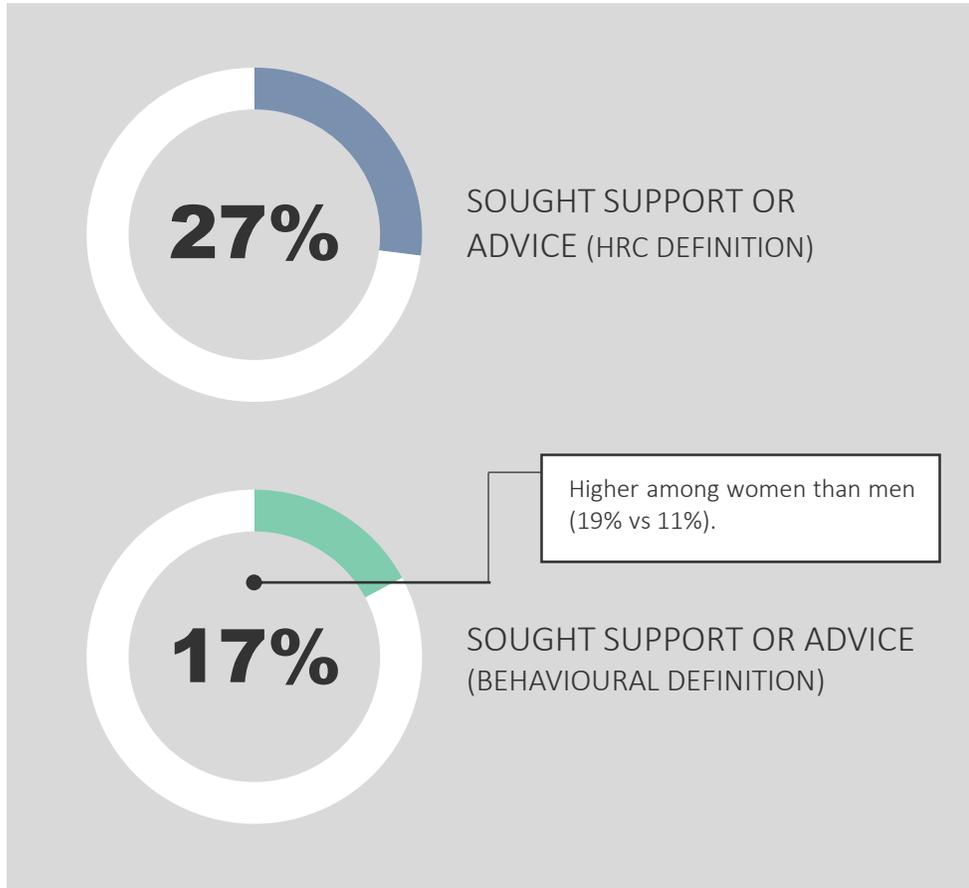
Whilst the harasser is nearly always a man when a woman is the target, the converse is not true. For sexual harassment on the basis of the HRC definition, the harasser is most likely to be a woman when the target is a man (74%). With the behavioural definition, the harasser is slightly more likely to be a man than a woman (58% and 42% respectively).



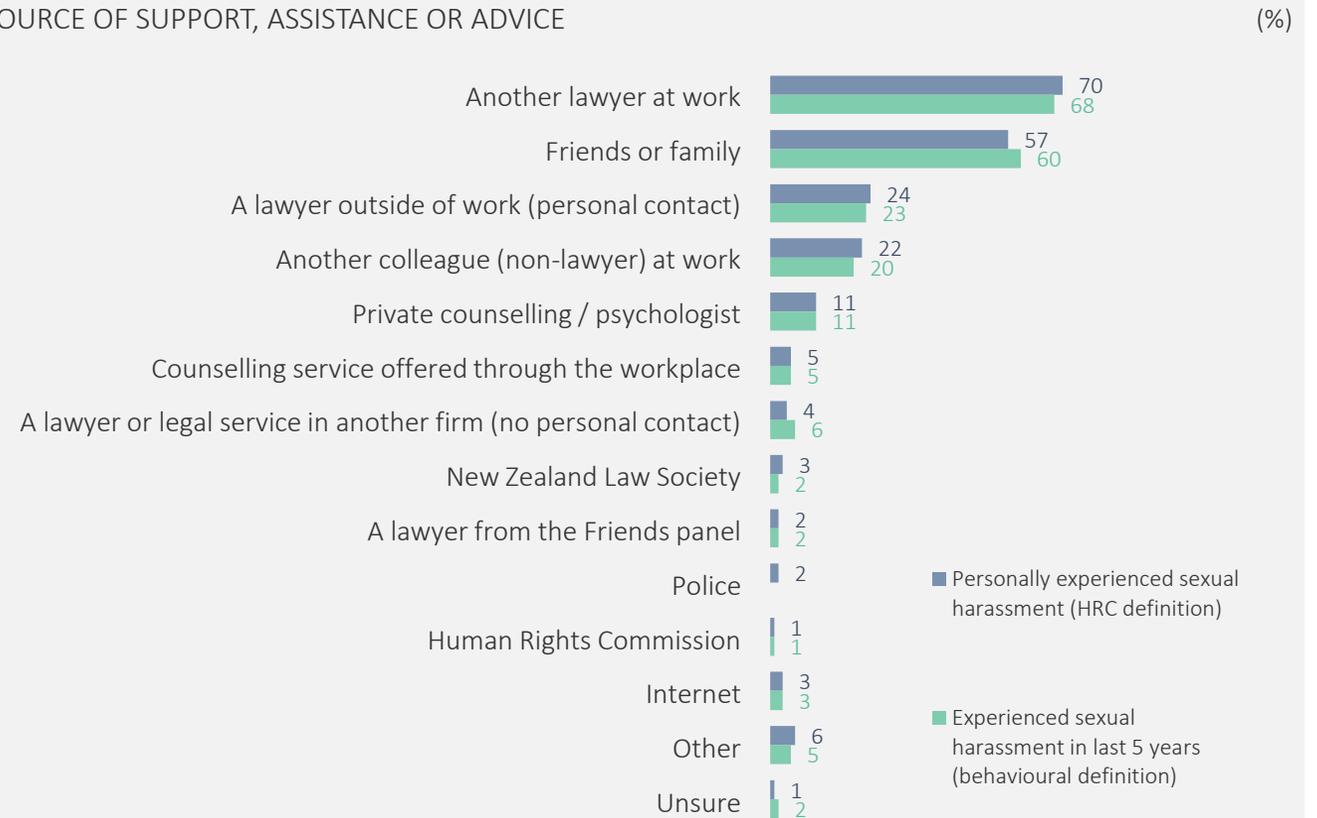
GENDER OF HARASSER: ■ Male ■ Female

## SUPPORT AND ADVICE:

Only around a quarter (27%) of lawyers who have been sexually harassed (HRC definition) sought support or advice. This is less likely to have occurred with the behavioural definition. A work colleague and friends/family are the most common sources of support and advice.



### SOURCE OF SUPPORT, ASSISTANCE OR ADVICE



Base: Personally experienced sexual harassment under Human Rights Commission definition (735), experienced sexual harassment in last five years under behavioural definition (1,078).

Q11a Did you seek any support or advice about this harassment that happened to you?

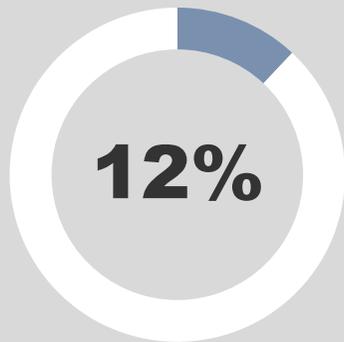
Base: sought support or advice – HRC definition (198), behavioural definition (190)

Q11b Who did you seek support assistance or advice from?

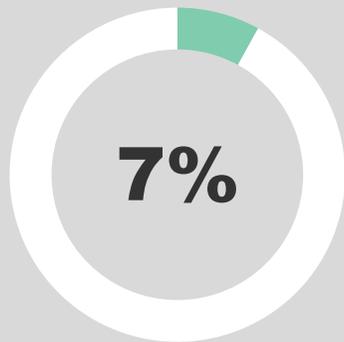
## REPORTING SEXUAL HARASSMENT:

Formal reporting of sexual harassment is low, with only 12% of lawyers sexually harassed\* having formally reported or made a complaint about the harassment. When reporting does occur, the harassment is usually reported to a senior individual, or Human Resources manager, at the target's place of work.

\*HRC definition



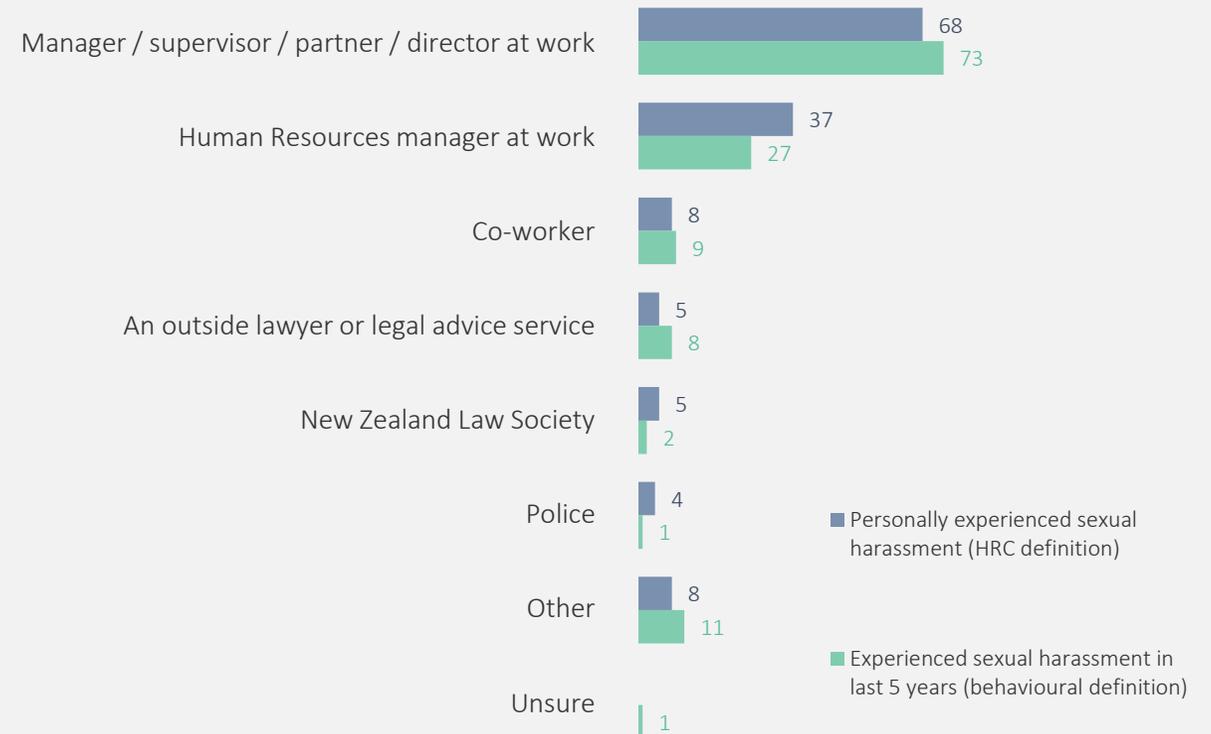
FORMALLY REPORTED OR MADE A COMPLAINT ABOUT THE HARASSMENT (HRC DEFINITION)



FORMALLY REPORTED OR MADE A COMPLAINT ABOUT THE HARASSMENT (BEHAVIOURAL DEFINITION)

### WHO THE HARASSMENT WAS REPORTED TO

(%)



Base: Personally experienced sexual harassment under Human Rights Commission definition (735), experienced sexual harassment in last five years under behavioural definition (1,078).

Q11c Did you formally report or make a complaint about the harassment to anyone?

Base: Formally reported harassment or made a complaint – HRC definition (86), behavioural definition (81)

Q11d Who did you formally report the harassment to?

## REASONS FOR NOT SEEKING SUPPORT OR MAKING A COMPLAINT:

Whilst some lawyers dealt with the harassment themselves, or felt that support or reporting the harassment was not required, fear of the consequences and a distrust in the process or outcomes are common barriers to taking action.

	Personally experienced sexual harassment (HRC definition)	Experienced sexual harassment in last 5 years (behavioural definition)
<b>Fear of consequences (nett)</b>	<b>65%</b>	<b>43%</b>
I was concerned about the impact that reporting the issue would have on my career	49%	31%
I was concerned that reporting the issue would make the situation worse	38%	25%
I did not want to get the offender(s) into trouble	19%	12%
I was too scared, frightened, or worried	15%	7%
I did not want to involve the Police	4%	2%
The person I would normally report the issue to is the perpetrator	10%	7%
It was someone high up/important	2%	1%
<b>Distrust in process and/or outcome (nett)</b>	<b>57%</b>	<b>41%</b>
I felt it would make no difference	40%	31%
I did not think the incident would be kept confidential	30%	21%
I felt I would not be believed or supported	25%	15%
I did not feel the Law Society could resolve the matter	15%	10%

	Personally experienced sexual harassment (HRC definition)	Experienced sexual harassment in last 5 years (behavioural definition)
I did not think it was serious enough	41%	50%
I dealt with it myself	38%	36%
I felt embarrassed or ashamed	25%	12%
The behaviour stopped and had not recurred/I left the job	20%	17%
I did not know who to go to or how to report the issue	17%	10%
Behaviour normalised/others knew about it/culture of the time	3%	2%
Other	13%	11%
Prefer not to say	1%	2%

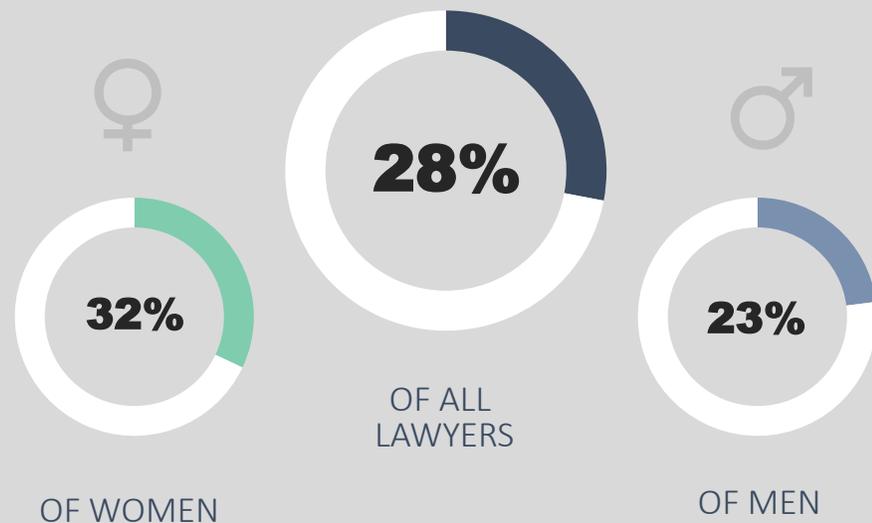
Response categories of 1% or less are not shown in the table but are included in the nett categories where relevant.

Base: Consists of 1) respondents who either did not seek support, advice, report, or make a complaint and 2) respondents sought support and advice but did report or make a complaint  
 Q11f If didn't seek support or report the incident: *Why did you not seek support or advice, or report or make a complaint?*  
 If sought support, but didn't report the incident: *Why did you not report or make a complaint?*

# LIFETIME PREVALENCE OF BYSTANDERS IN THE WORKPLACE:

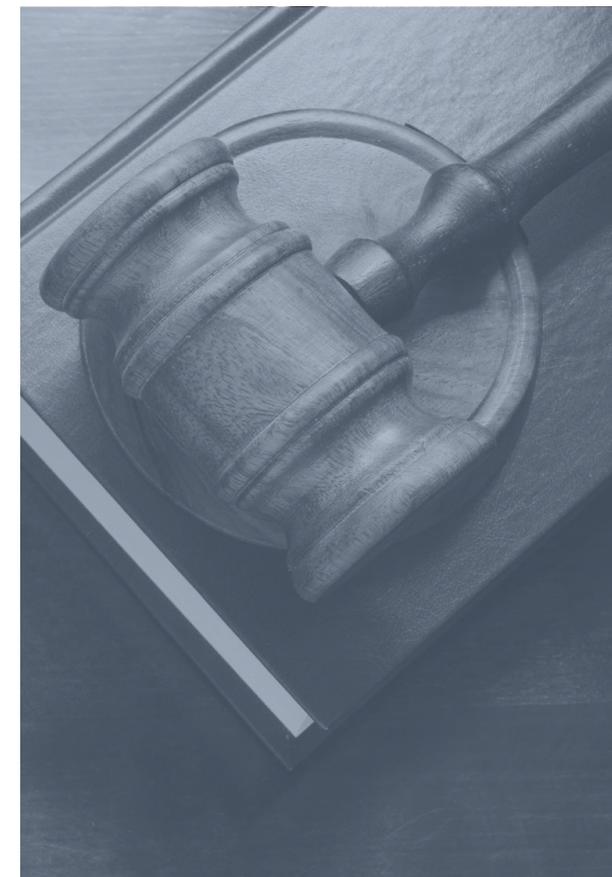
More than a quarter (28%) of lawyers have witnessed sexual harassment in a legal workplace, with this being somewhat more common among women who have worked in the law profession for a long time.

Lifetime prevalence of witnessing sexual harassment in a legal environment (based on Human Rights Commission definition)



## LIFETIME PREVALENCE OF WITNESSING SEXUAL HARASSMENT IN A LEGAL ENVIRONMENT IS HIGHER AMONG:

- NZ European women (33%)
- Women in law for 20 years or longer (37%)
- Women sole barristers (43%)
- Women in banking & finance (40%)
- Women in construction (43%)
- Women in civil litigation (37%)
- Men aged 30-39 years (34%)



Base:  
Q2 Have you ever personally encountered sexual harassment in a legal environment? This could include a legal workplace or a legal work related event or occasion.  
Responses on this page relate to the response category 'Yes, I have witnessed sexual harassment in a legal environment'

# 4

## BULLYING

# MEASURING BULLYING

Two measures of the prevalence of bullying are used.

## NEGATIVE ACTS QUESTIONNAIRE (NAQ-r)\*

Prevalence of workplace bullying was measured with the Negative Acts Questionnaire (revised) (NAQ-r), developed by Einarsen, Hoel et al. (2009). This is a widely used tool to assess the prevalence of bullying in the workplace. The first part of the NAQ-r asks respondents to score how often they have experienced 22 types of behaviours\* over the past 6 months (never=1, seldom=2, sometimes=3, often=4, always=5). Overall scores were computed for each individual with a possible range of 22 (never experienced any behaviours) to 110 (experiencing all behaviours on a daily basis). The NAQ-r comprises three interrelated subscales of bullying – work-related (W), person-related (P), and physically intimidating bullying (F) – which enables an analysis of the prevalence of the different types of negative behaviours.

Bullying prevalence from the NAQ-r was established according to Leymann's criteria as experiencing at least one negative act on a daily or weekly basis over a 6-month period (Leymann 1990). For both witnessed and self-reported responses, bullying was identified if any of the affirmative responses (ie, seldom, sometimes, often, and always) were endorsed.

## EMPLOYMENT NEW ZEALAND DEFINITION OF BULLYING

Following administration of the questions on types of negative behaviour, Employment New Zealand's definition of workplace bullying was shown to survey respondents:

*“Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that can be physical, verbal or relational/social (excluding someone or spreading rumours).”*

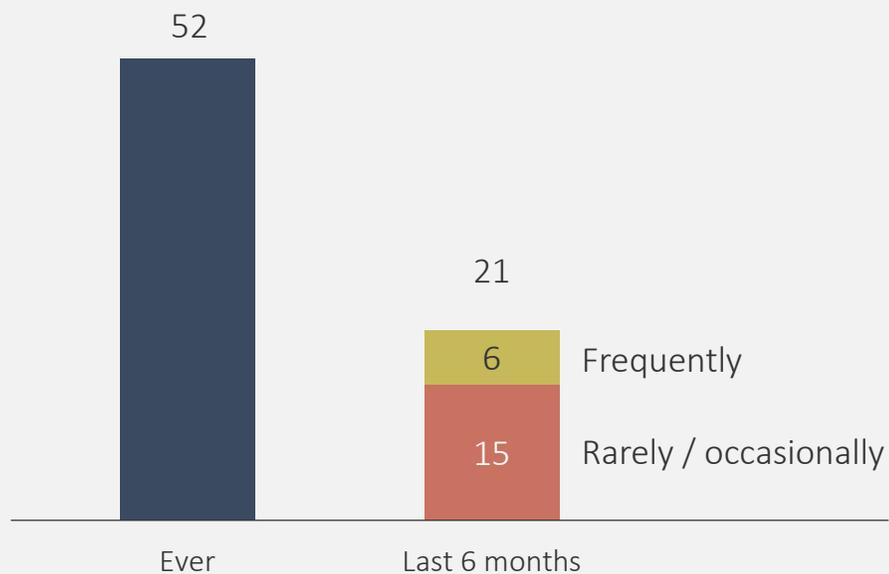
On the basis of this definition, respondents were asked whether they had witnessed bullying of other staff or colleagues and whether they had been subjected to bullying over the past 6 months. Responses were on a 5-point scale (no; yes, very rarely; yes, now and then; yes, several times per week; and yes, almost daily).

# PREVALENCE OF WORKPLACE BULLYING (EMPLOYMENT NZ DEFINITION)

Using the Employment NZ definition, 52% of lawyers have been bullied at some time in their working life. Around one in five (21%) have been bullied in the last six months. Six percent of all lawyers have been frequently bullied in the last six months.



EXPERIENCE OF WORKPLACE BULLYING (AS DEFINED BY EMPLOYMENT NZ) (%)



THESE SUBGROUPS ARE MORE LIKELY THAN AVERAGE TO HAVE EXPERIENCED BULLYING BEHAVIOUR IN THE LAST 6 MONTHS...

	Experience of bullying in last 6 months more common among:	Frequent experience of bullying in last 6 months more common among:
<b>AVERAGE</b>	<b>21%</b>	<b>6%</b>
Women	26%	7%
Aged under 30	25%	8%
Pacific	35%	Similar to average
Māori	34%	Similar to average
Sole barristers practice	29%	11%
Barristers' chambers	29%	Similar to average
Employed in a law firm	24%	8%
Employed in law profession for less than 5 years	25%	8%
Work in Criminal law	37%	9%
Work in Family law	28%	8%
Live in Northland	Similar to average	15%

Base: All respondents (3,516)

Q13a Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that can be physical, verbal or relational/social (excluding someone or spreading rumours) (Employment NZ)

On the basis of the above definition of bullying, during the course of your work over the past 6 months, do you think you have been subjected to bullying?

Q13b On the basis of the same definition of bullying, during the course of your work in the legal profession, do you think you have ever been subjected to bullying?

Q13c When did you last experience bullying?

# ASSOCIATION BETWEEN PREVALENCE OF BULLYING AND WORKPLACE STRESS AND WELLBEING

There are strong associations between the prevalence of bullying and the workplace environment measures.

LAWYERS WITH THESE VIEWPOINTS ARE MORE LIKELY THAN AVERAGE TO HAVE EXPERIENCED BULLYING BEHAVIOUR IN THE LAST 6 MONTHS...

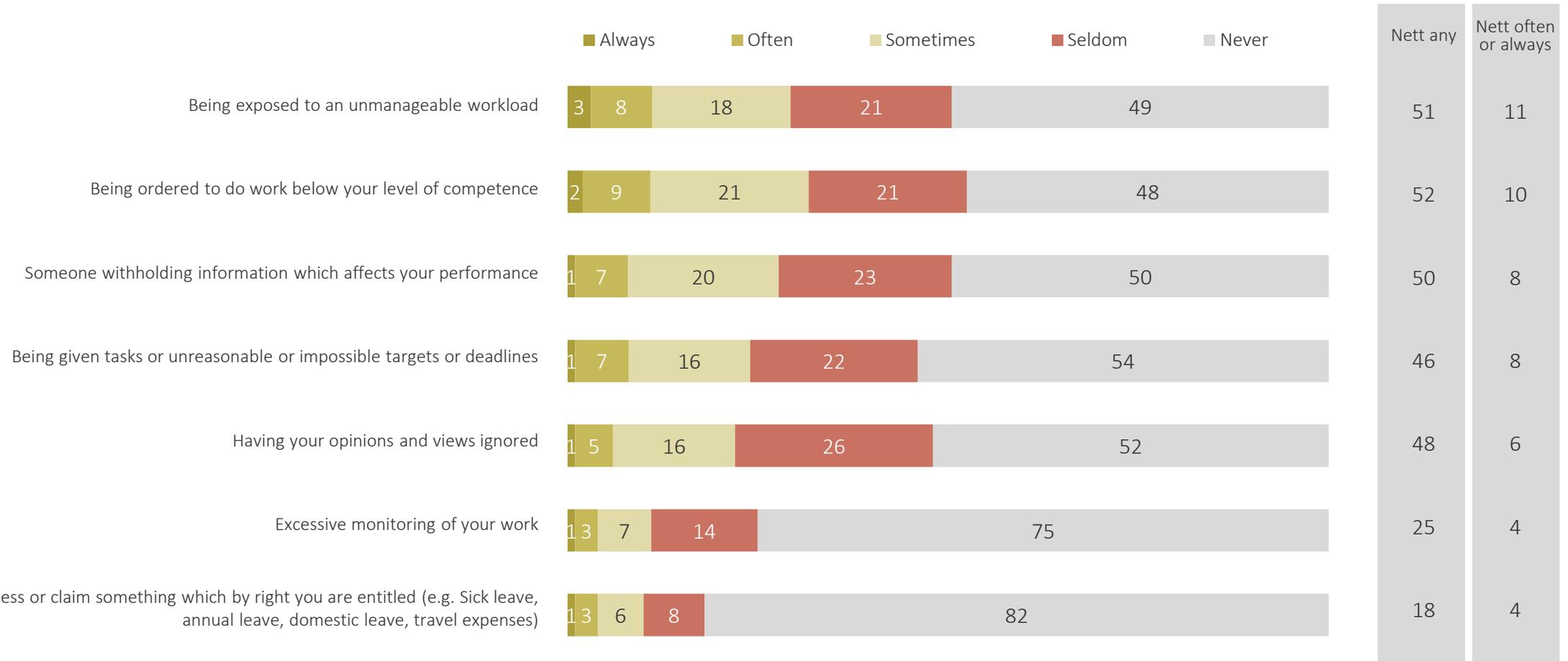
	Experience of bullying in last 6 months more common among:	Frequent experience of bullying in last 6 months more common among:
<b>AVERAGE</b>	<b>21%</b>	<b>6%</b>
Don't feel they receive respect they deserve from colleagues and managers	60%	23%
Manager does not care about their wellbeing	58%	22%
Employer is unwilling to listen to work-related problems	57%	22%
Believe major changes are needed to the culture of their workplace	44%	14%
Overall dissatisfaction with job	35%	14%
Dissatisfied with work-life balance	32%	10%
Work under unrealistic time pressures	30%	9%
Feel job is very stressful	27%	8%
Feel their stress is appropriate managed by them or manager	14%	3%

Example of how to interpret this table: 30% of lawyers who feel they work under unrealistic time pressures have been bullied in the last 6 months.

# WORK-RELATED BULLYING BEHAVIOURS EXPERIENCED IN LAST 6 MONTHS

In the last 6 months, around one in ten lawyers have frequently been exposed to an unmanageable workload (11%) and ordered to do work below their level of competence (10%).

(%)

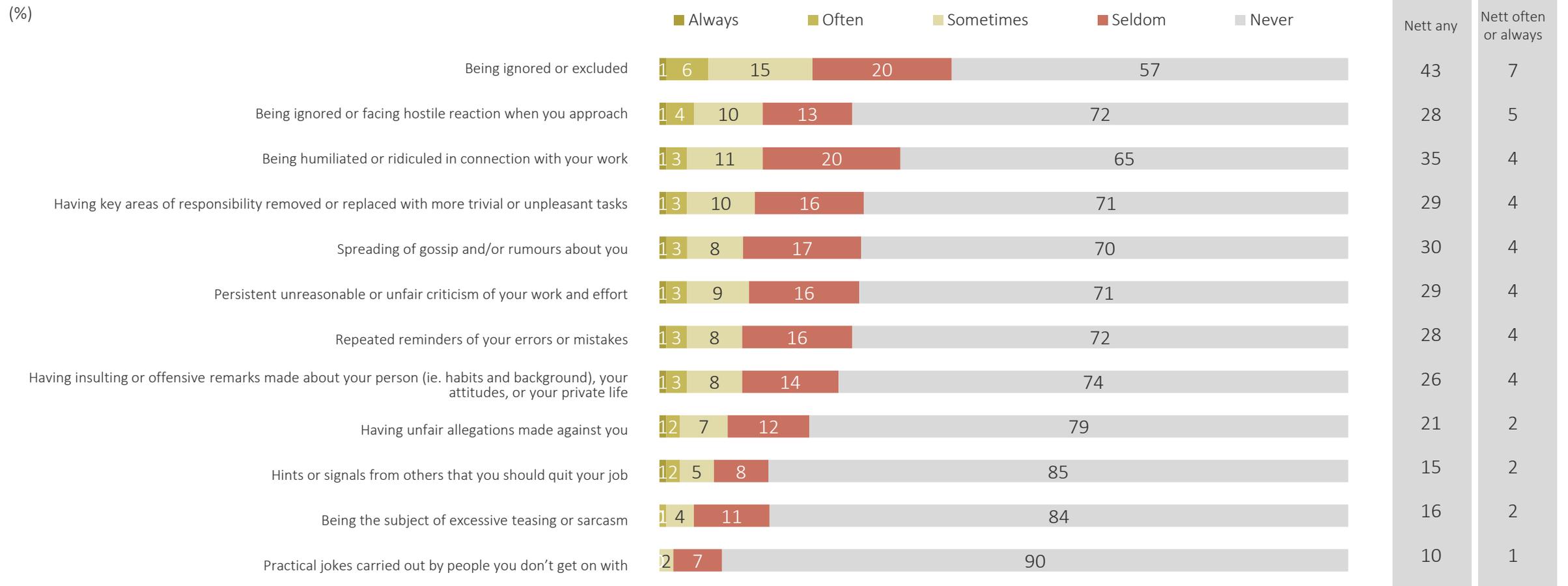


Base: All respondents (3,516)  
Q12a/b Thinking back over the past six months, how often have you experienced this during the course of your work?

# PERSON-RELATED BULLYING BEHAVIOURS EXPERIENCED IN LAST 6 MONTHS



Whilst around four in ten (43%) have been ignored or excluded in the last 6 months, this happens frequently for just 7%.



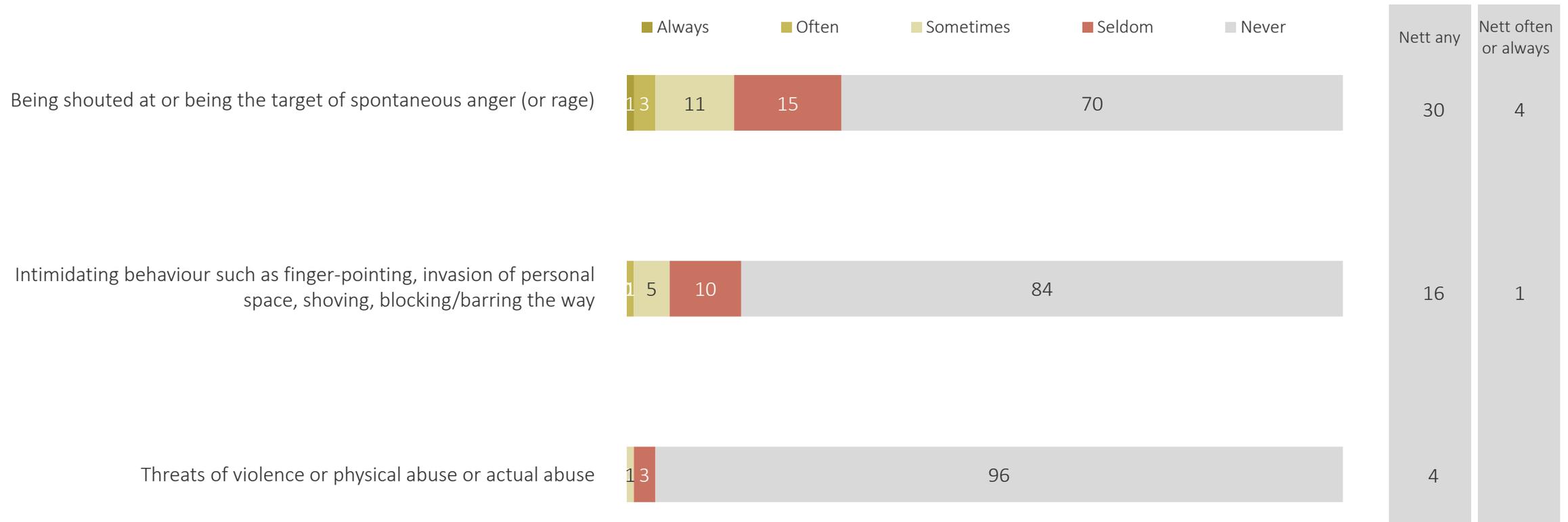
Base: All respondents (3,516)  
Q12a/b Thinking back over the past six months, how often have you experienced this during the course of your work?

# PHYSICALLY INTIMIDATING BULLYING BEHAVIOURS EXPERIENCED IN LAST 6 MONTHS



Three in ten (30%) lawyers have been shouted at or been the target of spontaneous anger or rage in the last six months. This has occurred frequently for just 4%.

(%)



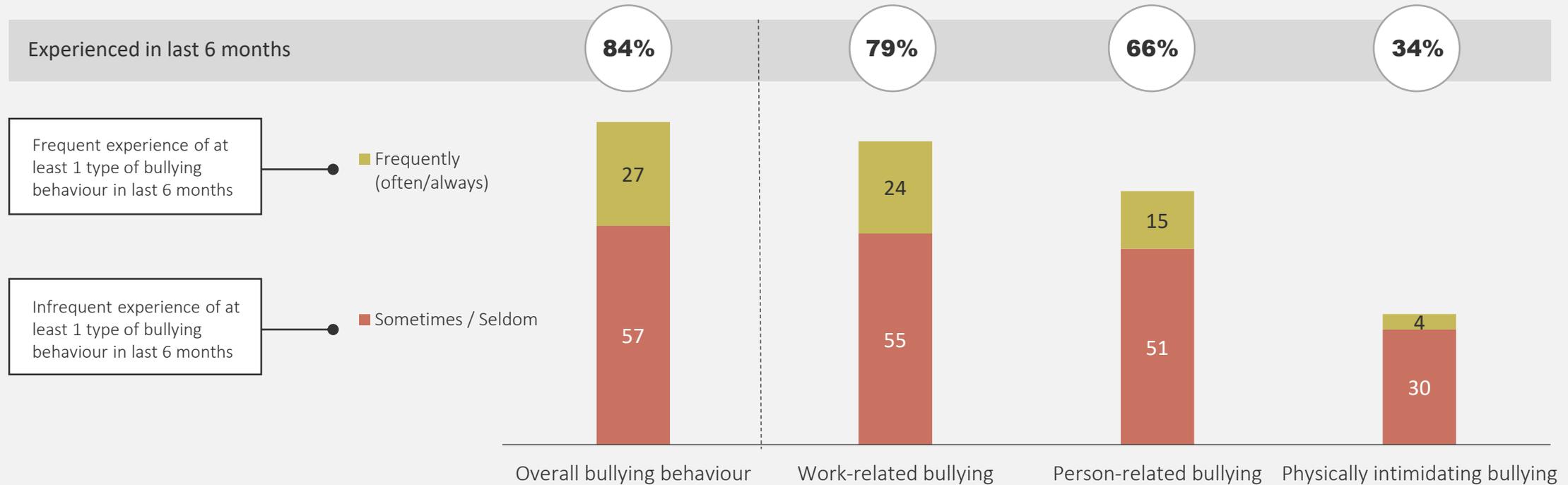
# PREVALENCE OF WORKPLACE BULLYING (NAQ-R DEFINITIONS)

Just over a quarter (27%) of lawyers have experienced at least one of the NAQ-r behaviours frequently in the last six months. Work-related bullying is more common than person-related and physically intimidating bullying in the workplace.



## EXPERIENCE OF BEHAVIOURS THAT CHARACTERISE WORKPLACE BULLYING

(%)



Base: All respondents (3,516)

Q12a Now we have some questions about other types of behaviours in the legal workplace. Thinking back over the past six months, how often have you experienced this during the course of your work?

Q12b And also over the past six months, how often have you experienced this during the course of your work?

Scale = never, seldom, sometimes, often, always.

# SUBGROUP ANALYSIS USING NAQ-r SCORES

Gender, age, and ethnicity all play a role in the prevalence of bullying. Lawyers working in criminal law and family law are also more exposed to workplace bullying.

## NEGATIVE ACTS QUESTIONNAIRE SCORES (NAQ – r)

### Overall workplace bullying

**33.7**

(Possible low of 22 and high of 110)

### Work-related bullying (W)

**12.5**

(Possible low of 7 and high of 35)

### Person-related bullying (P)

**17.4**

(Low of 12 and high of 60)

### Physically intimidating bullying (F)

**3.8**

(Possible low of 3 and high of 15)

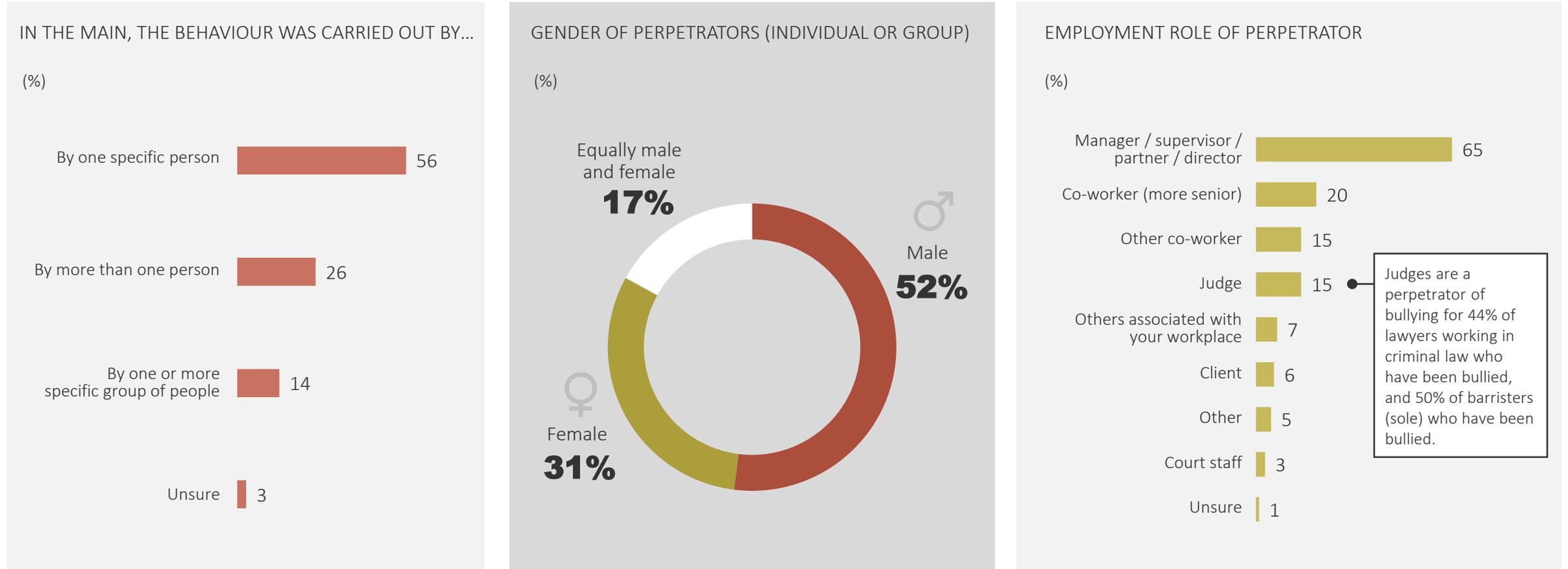
## HIGHER THAN AVERAGE OVERALL NAQ-r SCORES AMONG:

- Women (across all 3 areas: W=13.5, P=18.3, F=4.0)
- Aged under 30 (across all 3 areas: W=14.3, P=18.8, F=4.1)
  - Work-related bullying also more common among those aged 30-39 (W=13.0)
- Māori (across all 3 areas: W=14.2, P=20.0, F=4.5)
- Asian (across all 3 areas: W=13.4, 19.8, F=4.3)
- Pacific (for person-related and physically intimidating bullying (P=20.7, F=4.6))
- Employed in law profession for less than 5 years (across all 3 areas: W=14.2, P=19.0, F=4.0)
  - Work-related bullying also more common among those in industry for 6-10 years (W=13.2)
- Work in criminal law (across all 3 years: W=13.2, P=19.2, F=4.6)
  - Physically intimidating bullying also more common among those who work in family law or Māori/Treaty of Waitangi law (F=4.2)
- Employed in a law firm (across all 3 areas: W=12.6, P=17.5, F=3.8)
  - Work-related bullying also more common among employed barristers and in-house employees (W=13.2)
  - Physically intimidating bullying also more common among sole barristers (F=4.3)

# PERPETRATORS OF BULLYING BEHAVIOUR:

The bullying behaviours were more commonly perpetrated by a specific person (56%) and usually by someone in a senior role in the law practice (65%). Judges are a perpetrator of bullying for around four in ten (44%) criminal law lawyers who have been bullied.

While men are more likely to be perpetrators, nearly half (49%) of bullying cases involve women (either as the sole perpetrator or with others).



Base: Experienced bullying on basis of Employment NZ definition (1,897)

Q14 In the main, was this behaviour being carried out by one specific person, by more than one person, or by specific group(s) of people?

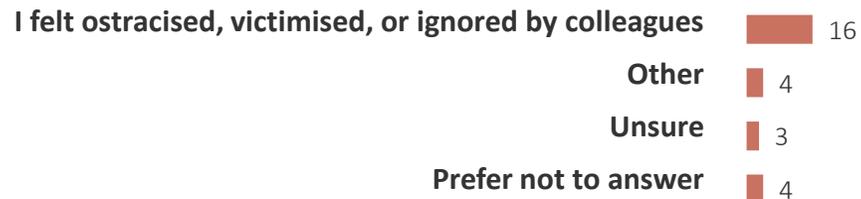
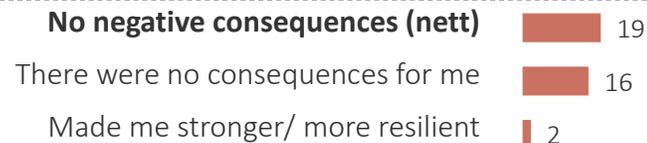
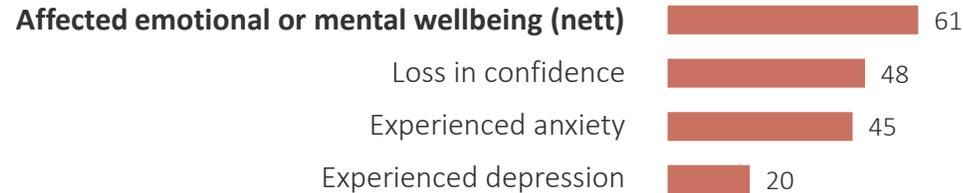
Q15a And was (this person/were the people)...

Q15b (Was this person/were the people) carrying out this bullying behaviour mostly...

# PERSONAL EFFECT OF BULLYING:

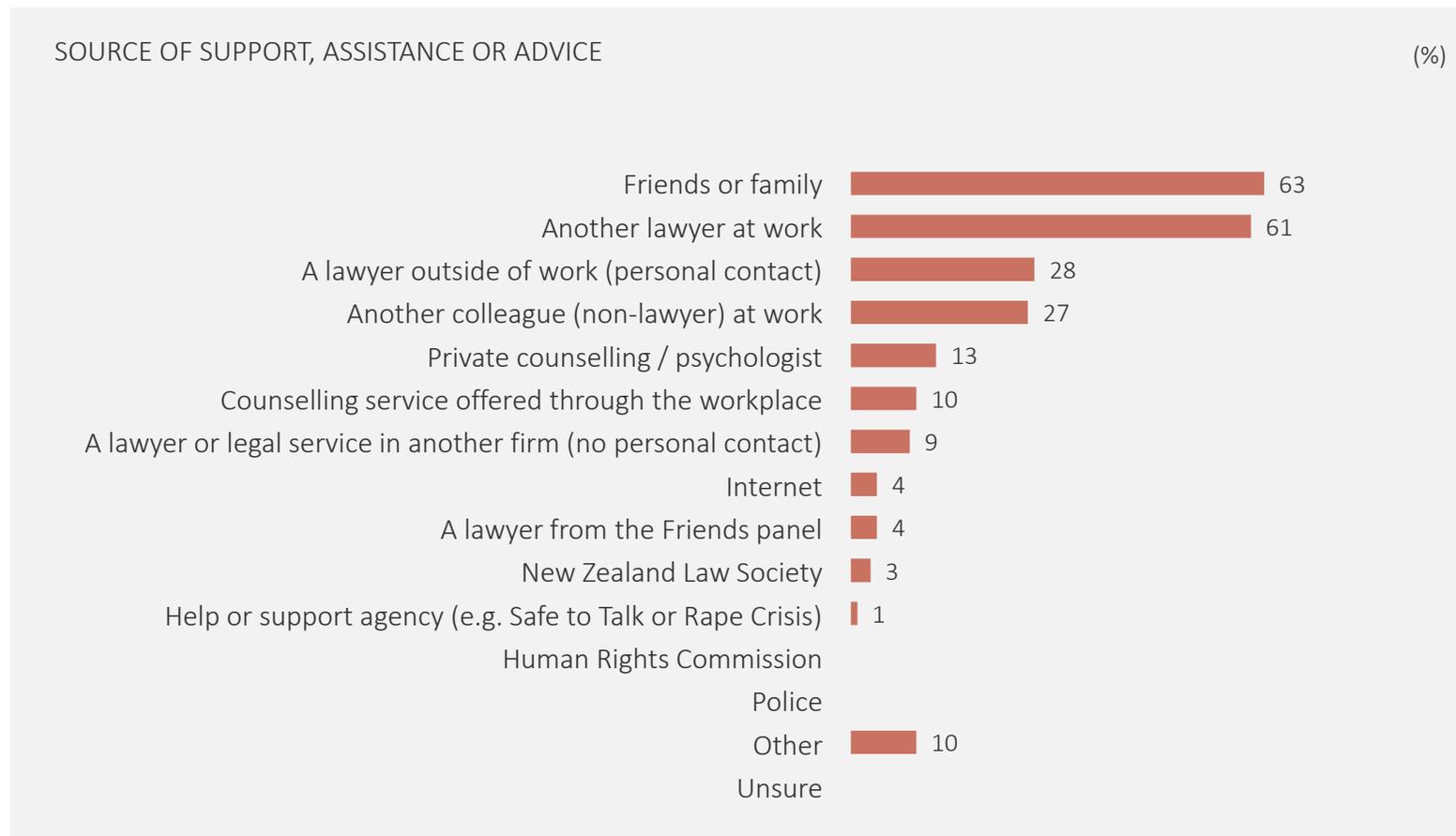
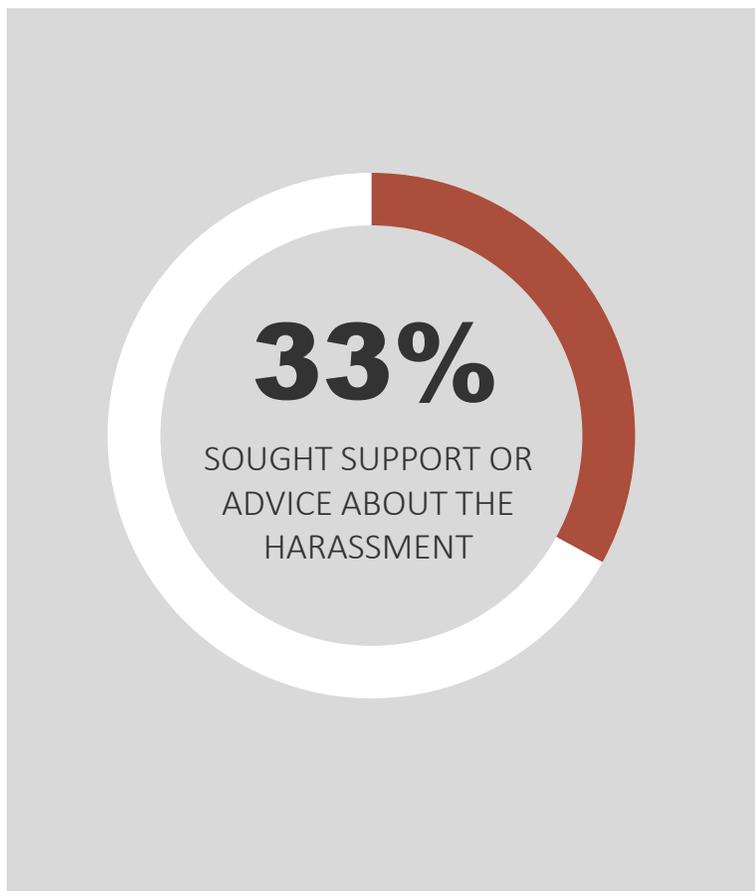
Around six in ten (61%) lawyers who have been bullied on the basis of the Employment NZ definition say the experience affected their emotional or mental wellbeing, and 42% say they resigned from their job or it affected their career prospects.

(%)



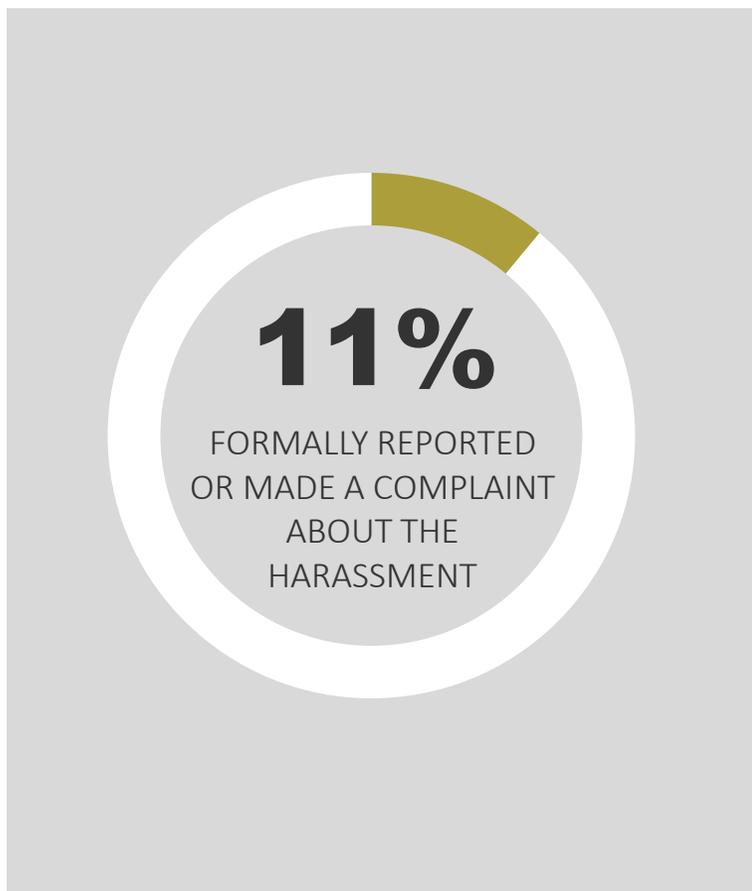
# SUPPORT AND ADVICE:

Of the one third who sought support or advice, most sought this from friends or family or another lawyer at their workplace.



# REPORTING BULLYING BEHAVIOUR:

Only around one in ten (11%) formally reported the incident or made a complaint. Incidents are mainly reported to a senior person at the lawyer's workplace or the HR manager.

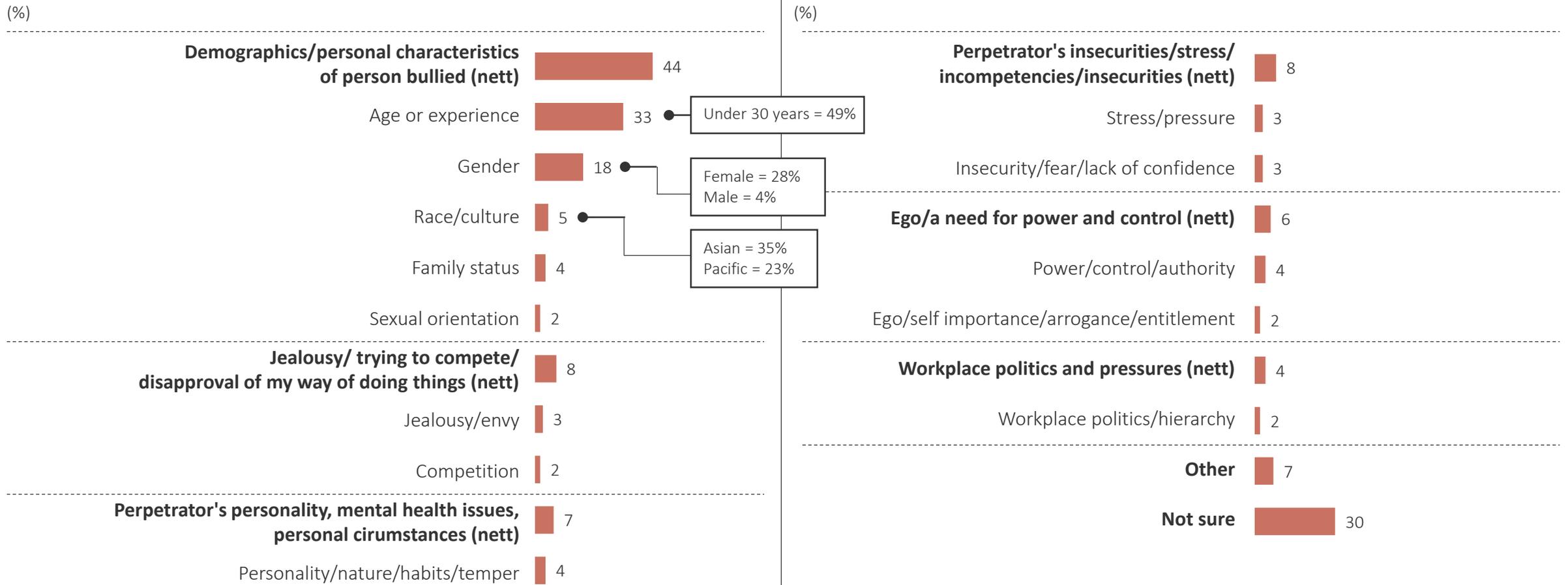


Base: Experienced bullying behaviour on basis of Employment NZ definition (1,897)  
Q15f *Did you formally report or make a complaint about the bullying or harassment to anyone?*

\*Less than 1% reported the incident to the Police  
Base: Formally reported or made a complaint (219)  
Q15g *Who did you formally report the incident to?*

# PERCEIVED MOTIVATION OF BULLYING BEHAVIOUR

Age (33%) and gender (18%) are the most common perceived drivers of bullying behaviour. Among Asian and Pacific targets of bullying, race and culture is considered to be a key motivation for the behaviour (35% and 23% respectively).



Response categories of 1% or less are not shown on the chart but are included in the nett categories where relevant.

Base: Experienced bullying on basis of Employment NZ definition (1,897)  
 Q15c Do you feel the bullying or harassing behaviour (excluding sexual harassment) was motivated by...

# REASONS FOR NOT SEEKING SUPPORT OR MAKING A COMPLAINT

Fear of the consequences (57%) and distrust in the process or outcome (50%) are common barriers to seeking support and/or making a formal complaint.

<b>Fear of consequences (nett)</b>	<b>57%</b>	<b>I dealt with it myself</b>	<b>40%</b>
I was concerned about the impact that reporting the issue would have on my career	44%	<b>I did not think it was serious enough</b>	<b>23%</b>
I was concerned that reporting the issue would make the situation worse	40%	<b>The behaviour stopped and has not recurred/left the company</b>	<b>11%</b>
I felt I would not be believed or supported	21%	Felt embarrassed or ashamed	10%
I was too scared, frightened, or worried	12%	I did not know who to go to or how to report the issue	10%
I did not want to get the offender(s) into trouble	4%	Behaviour normalised/others knew about it/culture of the time	4%
<b>Distrust in process and/or outcome (nett)</b>	<b>50%</b>	Other	3%
I felt it would make no difference	40%	Prefer not to say	3%
I did not think the incident would be kept confidential	20%		
I did not feel the Law Society could resolve the matter	11%		

Response categories of 1% or less are not shown in the table but are included in the nett categories where relevant.

Base: Consists of 1) respondents who either did not seek support, advice, report, or make a complaint and 2) respondents sought support and advice but did report or make a complaint

Q16a If didn't seek support or report the incident: *Why did you not seek support or advice, or report or make a complaint?*

If sought support, but didn't report the incident: *Why did you not report or make a complaint?*

# 5

## RESPONDENT COMMENTS

# RESPONDENTS' FINAL COMMENTS

Respondents were asked for any comments they'd like to make about anything raised in the survey. Below is a summary of the types of comments made.



<b>Characteristics of perpetrators (nett)</b>	<b>9%</b>
Mentions specific events, perpetrators or workplaces	4%
Judges' behaviour needs to be looked at as well	2%
Private practice/larger firms are worse while small firms/government departments aren't as bad	1%
Bullying by clients needs to be addressed as well	1%
Women can be perpetrators too	1%
Racism is an issue which needs to be looked into as well	1%
Bullying or harassment by opposing counsel and across practices	1%
<b>Harassment has been dealt with poorly (nett)</b>	<b>8%</b>
Responses have been unsatisfactory/ no accountability	3%
The harassment/bullying occurred at previous workplaces	3%
Complaints process is awful/ I was discouraged from reporting	2%
Need better management and partnership structures	1%
The offender does this to everyone/ it's widely known they do this	1%
Concern about consequences of complaining (impact on career/social stigma in office etc)	2%
<b>Characteristics of those being harassed (nett)</b>	<b>8%</b>
Offenders are senior, high earners or the people to complain to so get they away with it	3%
Sexism is an issue/ work environment for women is bad/ women are targeted, overlooked or discriminated against	3%
Bullying or harassment is often directed at juniors, paralegals, law clerks, support staff	2%
Incident occurred when I was younger and less experienced	2%

<b>Survey related comments (nett)</b>	<b>8%</b>
Positive comments about the survey/initiative (thank you/glad you're doing this/looking into this etc)	3%
Negative comments on the survey/questions	3%
Time period should be more than the last six months	1%
Survey is overdue and only happening because of the media	1%
<b>Harassment is widespread and a cultural shift needed (nett)</b>	<b>7%</b>
This sort of behaviour is commonplace and comes from power imbalance, cultural issue or old boys club mentality	4%
A massive culture shift is needed/ we need to get rid of perpetrators	2%
Excessive workloads, stress, pressure, with low pay	2%
High stress and tight deadlines are a result of client or court demands	1%
<b>Harassment is not a big issue/legal workplaces no worse than others (nett)</b>	<b>6%</b>
Have had no experiences of harassment or bullying myself	3%
This is an overreaction and tars everyone with the same brush	1%
I don't think it's that bad/ Media is exaggerating the issue	1%
It happens at all workplaces, not just law	1%
I wasn't upset, was a joke and I was able to deal with it myself	1%
It's just the industry we work in/ hard work is expected/ people misconstrue it as bullying	1%

Base: All respondents (3,516)

Source: Q25 'Finally, are there any comments you'd like to make about anything raised in the survey?'

# RESPONDENTS' FINAL COMMENTS

Respondents were asked for any comments they'd like to make about anything raised in the survey. Below is a summary of the types of comments made.



Negative impacts of harassment (nett)	5%
I quit job/ I changed role, office or career as a result of bullying/harassment	2%
Resulted in mental health issues	2%
We're losing good lawyers, young people and women from the profession	2%
I feel upset, angry, humiliated, unsafe and/or trapped	1%
I nearly or have left the profession/my job	1%
I'm well supported at current employer/ incidents are dealt with satisfactorily (nett)	4%
Have witnessed bullying rather than experienced it (nett)	4%
I witnessed the offence/not enough questions about witnessing bullying or harassment	3%
I'm aware of harassment from other people/other offices have it worse	2%
We need changes and support (nett)	3%
We need an independent authority or confidential channel to investigate, regulate, or report occurrences	1%
We need more support systems in place	1%
I hope something is done about this	1%
Other options	3%
No Comment	74%

# APPENDIX: SAMPLE PROFILE (WEIGHTED DATA)

GENDER	
Male	50%
Female	50%
Gender diverse	*

AGE	
Under 25	5%
25-29	16%
30-39	25%
40-49	24%
50-59	17%
60-69	11%
70-79	2%
80 years or over	*
Prefer not to say age	1%

ETHNICITY	
New Zealand European	86%
Māori	6%
Samoan	1%
Cook Island Māori	*
Tongan	*
Niuean	*
Fijian	*
Other Pacific group	*
Any Pacific (nett)	2%
Chinese	2%
Indian	2%
Pakistani	*
Sri Lankan	*
Other Asian group	2%
Any Asian (nett)	6%
Other European group	5%
Another ethnic group	2%
Prefer not to say ethnic group	3%

CURRENT WORKPLACE TYPE	
Law firm – over 20 partners / directors	18%
Law firm – 10 to 19 partners / directors	6%
Law firm – 4 to 9 partners / directors	16%
Law firm – 1 to 3 partners / directors	19%
Sole practice (barrister and solicitor)	5%
1 lawyer only in workplace	*
Barrister sole	5%
Barristers' Chambers	5%
Government department or agency	12%
In-house private entity	8%
Local government	1%
Academic institution	1%
Not for profit	1%
Other type of workplace	1%

CURRENT ROLE	
Employee in law firm	41%
Employee in-house	16%
Partner	16%
Director	6%
In-house lawyer in charge of staff	5%
Barrister sole	9%
Employed barrister	2%
None of the above roles	4%

LENGTH OF TIME IN LAW PROFESSION	
Less than a year	3%
1-2 years	9%
3-5 years	15%
6-10 years	15%
11-19 years	23%
20 years or longer	35%

MAIN LEGAL PRACTICE AREAS (UP TO 3)	
ACC	1%
Administrative	4%
Banking & Finance	5%
Civil Litigation	25%
Company/Commercial	27%
Competition	2%
Construction	4%
Criminal	14%
Employment	12%
Family	14%
Governance	4%
Government/local government	11%
Health	2%
Immigration	2%
Insurance	5%
Intellectual property	4%
Māori/Treaty of Waitangi	2%
Media	1%
Property	25%
Resource management	5%
Tax	3%
Trusts and estates	17%
Unsure of practice areas	1%

GEOGRAPHIC LOCATION	
Auckland	44%
Northland	2%
Bay of Plenty	4%
Canterbury - Westland	11%
Gisborne	*
Hawkes Bay	1%
Manawatu	1%
Marlborough	*
Nelson	2%
Otago	3%
Southland	1%
Taranaki	1%
Waikato	5%
Wellington	22%
Whanganui	*
Other region	1%

\* = % between 0.0 and 0.5

# IMPORTANT INFORMATION

## Research Association NZ Code of Practice

**Colmar Brunton** practitioners are members of the Research Association NZ and are obliged to comply with the Research Association NZ Code of Practice. A copy of the Code is available from the Executive Secretary or the Complaints Officer of the Society.

### Confidentiality

Reports and other records relevant to a Market Research project and provided by the Researcher shall normally be for use solely by the Client and the Client's consultants or advisers.

### Research Information

Article 25 of the Research Association NZ Code states:

- a. The research technique and methods used in a Marketing Research project do not become the property of the Client, who has no exclusive right to their use.
- b. Marketing research proposals, discussion papers and quotations, unless these have been paid for by the client, remain the property of the Researcher.
- c. They must not be disclosed by the Client to any third party, other than to a consultant working for a Client on that project. In particular, they must not be used by the Client to influence proposals or cost quotations from other researchers.

### Publication of a Research Project

Article 31 of the Research Association NZ Code states:

Where a client publishes any of the findings of a research project the client has a responsibility to ensure these are not misleading. The Researcher must be consulted and agree in advance to the form and content for publication. Where this does not happen the Researcher is entitled to:

- a. Refuse permission for their name to be quoted in connection with the published findings
- b. Publish the appropriate details of the project
- c. Correct any misleading aspects of the published presentation of the findings

### Electronic Copies

Electronic copies of reports, presentations, proposals and other documents must not be altered or amended if that document is still identified as a Colmar Brunton document. The authorised original of all electronic copies and hard copies derived from these are to be retained by Colmar Brunton.

Colmar Brunton™ New Zealand is certified to International Standard ISO 20252 (2012). This project will be/has been completed in compliance with this International Standard.

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