



POLICY

POLICY AGAINST BULLYING

The Victorian Bar is committed to providing a working environment where barristers and those engaging with barristers can conduct themselves free from bullying behaviours. The principles of justice, integrity, equity and the pursuit of excellence upon which the Bar is founded demand respectful behaviour by members of the Bar.

OBJECTIVES OF THE POLICY

This policy has the following objectives:

- creating a work and business environment free from bullying behaviours;
- encouraging an environment throughout the Victorian Bar where individuals are treated with courtesy, respect and dignity;
- treating complaints made in good faith about bullying in a manner that is, to the extent possible, confidential, timely, fair and with protection from reprisal;
- implementing training and awareness of behaviours that constitute bullying and that may breach barristers' good conduct rules;
- encouraging reports of bullying behaviour;
- promoting appropriate standards of conduct at all times.

DEFINITION

For the purposes of this policy, bullying means unreasonable behaviour that could reasonably be expected to intimidate, degrade, humiliate, isolate, alienate, or cause serious offence to a person working in a workplace.



Bullying behaviour can occur in a range of ways, and might include oral or physical conduct, or conduct by written means (including by email, blogs and social media).

BULLYING BY BARRISTERS

The Bar is committed to ensuring that persons who, in good faith, make complaints or reports of bullying by barristers will not be subjected to any detriment as a result of doing so.

Formal Complaints

The Legal Profession Uniform Conduct (Barristers) Rules 2015 (**Rules**) provide that a Barrister must not engage in workplace bullying in the course of practice (rule 123(c)).

The mechanisms available for formal complaints concerning breaches of the Rules are described in the Ethics and Complaints section of the [Victorian Bar website](#).

Formal complaints of bullying by barristers may also be made in some circumstances to the [Australian Human Rights Commission](#), the [Victorian Equal Opportunity and Human Rights Commission](#) and [WorkSafe Victoria](#).

Victorian Bar Internal Grievance Processes

Occurrences of bullying by barristers may also be handled through the internal grievance processes of the Victorian Bar, by:

- making a complaint of bullying seeking investigation and response (**Complaint**); or
- reporting an occurrence of bullying experienced or witnessed for the purpose of improving the implementation of training and awareness objectives of this policy (**Report**).

Complaints and **Reports** are both treated confidentially.



A **Complaint** of bullying by a barrister will be investigated and may be independently conciliated, where possible, to a mutually agreed outcome. Any contact with the person about whom the Complaint is made will be discussed with the complainant prior to contact being made. After discussion with the complainant, Complaints may in some circumstances be referred to the Legal Services Commission or the Victorian Bar Ethics Committee.

A **Report** of bullying behaviour by a barrister will be anonymised and used for reporting purposes, including to the Bar Council, and to better inform training and awareness needs and initiatives of the Bar. Reports will not be investigated and will not seek or record information identifying the person about whose conduct the Report is made. The identity of persons making reports will not be disseminated or publicised in the statistical reporting that is made to Bar Council or in any other way.

A Complaint or Report may be made:

- by contacting a [Victorian Bar Conciliator](#); or
- via the [Victorian Bar website](#).

Victorian Bar Conciliators have been trained in the conciliation of complaints about bullying and are familiar with the range of options which are available to complainants. Contact details for Victorian Bar Conciliators are listed on the [Victorian Bar website](#).

BULLYING BY JUDICIAL OFFICERS

Complaints of bullying by judicial officers may be raised with the [Judicial Commission of Victoria](#), or with the President of the Victorian Bar. Further information is available on the [Victorian Bar website](#).



OTHER BULLYING

Bullying by persons other than barristers and conduct by barristers that is not bullying within the meaning of this policy because it has not occurred in the course of work in a workplace is not the subject of this policy.