



POLICY

POLICY AGAINST SEXUAL HARASSMENT

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

OBJECTIVES OF THE POLICY

This policy has the following objectives:

- creating a work and business environment free from sexual harassment;
- encouraging an environment throughout the Victorian Bar where individuals are treated with courtesy, respect and dignity;
- treating complaints made in good faith about sexual harassment 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 sexual harassment and that may breach barristers' good conduct rules;
- encouraging reports of sexual harassment behaviour;
- promoting appropriate standards of conduct at all times.

DEFINITION

For the purposes of this policy, sexual harassment is when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person or engages in other unwelcome conduct of a sexual nature in relation to another



in circumstances where a reasonable person would have anticipated that the person would be offended, humiliated or intimidated.

Sexual harassment may take many forms. It is not limited to physical contact or gestures. It may take the form of casual comments, jokes, emails, distribution of other electronic material, display of printed material, or repeated or persistent personal questioning. The intention behind the person's behaviour is not relevant.

Interactions that are consensual, welcome and reciprocated are not behaviour that is sexual harassment.

Sexual harassment is unlawful in any workplace.

Victorian and Federal legislation make sexual harassment 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.

SEXUAL HARASSMENT BY BARRISTERS

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

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 sexual harassment 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 sexual harassment may also be handled through the internal grievance processes of the Victorian Bar, by:

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

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

A **Complaint** of sexual harassment 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 sexual harassment 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 sexual harassment 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](#).

SEXUAL HARASSMENT BY JUDICIAL OFFICERS

Complaints of sexual harassment 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 SEXUAL HARASSMENT

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