

July 31 2021

Sex discrimination complaints in legal profession drop by a third in 2020

Remote working sees complaints drop but firms must exercise vigilance when workers return to offices

The number of sex discrimination and harassment complaints made to the Solicitors Regulation Authority (SRA) fell by a third from 56 in 2019 to 37 in 2020, shows data from Fox & Partners, the employment and partnership law specialists.

Remote working is likely to have contributed to the decline in complaints due to the reduction in face-to-face interaction, both during and outside of working hours, since the first lockdown began.

Fox & Partners says that when workers return to the office, law firms should ensure they have reviewed and updated their policies and codes of conduct to ensure they are clear, remain fit for purpose and are applicable across the board. This will help to minimise the risk of instances of sex discrimination or harassment and ensure any complaints are dealt with properly.

Fox & Partners says some firms have considered implementing strong deterrents in the form of financial penalties for those found to have committed misconduct, for example some firms have voted to implement measures to deduct up to 20% of profit share where there has been misconduct.

Fox & Partners says the starting point for firms must be clear messaging from the most senior levels of the firm about acceptable behaviour, together with fair and consistent processes for investigation, comprehensive policies and relevant training and education.

In July 2021 the Government published its response to a consultation on sexual harassment in the workplace, which explored ways in which employers could protect employees from harassment, such as the introduction of a mandatory duty. It also addressed whether interns are adequately protected under the Equality Act.

Catriona Watt, Partner at Fox & Partners says, "Remote working has undoubtedly led to a decline in complaints for sex discrimination and now firms must adapt once again to bringing colleagues back into the workplace and the resuming of work-related and client events.

"Having relevant, clear and transparent processes and policies in place which have been properly communicated will help to encourage confidence in all concerned that the firm is well equipped to deal with complaints should they arise."

Firms and companies may be jointly liable for incidents of harassment unless they have taken all reasonable steps to prevent it from occurring. If found liable,

employers would have to pay damages, which could even include the victim's loss of future earnings.

The Equality and Human Rights Commission states that companies should adopt anti-harassment policies, a clear procedure for handling complaints and for detecting harassment and provide training on behaviour that may amount to harassment and victimisation. Implementing measures such as these would help to support the employer's defence if the matter was pursued through a court or tribunal.

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Press Contact

Catriona Watt

Partner

Fox & Partners

D: +44 20 7618 2887

M: +44 7912 731 883