

Respect and Responsibility at Work

Purpose

As a firm we are committed to equality, diversity and inclusion and to providing our people, members, clients and contacts with a safe and engaging environment within which to work and do business. The firm is committed to creating an environment and culture which is free from any form of bullying, harassment, victimisation or discrimination and one which promotes respect for each other and responsibility for good, constructive relationships.

The purpose of the policy is to:

- raise awareness of the types of unwanted behaviour such as harassment, bullying and victimisation;
- give examples of the type of behaviour that is unacceptable;
- provide clear guidance as to who is responsible for ensuring the policy is upheld; and
- provide a mechanism for dealing with complaints and allegations of harassment, bullying or victimisation.

What do we mean by respect and responsibility?

Two of the four of the firm's core values are, "Right people and strong relationships" and "Being a responsible business". This policy underpins each of those values as it is designed to protect people, engender positive working relationships and promote equality, diversity and inclusion.

Respect is about preventing inappropriate behaviour towards our team, members, clients or contacts and maintaining an environment where individual differences are respected.

Responsibility is about the responsibility we all have to one another, our clients and contacts in ensuring that relationships are positive and free from harassment, bullying, discrimination and victimisation.

This policy is directly linked to the firm's policy on equality, diversity and inclusion and refers to the grievance procedure and disciplinary procedures.

Definitions

Harassment

ACAS define harassment as: unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Harassment is unlawful under the Equality Act 2010.

Harassment can take many forms. Whatever form of harassment, it will be unwanted behaviour which is unwelcome and unpleasant. Forms may include (but are not limited to):

- unwanted physical contact;
- jokes or offensive language;
- offensive telephone calls, emails or website postings;
- posters, graffiti, obscene gestures;
- exclusion and uncooperative behaviour; or
- pressure to participate in certain activities.

Harassment can be physical, verbal or non-verbal and a wide range of different types of behaviour that could be perceived as harassment. In appendix 1 there are examples of harassment.

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Harassment can also occur where it has a defined effect on the recipient regardless of whether it was the harasser's intention – it is the effect which the harassment has on the victim that is important. For example, jokes or humorous remarks made without malicious intent could still be seen as harassment as it is how it has been received by the victim rather than the intent.

Bullying

Bullying is a form of harassment and can be characterised by offensive, intimidating, malicious or insulting behaviour. It is intended to undermine, humiliate, denigrate or injure the recipient. It normally relates to negative behaviours that are repeated and persistent, and deliberately targeted at a particular individual or group. Whereas harassment is usually (not always) associated with age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, bullying is more generic and can be as result of a personal dislike. Forms of bullying can include (but are not limited to):

- physical or verbal aggression;
- unreasonable behaviour;
- threatening behaviour;
- non co-operation or isolation;
- intimidation;
- humiliation or ridicule by comment or gesture;
- public or constant destructive criticism;
- spreading unfounded rumours; or
- ignoring, marginalisation or exclusion.

Bullying can be very distressing for the recipient as it inevitably erodes their confidence and self – esteem.

Victimisation

Victimisation is treating someone less favourably than others because he or she has asserted a right (or has helped someone assert a right) not to be discriminated against, harassed or bullied or complained (whether formally or informally) of such behaviour.

Forms of discrimination

Detail about the main forms of discrimination can be found in the equality, diversity and inclusion policy.

Harassment from clients, business partners or general public

If employees find themselves subjected to harassment from a client, business partner or a member of the public, inform your team head and a member of the HR team and this will be investigated.

Responsibilities

Everyone in the firm has a responsibility to uphold this policy and to help create and maintain a work environment free of bullying, harassment or victimisation.

The firm's responsibility

The firm has a responsibility to take steps to prevent and eradicate behaviour that is deemed as harassment, bullying or victimisation and to promote a working environment that is safe and ensures the welfare and wellbeing of our employees. It is also the firm's responsibility to ensure that clients, business partners, third parties, members, other solicitors and barristers are also protected from harassment, bullying or victimisation.

The team head's responsibility

Those in managerial capacities have responsibility, so far as is practicable, for:

- taking any complaint seriously;
- ensuring they are familiar with this policy and associated procedures (e.g. disciplinary and grievance procedures);
- being responsive and supportive to those who may make a complaint of harassment, bullying or victimisation;
- providing advice and support on resolving the complaint (in conjunction with the HR team);
- maintaining confidentiality at all times;
- dealing with complaints fairly, thoroughly and confidentially, respecting the rights of all parties at all times (in conjunction with the HR team);
- setting a good example by treating all with dignity and respect;
- being alert to, and correcting unacceptable behaviour; and
- being aware that the impact of behaviour determines harassment/bullying/victimisation – not the intent.

The employee's responsibility

All employees are responsible for ensuring that their conduct and behaviour are in line with the standards set out in this policy. In addition, employees can have a role by:

- ensuring they are familiar with this policy;
- completing the mandatory equality, diversity and inclusion e-learning module;
- helping to create a climate of co-operation which discourages harassment/bullying or victimisation;
- tackling unacceptable behaviour early on;
- supporting their colleagues which may include reporting incidences of inappropriate behaviour, challenging the harasser/bully, offering support or co-operating in any investigations; and
- contributing to the resolution in a positive and constructive manner.

All employees are responsible for maintaining the respect of their colleagues and members and that of clients, business partners, other solicitors, barristers and other third parties.

The Director of HR

The Director of HR has the responsibility of ensuring that complaints of harassment, bullying or victimisation are dealt with consistently, fairly and in line with legislation and associated procedures.

Complaints

If an employee feels s/he is being subjected to harassment they are advised to:

- keep a record of incidents, writing down what has happened, when, where and who may have witnessed it;
- confront the perpetrator clearly stating that their behaviour is not acceptable. It is preferable that the perpetrator is confronted informally first before invoking formal procedure but only if the employee feels able to do so; and
- inform his or her team head if the behaviour continues or if the team head is the perpetrator, inform HR.

Employees are encouraged to resolve a situation of harassment /bullying or victimisation informally by talking directly, politely and unambiguously to the person concerned. Some relatively minor and isolated problems may be best dealt with in this manner. However, if this is not possible or does not have the desired effect, then the employee should invoke the grievance procedure. Depending on the allegation the alleged perpetrator may be suspended on full pay while the matter is investigated.

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If an employee makes a complaint of harassment/bullying or victimisation, this will be fully investigated by the firm. Disciplinary action may result against the perpetrator which could include demotion or dismissal.

It is a condition of employment that all employees conduct themselves in accordance with this policy. Serious breaches of this policy and serious incidents of harassment, bullying or victimisation will be treated as gross misconduct and will constitute a fundamental breach of the contract of employment which could result in summary dismissal without notice or pay in lieu of notice.

Malicious complaints

Should an investigation determine that a complaint has been made with malicious intent, it may be considered a disciplinary offence and depending on the severity of the situation, could be considered gross misconduct and result in dismissal without notice.

Support and advice

For support and advice, please contact the HR team. In addition, the firm has an Employee Assistance Programme (EAP) which provides completely confidential advice and counselling 24 hours a day 365 days a year.

Monitoring

In line with section 7.2 of the equality, diversity and inclusion policy, all complaints and incidents will be monitored by the HR team and used to take any remedial action if required.

Appendix 1 – Examples of Harassment

Harassment can be physical, verbal or non-verbal and a wide range of different types of behaviour at work may potentially be perceived as harassment. The following gives some examples of behaviour that could be perceived as harassment. These examples are for illustrative purposes and are not an exhaustive list.

Sex-related harassment

- telling jokes about a particular gender; or
- making derogatory sexist remarks

Sexual harassment

- unwanted physical contact;
- unwelcome sexual advances, propositions, suggestions or pressure for sexual activity, at or outside work;
- conduct which is intimidatory, physically or verbally abusive including the display of sexually explicit material in the workplace;
- derogatory or demeaning remarks based on gender; or
- suggestions that sexual favours may further an employee's career or that refusal may hinder it.

Gender re-assignment harassment

- calling someone a nickname linked to the fact that he or she has undergone gender reassignment;
- inappropriate touching; or
- leaving items specifically associated with the individual's old or new gender on his or her desk.

Racial harassment

- calling someone a nickname linked to his or her skin colour or nationality; or
- remarks, banter or jokes about people from different racial backgrounds.

Disability harassment

- using insulting terminology when referring to a disabled colleague;
- excessive staring, for example at someone with a facial disfigurement; or
- mimicking a disabled colleague's mannerisms or speech.

Religious harassment

- remarks, banter or jokes about particular religious beliefs or religious practices; or
- derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of his or her religion.

Sexual orientation harassment

- deliberate isolation of someone on the grounds of his or her sexuality or perceived sexuality;
- calling someone a nickname based on his or her sexuality or perceived sexuality.

Age harassment

- banter and jokes that make fun of older or younger people or demean their abilities; or
- ignoring someone, or treating his or her views as worthless, just because he or she is younger or older than other employees.

The firm regards harassment as a form of intimidation which has the effect of insulting and demeaning the employee against whom it is perpetrated.

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