

ANNEXURE A**Johannesburg Society of Advocates****Harassment Policy****Statement of Policy**

The Johannesburg Society of Advocates ("the Society") is committed to providing a working environment in which all individuals including members, pupils, attorneys, candidate attorneys, employees, clients and the public are treated with dignity and respect.

The Society aims to promote a working environment, which is conducive to the professional growth of its members and employees and to the promotion of equality of opportunity. It also aims to create an environment in which members and pupils respect one another's integrity, dignity and privacy.

The Society will not tolerate any form of harassment and will take all necessary steps to ensure that its members and employees are not subject to harassment.

The Scope of the Policy

This policy applies to all members of the Society and to pupils. The policy applies to:

- all premises where the business of the Society is conducted (including all Court buildings);
- all Bar related activities performed at any other site;
- any social, business or other function where conduct or comments may have an effect on the Bar or relationships within the Society.

Definition of Harassment

Harassment is any form of unwanted conduct which has the aim or effect of diminishing a person's dignity or creating a humiliating or offensive environment for that person. The essence of all harassment is that it is unwelcome conduct which is offensive to the recipient. The test is a subjective one and the fact that one person may be able to ignore or deal comfortably with certain behaviour does not mean that it is acceptable if directed at another.

The Society prohibits any behaviour which causes offence or distress to another and which is perceived by that person as relating to or arising from his/her race, religion political belief, sex, sexual orientation or disability and which constitutes less favourable treatment on such grounds. Harassment may take a variety of forms and includes behaviour.

- which is unwanted by the recipient;
- which causes a hostile or threatening working environment;
- where rejection or submission is used as a basis for decisions concerning the recipient.

The following are example of behaviour, which may amount to harassment:

- physical assault, including sexual assault;
- demands for sexual favours in return for career advancement;
- physical conduct of a sexual nature which includes unwanted physical contact;
- exclusion from social networks and activities;
- isolation;
- bullying;
- compromising suggestions or invitations;
- verbal and non-verbal forms of harassment including unwelcome innuendos, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic

comments about one's body, inappropriate questions about a person's sex life and unwelcome whistling at a person.

- display of offensive materials, including on computer screen;
- e-mailing of offensive materials;

Disciplinary action will be taken against any member or employee of the Society found to have harassed a colleague or other person.

Communication of the Policy on Harassment

A copy of this policy will be provided to all members and pupils of the Society. If necessary, a briefing will be provided so that all members and pupils are aware of behaviour, which is unacceptable within the working environment, and are aware of the harassment policy, procedures for making complaints against and assistance available.

Resolving Complaints of Harassment

The Society is committed to providing a supportive environment in which to resolve problems of harassment and has put in place a number of options of resolving problems. A non-adversarial approach will be adopted.

Informal Resolution Options

1. When an incident of harassment occurs, the recipient should communicate their disapproval and objections immediately to the harasser if they feel able to do so and request the harasser to stop.
2. If the harasser does not stop or if the recipient is uncomfortable about addressing the harasser directly, he or she should bring their concerns to the attention of the Chairperson of the Professional Subcommittee of the Society (in the event that the alleged perpetrator is a member) or to the Chairperson of the Pupillage Subcommittee (in the event that the

alleged perpetrator is a pupil). The Chairperson of the Professional Subcommittee (or the Pupillage Subcommittee as the case may be) will provide advice or support as requested and will undertake any investigation necessary to resolve the matter, speedily and in confidence. Within one week of the receipt of the informal complaint an investigation will be made, if necessary.

Formal Complaints Resolution

1. Where the person subject to harassment does not wish to pursue the informal resolution options or has exhausted such options, they may make a formal complaint to any of the designated advisers or to [named individual/s]. All such complaints will be promptly investigated.
2. A formal complaint should be made in writing. Within one week of the receipt of the complaint an investigation of the allegation will be made and completed within 14 days, unless there are good reasons for delay.
3. Investigations will be conducted in accordance with standards of natural justice.
4. If the allegation of harassment is upheld, appropriate remedial action will be taken.

In addition, to the sanction that may be imposed on a member or a pupil by the Society as part of a complaint resolution, members of the Society who engage in harassment may be liable for damages in the event of a civil claim or may face further sanctions imposed by the Bar Council or even criminal sanctions.

Raising A Complaint

A person experiencing harassment is encouraged to raise a complaint at an early stage, preferably through the informal procedure. Raising a complaint at an early stage is more likely to result in a satisfactory resolution. If left unresolved, the harassment may escalate to the point where the situation becomes much more difficult to deal with effectively.

Any member, employee or pupil in the Society has the right to bring to the attention of an appropriate person any behaviour, which they consider to be contrary to the harassment policy, irrespective of whether they are the recipients of the harassment. A member, pupil or employee of the Society who witnesses behaviour which they consider contravenes the harassment policy should take immediate action to indicate that such behaviour is unacceptable or should immediately report such behaviour to the Chairperson of the Professional Subcommittee (or the Pupillage Subcommittee).

Confidentiality

The Society recognises that a recipient of harassment may find it difficult to come forward with a complaint and it is understood that recipients and alleged harassers may be particularly concerned about confidentiality and the effect that a complaint may have on career advancement. To protect the interests of the complainant, the person complained against, and any others who may report or be witnesses to incidents of harassment, confidentiality will be maintained throughout any investigatory process to the extent that this is practical and appropriate under the circumstances. However, the Society has a duty to ensure that harassment does not recur. All records of complaints, including notes of meetings, interviews, results of investigations and other relevant material will be kept confidential by the Society except where disclosure is required for disciplinary or other remedial processes.

Victimisation

The Society is committed to ensuring that no person who brings forward a harassment concern in good faith is subject to any form of reprisal. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint will be viewed as professional misconduct. The raising of such a complaint will not have any adverse consequences for the complainant, particularly in relation to membership of Society and promotion decisions.

Pupil Supervisors

Pupillage is a period of professional training and the Society regard it as inappropriate for a sexual relationship to develop between a pupil mentor, any other member or employee of the Society and a pupil. No member of the Society may participate in decisions concerning a pupil where they are or have been in a relationship with that pupil.