

Case studies

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Sexual harassment

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Related guidance

This case study should be read in conjunction with the guidance on the SRA's approach to equality, diversity and inclusion

[<https://www.sra.org.uk/solicitors/guidance/sra-approach-equality-diversity-inclusion/>] .

Background

An employee, B, at a large law firm is upset and confused. They recently returned to work after twelve months maternity leave and had hoped that a particular colleague, C, who has a reputation for making inappropriate sexist comments, had stopped. However, as they get on with their work, they are regularly interrupted by comments from them such as "You must be working part-time, I never see you" and "That baby has done wonders for your figure".

C, who has been recently promoted to partnership at the firm, justifies the behaviour by suggesting it is 'banter'. On one occasion C tries to share pornographic images with B and when they object, lets her know 'it is in his power' to say whatever he wants.

B reports C to HR. The comments have made B feel stressed, anxious and worried and they decide they have had enough.

Once B has complained to HR they notice a flurry of meetings happen around them. The firm speak to C. He says that they were just having a laugh together and that B joined in and participated. The firm accept C's explanation and decide not to investigate further. B is not sure what is happening but the jokes and inappropriate suggestions have stopped.

After a few weeks B is called into a meeting and asked to sign a settlement agreement. They are angry and surprised and not sure what to do but feel pressured into signing.

Our view

In such a situation, we would expect the firm to report this matter to us at an early stage - with a failure to do so breaching our reporting obligations. We

would require the firm to carry out a thorough investigation of such complaints and consider disciplinary action if appropriate.

It is also important to raise awareness of accepted workplace behaviour and conduct more widely within the firm. Doing nothing may expose the firm to a breach of Principle 6 and a breach of their obligation to report concerns under paragraph 3.9 of the Code of Conduct for Firms

[<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/#rule-3>] . In such circumstances we may also refer the firm to the Solicitors Disciplinary Tribunal. C has a similar obligation to report an investigation into his conduct to us.

Further help

If you require further assistance, please contact the Professional Ethics helpline [<https://www.sra.org.uk/home/contact-us/>] .