

# LAWYERS MISGUIDED ATTEMPT AT OFFICE ROMANCE GOES AWRY RESULTING IN DAMAGES OF \$170,000

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A sole practitioner lawyer, Mr Hughes, sought to woo a paralegal he employed, Ms Hill. Mr Hughes was under the delusion he was in love with Ms Hill and on this basis maintained his conduct was not sexual harassment. The Court disagreed finding for Ms Hill and awarding her damages.

## In Issue

- Whether the alleged conduct took place?
- If so, whether such conduct was sexual in nature?
- What scale of damages which should be ordered?

## THE BACKGROUND

Ms Hill was a woman with two children who had recently become admitted as a legal practitioner in the State of New South Wales. Because of her family commitments, she needed to find work in the northern rivers region. The Respondent, Mr Hughes employed her in June 2015 as a paralegal while she was undergoing family court mediation. Within weeks of commencing her employment, Mr Hughes offered to represent the Applicant.

Ms Hill disclosed many aspects of her personal life to Mr Hughes, including the circumstances of her past relationships because of his role as her "legal representative".

However, in Mr Hughes' mind this formed a sense of intimacy and trust in him which fuelled his attraction and blurred his objectivity. Mr Hughes began a four-month string of inappropriate and unreciprocated emails to Ms Hill. Also contained in those emails were veiled threats that Ms Hill's employment depended upon her entering into a sexual, or romantic relationship with Mr Hughes. Ms Hill asked Mr Hughes to stop multiple times.

On one occasion Mr Hughes waited in his underwear on a bed in Ms Hill's room during a work trip.

Ms Hill commenced proceedings for sexual harassment.

## THE DECISION AT TRIAL

The issue in this case was whether Mr Hughes' conduct amounted to sexual harassment.

The Court found, unequivocally, that the conduct of Mr Hughes was the very conduct that the law governing sexual harassment seeks to eliminate.

The Court found that Mr Hughes' behaviour "direct hostility at a woman who was socially and individually vulnerable".

Further it was relevant Mr Hughes "uses an 'x' to denote a kiss and an 'o' to denote a hug at the end of most of the emails and frequently concludes with 'Love Owen'".

Mr Hughes attempted to blame Ms Hill describing her as flirty and coquettish. He described a number of occasions that Ms Hill wore alluring dresses to the office. These claims were described by counsel for Ms Hill as "slut shaming". Judge Vasta concluded "I would not use that term but could only describe those claims as utterly outrageous."

Further, "It is a mark of a bygone era where women, by their mere presence, were responsible for the reprehensible behaviour of men. The Sex Discrimination Act was enacted to help eliminate this sort of thinking."

The Court ordered that Mr Hughes pay to Ms Hill damages in the sum of \$170,000 by way of compensation for loss and damage suffered because of the conduct.

## IMPLICATIONS FOR YOU

The case serves as a reminder that the Courts are taking sexual harassment claims seriously and with those matters that proceed to hearing are willing to make strong comments regarding poor behaviour.

While Mr Hughes believed he was in love with Ms Hill and as such his conduct was not sexually harassing, the conduct was sexual in nature and it was unwelcome.

Employers need to be mindful of their policies and procedures and engage in training of staff to reduce the risk of such behaviour occurring and a claim arising.

[Hill v Hughes \[2019\] FCCA 1267](#)

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