

CRYING ON THE INSIDE

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One in five people working in law firms in Spain and Portugal know of a colleague who has been bullied or sexually harassed, new research shows – it's time for the profession to do more to address this issue

"I was bullied when I worked at a previous law firm. I was the junior member in a small office abroad and the harasser was the office managing partner. The other people in the office knew what was happening but no one interfered out of fear of retaliation. There was no one I could complain to and, for a whole year, I bore increasing levels of degradation, including comments on my personal life, my personal worth, my professional worth and my lack of professional future unless I delivered myself into the harasser's protection. It came to a point where I seriously considered suicide because it seemed like the least painful way out. When I was sent back to Madrid at the end of the

year, I was pretty damaged."

This is the harrowing story of one woman who suffered at the hands of a bully while working at a law firm. Thankfully, several years have passed since the episode took place, the victim has left the firm in question, while the perpetrator has joined a different firm where he remains a partner to this day. However, prior to the departures of the victim and perpetrator, the firm where the bullying took place conducted an investigation. The victim recalls: "During the investigation, the harasser called me a number of times to threaten, promise, attempt to bribe and attempt to induce pity by reminding me that I was acquainted with his wife and children."

Unfortunately, new research suggests that incidents such as that already described are not uncommon at law firms. A survey conducted by Iberian Lawyer revealed that one in five people (including lawyers and professional support staff) working at law firms in Spain and Portugal know of a colleague who has been bullied, with the same proportion reporting that they know of a colleague who has been sexually harassed. When only responses from female study participants are taken into account, the results are even more alarming – 24 per cent of women respondents said they had been the victim of bullying, with 7 per cent saying they had been the victim of sexual harassment. Meanwhile, a third of female survey participants said they know of a colleague who has been bullied, with 21 per cent being aware of a colleague who has been sexually harassed.

Generally speaking, the perpetrators in bullying and sexual harassment cases tend to have a more senior role within the law firm than the victim. Two-thirds of respondents who said they had experienced, or knew of, such an incident said the perpetrator was a more senior member of the firm. However, one in four said the perpetrator was a colleague of the victim, with 13 per cent saying it was a client. Of course, it's worth pointing out that bullying is not only a problem impacting law firms in Iberia – various studies have shown that nine out of ten lawyers in the UK and the US believe that bullying is a problem in their firm.

One of the key issues is that this is a topic that is often not talked about within law firms. Even the victims themselves frequently have to suffer in silence. Worryingly only just over a half of incidents of bullying and sexual harassment are reported. A total of 54 per cent of respondents to the Iberian Lawyer survey said the incident they had experienced, or were aware of, had been reported to the firm's management. However, one in three survey participants said the incident was not reported to management. A further 13 per cent of respondents said it was a colleague who was the victim and they did not know whether they reported the incident.

When an incident goes unreported, the most common reason is that the victim believes a complaint will have an adverse effect on their career prospects. Half of respondents who said the incident they were aware of went unreported attributed it, in part, to the victim thinking that their career would be jeopardised if they reported the complaint. Meanwhile, 43 per cent of survey participants said the incident was not reported because the victim was too embarrassed. Other common reasons for incidents of bullying and sexual harassment going unreported included: the victim believing the complaint would be ignored (37 per cent); the victim feeling too intimidated to report the incident (34 per cent); it not being clear who the incident should be reported to (34 per cent).

Given the extent of the problem, it comes as no surprise that almost two-thirds (62 per cent) of lawyers and professional support staff working in law firms in Spain and Portugal say their firm's procedures for reporting incidents of bullying and sexual harassment could be improved. A total of 41 per cent of respondents said their firm's procedures for reporting incidents were inadequate. What further steps should law firms be taking to address the issue of bullying and sexual harassment? A total of 42 per cent of the 117 people surveyed said their firm needed to have more clearly defined procedures for reporting incidents of bullying and sexual harassment, while 36 per cent said their firm should be "clearer about what behaviour is unacceptable in the workplace". In addition, a third of respondents said their firm needed to give staff training on how to handle complaints about bullying and sexual harassment, while 14 per cent said their firm needed to "take action against perpetrators". Meanwhile, other recommendations made by study participants

included firms taking complaints about bullying and sexual harassment more seriously (9 per cent) and treating complaints more sensitively (6 per cent).

Young lawyers vulnerable

It's clear that law firms need to take action on this issue. Only a third of those surveyed said their firm's current bullying and sexual harassment policies were sufficient. If the problem is not tackled properly, law firms can lose lawyers due to physical and mental exhaustion induced by stress. As one respondent commented: "Young lawyers are very vulnerable to bullying because the authority seniors and partners have over them extends over their whole day and they live their lives in a very closed environment. If firms are not careful to weed out bullies, they can lose many lawyers to induced burnout." However, there are some doubts about whether law firms care about this problem. "Unfortunately, many firms consider this to be an acceptable risk and prefer to back the bully rather than the victims if the bully generates sufficient business."

Some would argue that there are bound to be tensions in such a tough working environment. As one managing partner says: "It is no secret that we work under extreme pressure, often giving very direct feedback – I can see that the new generation find that very hard sometimes."

The presence of bullies within a law firm can ultimately end up costing the organisation financially. Ann Collier, executive coach at Sherwood PSF Consulting, and former head of learning and development at Baker McKenzie, says: "It can impact on the firm's reputation in the market and it can become difficult to recruit if your alumni are not positive advocates of the firm." In such instances, if a recruitment process becomes excessively long, it also becomes more expensive for the firm, Collier adds. Meanwhile, the other costs of bullying include losing talented people as well as having staff on sick leave due to stress. "Law firms may not know this is going on, they need to start a dialogue about this and have a discussion with the management committee, it shouldn't be swept under the carpet," Collier says. "The individual [responsible for the bullying] may not be aware of how their behaviour is perceived - the law is a highly-stressful profession and some people don't manage stress very well."

“The senior people have little respect for women and some often humiliate their younger co-workers”

As part of its research into bullying and sexual harassment at law firms in Spain and Portugal, *Iberian Lawyer* asked study participants to recount their experiences. Here are a selection of the responses we received:

“During an off-site practice group meeting a male associate assaulted a female associate at a hotel. The associate who committed the assault was fired.” **Male respondent, Spain**

“Some years ago, a friend working at another office (while still a trainee) was sexually harassed by one of the senior partners. Eventually she left the office.” **Female respondent, Portugal**

“There is a partner in my firm who makes sexual jokes at internal firm events/dinners, the aim of which is to discomfort young women. It includes asking at what age people at the table lost their virginity. Older people and mainly heterosexual males will know how to handle the situation or may think to a certain extent it is amusing. However, young women who have only recently joined the firm may feel extremely uncomfortable and have to consider how their reply might affect their prospects in the firm. This has happened on a number of occasions. I had this partner come to personally apologise to me for his question (asked at my table), once he learned that I am an openly gay man.” **Male respondent, Spain**

“In one of the major law firms, a partner was dismissed for sexually harassing a female associate.” **Male respondent, Portugal**

“I know a case of a salary partner that was forced to leave the firm before the end of the contractually agreed term, during which the firm was obliged to keep him in employment. After several attempts to make him leave the firm, his salary was cut by 50 per cent.” **Male respondent, Spain**

“The senior workers and the bosses have little respect for women, caring only about the physical aspects and being misogynistic. Also, some older workers often humiliate the younger co-workers because they are young and don’t know as much as senior lawyers. Some lawyers don’t respect the work of the support departments, like the administrative, marketing and financial departments. Their work is often ignored and ridiculed.” **Female respondent, Portugal**

“I think of bullying in the sense of being overloaded with work – with a lack of payment for extra-hours (spent at nights, weekends, and during holidays); lack of labour contract; pressure to avoid taking holidays, pressure to change already planned holidays; interruption of holidays; lack of adequate promotion; non-recognition of professional capacities and success; and forced to avoid having direct contact with certain clients.” **Female respondent, Spain**

“Two more junior female colleagues were harassed by more senior male colleagues. Improper comments, jokes mostly.” **Male respondent, Portugal**