

#METOO MUST NOT LEAVE ANYONE BEHIND

Tiana Epati*

“The experiences of Māori women lawyers may have been that they are invisible or made invisible in the mainstream.”¹ That quote came from the “State of the Nation – Tauākī o te Motu” conversations in issue two of this Journal in 2018. It came out just after I had been appointed President elect of the New Zealand Law Society.

The article by Bernadette Arapere and Kate Tarawhiti titled: “Me aro koe ki te hā o Hineahuone – Pay heed to the mana and dignity of Māori women” was one which gave me pause for deep thought and ultimately became one of the foundation drivers for much of my work on change in the legal profession.

By the time I became President in 2019, the #MeToo issues and the Russell McVeagh allegations had put our profession under intense scrutiny. Those revelations were quickly framed as violence against women, particularly young women in large law firms. I said at the time that view was too narrow.

The Law Society’s comprehensive survey of lawyers in 2018 revealed some stark truths about bullying, sexual harassment, sexual assault and racism.² This included that Māori and Pasifika lawyers, and Asian ethnic minorities, are being subject to bullying, sexual violence and harassment at alarming rates.

Yet, even as the Law Society raced to deal with the revelations from Russell McVeagh, we left out those most affected by bullying and harassment.

There was a flurry of initiatives; including a working group of experts to review the complaints process, a Taskforce Committee, free webinars with senior lawyers on sexual harassment and refreshing the Friends Panel. But we didn’t include Te Hunga Roia Maori or the Pacific Island Lawyers Association

* Tiana Epati is the President of the New Zealand Law Society (April 2019 to April 2022). She is the fourth female President, and the first of Pasifika descent. Tiana is based in Tūranganui-a-Kiwa where she is a criminal defence lawyer at Rishworth Wall & Mathieson.

1 Kate Tarawhiti and Bernadette Arapere “Me aro koe ki te hā o Hineahuone – Pay heed to the mana and dignity of Māori women” in Bridget Sinclair, Bernadette Arapere, Kate Tarawhiti, Monique van Alphen and Indiana Shewen “State of the Nation – Tauākī o te Motu” [2018] NZWLJ 18 at 25.

2 “The 2018 Legal Workplace Environment Survey” (29 June 2018) New Zealand Law Society <www.lawsociety.org.nz>.

at the outset. We didn't ensure they had a seat at the table so their voices were not only heard, but validated and given their rightful place in plotting the way forward.

I will never diminish the bravery of the four young women who spoke out in 2018. Undoubtedly the role their courage played as a catalyst for massive change cannot be underestimated. But given the survey told us that ethnicity and practice area³ plays a material part in the prevalence of both sexual harassment and bullying, we cannot just deal with gender on its own.

We must have the same conversations about racism and bullying, about our lawyers with disabilities, about our brothers and sisters in the LGBTQIA communities to ensure they are safe and can thrive in the profession.

#MeToo must not leave anyone behind.

As I have said previously, this is not a competition as to who is the "victim". In fact, I really don't like the labels. Like everyone in the profession, I too am a work in progress. But it is not lost on me that as my term as President of the Law Society draws to a close, I am again writing about these same issues.

Everything needs to be out in the open and dealt with, with the same courage as the four young women who spoke up four years ago. They proved that when we tell our stories—our very human stories—we can create change. We must not let the shutters go down or the curtain be drawn again on our newfound collective consciousness to talk about, and call out, bad behaviour.

My challenge to the profession is do not let anyone be invisible anymore.

3 "The areas people work in also influenced the extent of harassment reported by women lawyers, with higher than the average (17 per cent) being experienced by women lawyers working in criminal law (30 per cent), tax (23 per cent), immigration (22 per cent) and civil litigation (21 per cent)". Report of the NZLS Working Group 2018, at page 29.