



POLICY

POLICY AGAINST DISCRIMINATION

The Victorian Bar is committed to providing a working environment where barristers and those engaging with barristers can conduct themselves free from discrimination. The principles of justice, integrity, equity and the pursuit of excellence upon which the Bar is founded demands 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 discriminatory behaviours;
- encouraging an environment throughout the Victorian Bar where individuals are treated with courtesy, respect and dignity;
- treating complaints made in good faith about discrimination 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 discrimination and that may breach barristers' good conduct rules;
- encouraging reports of discriminatory behaviours;
- promoting appropriate standards of conduct at all times.

DEFINITION

The Victorian Bar does not condone direct or indirect discrimination. For the purposes of this policy, direct discrimination occurs where a person treats, or proposes to treat, another person unfavourably because they have an attribute falling within s 6 of the *Equal Opportunity Act 2010* (Vic). Indirect discrimination occurs where a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging



persons with an attribute falling within s 6 of the *Equal Opportunity Act 2010* (Vic), and that is not reasonable.

The following are (non-exhaustive) attributes or personal characteristics by reason of which a person may be subject to discrimination: age, breastfeeding, disability, employment activity, gender identity, industrial activity, marital status, parental or carer status, political beliefs, pregnancy, race, religious belief, sexual orientation.

Victorian and federal legislation make discrimination unlawful in any work related context. They apply during all aspects of advice and advocacy work of barristers and during all professional engagements including those of an educative or social nature whether formal or informal.

DISCRIMINATION BY BARRISTERS

The Bar is committed to ensuring that persons who, in good faith, make complaints or reports of discrimination 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 discrimination in the course of legal practice (rule 123(a)).

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 discrimination 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 Process



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

- making a complaint of discrimination seeking investigation and response (**Complaint**); or
- reporting an occurrence of discrimination 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 discrimination 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 discrimination 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 discrimination and are familiar with the range of options which are available to complainants. Contact details for the Victorian Bar Conciliators are listed on the [Victorian Bar website](#).

DISCRIMINATION BY JUDICIAL OFFICERS

Complaints of discrimination 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 DISCRIMINATION

Discrimination by persons other than barristers and conduct by barristers that is not discrimination within the meaning of this policy because it has not occurred in a work-related context is not the subject of this policy.