

Report of the Standing Committee on Equality and Diversity (SCED) 2020

In the third year of its establishment, the SCED's working groups focused on a number of issues.

Survey on the Sexual Harassment at the Hong Kong Bar

1. With the approval of Bar Council, the SCED conducted a survey on the Sexual Harassment at the Hong Kong Bar (the "Survey"). The Survey is the first time that the HKBA / SCED and the Bar have ever conducted a general study on the matter of sexual harassment.
2. The SCED aimed through the exercise to provide objective and reliable data on sexual harassment at the Hong Kong Bar, such information having previously been unavailable, so as to raise awareness about the nature, extent and impact of the problem.
3. The Survey was open for answer from 12 November 2019 by all members of the Hong Kong Bar. Conducted by an online questionnaire, the Survey contained 57 questions on, for example, the background, personal experiences of sexual harassment at workplace, witnessing sexual harassment at workplace, and receiving complaints about sexual harassment at workplace.
4. In the event, 21 responses were received.
5. The responses to the Circular were summarised and published in Circular number 008/2021.
6. While the Survey itself does not operate as a complaint mechanism, the results are alarming. The serious issue of sexual harassment is still ongoing with a considerable proportion of cases occurring within the past 5 years. Moreover, most cases were never reported for reasons including fear of repercussions.
7. Clearly, change is needed. The SCED will be following up on the Survey as proposed below in paragraph 12.

Webinars on Sexual Harassment in the Legal Profession

8. In addition, the sexual harassment working group organised two webinars this year. The first webinar entitled "*Sexual Harassment in Workplaces and the Legal Profession – A Global View and Local Perspective*" was scheduled on 16 October 2020. The webinar covered the International Bar Association's ("IBA") report "*Us Too? Bullying and Sexual Harassment in the Legal Profession*", which was devised based on data collected from around 7,000 surveyed legal professionals from 135 countries with respondents from across the legal spectrum, including barristers, government and the judiciary.
9. Kieran Pender from the IBA was originally scheduled to present the findings and recommendations from the report on 10 June 2019 in Hong Kong, but due to disruptions caused by social events, the seminar was cancelled.

10. The second webinar entitled “*Sexual Harassment in Workplaces and the Legal Profession – A Global View and Local Perspective (2)*” was scheduled on 8 December 2020. Ms Mia Pantechis from Maurice Blackburn’s law firm in Sydney was invited along with Ms. Rita Chow and Mr. Aaron Chan from DLA Piper in Hong Kong to share their experience in dealing with sexual harassment cases.
11. Mia Pantechis focused on Australia’s experience in dealing with sexual harassment in workplaces and in the legal profession. Rita Chow and Aaron Chan focused on the Rainlily Legal Clinic, which was set up in partnership with the NGO Rainlily to assist victims of sexual violence and sexual discrimination.
12. There is much work in this subject matter for the Bar to follow up in coming years. In particular, there should be policy discussions to start with and consideration as to the actions to be taken to eliminate workplace sexual harassment from our profession.

Pioneers Project

13. With the endorsement of the Bar Council, the SCED set up the Pioneers’ Project, which would be in the form of a series of webpages to recognise pioneering events which contributed to the diversity of our branch of the legal profession and helped to raise its profile. The purpose of the Pioneers’ Project is to highlight events and achievements including significant “firsts” in the course of the development of the local Bar. The SCED is now in the course of compiling the content of the webpages, which would be contributed by various writers including members of the Bar. The SCED will continue with the project in the coming years.

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Yuen, Victor Y.C.
Wong, Yuen Pui Christy
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Gladys Li, SC
Chairman
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