

What is the ruin of a person's
quality of life worth?



In the recent Full Federal Court decision in *Hughes Lawyers v Hill*, Perram J confirmed an award of \$120,000 for general damages for sexual harassment, after asking the rhetorical question “what is the ruin of a person’s quality of life worth?”

This case continues a trend in the courts of making significant awards of general damages in sexual harassment claims, emphasising the growing recognition that sexual misconduct in the workplace is a very serious and damaging issue.

Allegations of sexual harassment in the legal profession have garnered considerable media attention in recent months, with the Australian legal profession reporting the highest rate of sexual harassment and bullying worldwide, according to a recent survey by the International Bar Association.

In the *Hughes v Hill* case, Mr Hughes employed Ms Hill, a paralegal, in his firm on the NSW North Coast. He began sending unsolicited emails to her in which he professed his love and offered a romantic relationship. While they were on a work trip to Sydney, he went into her room and waited for her wearing only his underwear and refused to leave until she gave him a hug. When his advances were not reciprocated, Mr Hughes made thinly veiled threats that Ms Hill’s employment was contingent on becoming involved in a romantic relationship.

The court found that Ms Hill had suffered considerable stress, anxiety and unhappiness as a result of her treatment at work. As well as the general damages of \$120,000, the Full Federal Court also confirmed an award of \$50,000 in aggravated damages. The aggravated damages resulted from the employer’s conduct during the trial, which included divulging confidential personal information regarding family law proceedings in which Mr Hughes had acted for Ms Hill, in breach of his ethical duties.

Employment claims can be expensive for law practices, but they can also cause irreversible damage to a firm’s reputation, particularly in small communities.

Preventing claims by encouraging a strong workplace culture is good business practice.

Practice tips:

- ▼ Set the tone from the top. Law practices should have a zero tolerance policy for inappropriate behaviour in the workplace

- ▼ Spend time developing clear HR policies which include sections on bullying, workplace harassment and discrimination
- ▼ Develop a robust complaints process and ensure staff understand how to raise concerns. Always investigate complaints – even informal comments can be viewed by the court as workplace complaints

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