

## Complaints and Unacceptable Conduct Policies and Procedures

- 1 Bullying, discrimination, harassment, racial harassment, sexual harassment, and violence, all as defined below, are not accepted by my practice, at any level.
- 2 Any complaints relating to such conduct should be made to me in the first instance, at [warwick@warwicksmithadr.co.nz](mailto:warwick@warwicksmithadr.co.nz). On receipt, I will promptly refer any such complaint for independent investigation by Maria Dew KC, an independent barrister practising at Britomart Chambers, Level 15, 152 Quay Street, Auckland. Ms Dew will investigate the complaint fairly and confidentially, and provide a response as promptly as the circumstances of the complaint may allow.
- 3 Alternatively, a complaint relating to conduct of the kind described in paragraph 1 above may be made, whether at the outset or after Ms Dew has completed her investigation, to the Lawyers Complaints Service at the New Zealand Law Society (NZLS). Any complaint to NZLS should be made by email addressed to [complaints@lawsociety.org.nz](mailto:complaints@lawsociety.org.nz), or by telephone to 0800 261 801. The privacy and confidentiality rights of the person complaining will be respected throughout the complaint process, in accordance with NZLS's policies and procedures in that regard.

## Support and Assistance

Support and guidance are available to anyone who has been affected by any of the prohibited behaviours referred to in paragraph 1 above, through NZLS. The options for support and assistance are summarised by NZLS on its website at

<https://www.lawsociety.org.nz/professional-practice/practising-well/bullying-and-harassment/assistance-and-support/>.

## Definitions of Conduct in Paragraph 1 Above

*Bullying* – means repeated or unreasonable behaviour directed towards a person or people that is likely to lead to physical or psychological harm.

*Discrimination* – means discrimination that is unlawful under the Human Rights Act 1993 or any other enactment.

*Harassment* – means:

- (i) intimidating, threatening, or degrading behaviour directed towards a person or group that is likely to have a harmful effect on the recipient; and
- (ii) includes repeated behaviour but may be a serious single incident.

*Racial Harassment* – means behaviour that:

- (i) expresses hostility against, or contempt or ridicule towards, another person on the ground of race, ethnicity or national origin; and
- (ii) is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person).

*Sexual Harassment* – means:

- (i) subjecting another person to unreasonable behaviour of a sexual nature that is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person); or
- (ii) a request made by a person of any other person for sexual intercourse, sexual contact, or any other form of sexual activity, that contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

*Violence* – includes the following:

- (i) physical violence;
- (ii) psychological violence;
- (iii) sexual abuse;
- (iv) sexual assault.