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# Asian Australian Lawyers Association

## Sexual Harassment Policy

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### 1. Scope

1.1. This policy applies to:

- 1.1.1. AALA Executive and Branch Committee Members and ordinary Members;
- 1.1.2. how AALA provides services to its Members and how it interacts with other members of the public;
- 1.1.3. AALA related events, social functions, conferences or wherever and whenever Members may be as a result of their AALA duties or participation in AALA; and
- 1.1.4. all aspects of AALA recruitment and selection, task allocation, workload, equipment, transport and other activities carried out within AALA.

### 2. Aims

- 2.1. AALA is committed to providing a cohesive professional network to advocate for, and provide support to, its Members and to benefit from shared learning and experience.
- 2.2. AALA is dedicated to providing a safe and respectful environment for its Members and the general public free from all forms of sexual harassment.
- 2.3. All AALA Members and the general public with whom we engage are required to treat others with dignity, courtesy, and respect.
- 2.4. AALA will operate a zero-tolerance policy for any form of sexual harassment in the organisation, treat all incidents seriously and promptly investigate all allegations of sexual harassment.
- 2.5. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

### 3. Member rights and responsibilities

3.1. All Members are entitled to:

- 3.1.1. be a part of an organisation free from sexual harassment; and
- 3.1.2. the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.

3.2. All Members must:

- 3.2.1. follow the standards of behaviour outlined in this Policy;
- 3.2.2. offer support to people who experience sexual harassment within AALA, including providing information about how to make a complaint;

3.2.3. avoid gossip and respect the confidentiality of complaint resolution procedures;  
and

3.2.4. treat everyone with dignity, courtesy, and respect.

#### **4. Additional responsibilities of AALA Executive and Branch Committee Members**

4.1. AALA Executive and Branch Committee Members must also:

4.1.1. model appropriate standards of behaviour;

4.1.2. take steps to educate and make members aware of their obligations under this Policy and the law;

4.1.3. respond quickly and appropriately when they become aware of inappropriate behaviour;

4.1.4. act fairly to resolve issues and enforce behavioural standards, making sure relevant parties are heard;

4.1.5. help Members resolve complaints via the procedures outlined in this Policy and under the AALA Constitution;

4.1.6. refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation; and

4.1.7. ensure Members who raise an issue or make a complaint are not victimised.

#### **5. Sexual Harassment**

5.1. Sexual harassment is unacceptable at AALA and is unlawful, including under the following legislation:

5.1.1. *Discrimination Act 1991* (ACT);

5.1.2. *Sex Discrimination Act 1984* (Cth);

5.1.3. *Anti-Discrimination Act 1977* (NSW);

5.1.4. *Anti-Discrimination Act 1992* (NT);

5.1.5. *Anti-Discrimination Act 1991* (Qld);

5.1.6. *Equal Opportunity Act 1984* (SA);

5.1.7. *Sex Discrimination Act 1994* (Tas);

5.1.8. *Equal Opportunity Act 2010* (Vic);

5.1.9. *Equal Opportunity Act 1984* (WA).

5.2. Any person found to have engaged in such conduct might be counselled, warned or disciplined under this Policy and the AALA Constitution.

5.3. Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended,

humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- 5.3.1. comments about a person's private life or the way they look;
  - 5.3.2. sexually suggestive behaviour, such as leering or staring;
  - 5.3.3. brushing up against someone, touching, fondling or hugging;
  - 5.3.4. sexually suggestive comments or jokes;
  - 5.3.5. displaying offensive screen savers, photos, calendars or objects;
  - 5.3.6. repeated unwanted requests to go out;
  - 5.3.7. requests for sex;
  - 5.3.8. sexually explicit posts on social networking sites;
  - 5.3.9. insults or taunts of a sexual nature;
  - 5.3.10. intrusive questions or statements about a person's private life;
  - 5.3.11. sending sexually explicit emails or text messages;
  - 5.3.12. inappropriate advances on social networking sites;
  - 5.3.13. accessing sexually explicit internet sites; and
  - 5.3.14. behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
- 5.4. Under legislation, sexual harassment is deemed to occur in circumstances where the conduct is unwelcome and where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
- 5.5. A single incident is enough to constitute sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.
- 5.6. Just because someone does not object to inappropriate behaviour at the time, it does not mean that they are consenting to the behaviour.

## **6. Resolving issues at AALA**

- 6.1. AALA strongly encourages any person who believes they have been sexually harassed to make a complaint (which the complainant may make on a confidential basis if the complainant chooses to do so) to:
  - 6.1.1. the AALA National Discipline and Grievance Officer; or
  - 6.1.2. the AALA Deputy National Discipline and Grievance Officer; or
  - 6.1.3. the National President; or

- 6.1.4. the National Vice President; or
  - 6.1.5. the National Secretary; or
  - 6.1.6. the National Treasurer; or
  - 6.1.7. a Branch President; or
  - 6.1.8. a Branch Secretary.
- 6.2. AALA also strongly encourages any person who believes they have been sexually harassed to consider their legal rights.
- 6.3. Subject to cl 6.5, the AALA Executive Committee must by Ordinary Resolution appoint for the duration of its term:
- 6.3.1. a member of the Executive Committee to be the AALA National Discipline and Grievance Officer, who will serve as the Convenor of the AALA National Disciplinary Subcommittee as it sits from time to time; and
  - 6.3.2. another member of the Executive Committee to be the AALA Deputy National Discipline and Grievance Officer, who will serve as the Deputy Convenor of the AALA National Disciplinary Subcommittee as it sits from time.
- 6.4. Subject to cl 6.5, the AALA Executive Committee may appoint by Ordinary Resolution another member of the Executive Committee to act in the position of the AALA National Discipline and Grievance Officer or the AALA Deputy National Discipline and Grievance Officer if the Executive Committee considers the circumstances require.
- 6.5. The AALA National Discipline and Grievance Officer and AALA Deputy National Discipline and Grievance Officer must be of different genders.
- 6.6. The AALA National Technology Officer must create the following e-mail addresses:
- 6.6.1. For the AALA National Discipline and Grievance Officer:  
[disciplineandgrievance1@aala.org.au](mailto:disciplineandgrievance1@aala.org.au); and
  - 6.6.2. For the AALA Deputy National Discipline and Grievance Officer:  
[disciplineandgrievance2@aala.org.au](mailto:disciplineandgrievance2@aala.org.au).
- 6.7. A person who receives a complaint (**the notifier**) from a person in accordance with cl 6.1 (**the complainant**) must notify the AALA Executive Committee as soon as possible and must do so in a manner that maintains any confidentiality requested by the complainant.
- 6.8. As soon as possible after the notifier notifies the AALA Executive Committee of the complaint in accordance with cl 6.7, the Executive Committee must meet to decide by Ordinary Resolution on the appropriate course of action, which may include:
- 6.8.1. instigating disciplinary action against the relevant person in accordance with Part 3 Division 2 of the AALA Constitution;

6.8.2. instigating the grievance procedure in relation to the relevant person in accordance with Part 3 Division 3 of the AALA Constitution;<sup>1</sup>

6.8.3. enforcing any duty or power under the AALA Constitution;

6.8.4. reporting the incident to a relevant law enforcement authority; and

6.8.5. any other course of action permitted by the law.

6.9. All complaints will be assessed objectively and in an unbiased manner in accordance with the AALA Constitution.

6.10.A Member who does not feel safe or confident to make a complaint themselves may seek assistance from another Member to obtain advice, support, or undertake action on their behalf.

## **7. Other relevant AALA policies**

7.1. Members are encouraged to read this policy in conjunction with other relevant AALA policies, including:

7.1.1. AALA National Anti-Discrimination, Bullying and Harassment Policy.

## **8. More information**

8.1. If you have a query about this policy or need more information, please contact the AALA National Discipline and Grievance Officer and/or the AALA Deputy National Discipline and Grievance Officer.

## **9. Review details**

9.1. This policy was adopted by AALA on 24 August 2021.

9.2. This policy was last updated on 24 August 2021.

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<sup>1</sup> Note that cl 26.2 of the AALA Constitution states that "A Member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed".