

ANTI-HARASSMENT POLICY

1.

Chambers is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. Chambers is determined to promote a work environment in which everyone is treated equally and with dignity and can flourish.

This policy applies to all Members of Chambers, Probationary Tenants, Pupils, Staff, squatters and contractors. It also applies to all visitors to Chambers, including clients, other lawyers, suppliers, mini pupils and work experience students.

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2.

Harassment in any form will not be tolerated in Chambers. Harassment includes any unwanted conduct related to sex, race, disability, gender re-assignment, religion or belief, sexual orientation or age. Such behaviour may take many forms including:

- conduct which is unwanted by the recipient and perceived as hostile or threatening;
- conduct which gives rise to a hostile or threatening work environment;
- conduct which creates an atmosphere in which it is feared that rejection or submission will be used as a basis for decisions which have an impact on the recipient at work such as an allocation of work or tenancy decision.

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3.

The following are examples of types of behaviour which may amount to harassment:

- Sexist, suggestive or sexual comments, “jokes” or “banter”
- Sexual innuendo
- Sexist, sexual or offensive comments regarding someone’s appearance
- Overly personal comments or over-familiar behaviour, including questions about someone’s relationships, sex life or gender identity
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- Racist, sexist, anti-LGBT+ or ageist jokes, or derogatory or stereotypical remarks about those of a particular ethnic or religious group, gender, gender identity or sexual orientation
- Outing or threatening to out someone as gay, lesbian, transgender or any form of LGBTQ+
- Knowingly misgendering someone
- Offensive or intimidating comments or gestures

- Insensitive jokes or pranks
- Mocking, mimicking or belittling a person's disability
- Exclusion from social networks or activities, or other forms of isolation
- Staring or inappropriate/suggestive looks
- Invading someone's personal space
- Sexual or offensive gestures
- Inappropriate sexual advances or repeated unwelcome sexual advances
- Inappropriate or unwelcome physical contact
- Suggesting that sexual favours or a sexual relationship may result in favourable treatment, provide work opportunities or career advancement, or suggesting that refusing such may lead to less favourable treatment, the loss of work opportunities or damage career advancement
- Displaying or sending of pornographic or sexually suggestive pictures or written material
- Initiating or continuing sexual contact with someone who is unable, for example through drink, to give truly informed consent
- Sexual and physical assault
- Dealing with complaints of harassment inappropriately or inadequately

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4.

Harassment is unlawful under the Equality Act 2010 . Chambers has a zero-tolerance approach to any type of unlawful harassment.

In addition to the above unwanted conduct, it can arise where a person engages in any kind of unwanted sexual behaviour (or gender-reassignment or sex-related behaviour).

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5.

Sexual harassment is a particular type of harassment and is unlawful per section 26(2) of the Equality Act 2010. Section 40A of the Equality Act 2010 requires all employers to take reasonable steps to prevent the sexual harassment of their employees, which Chambers interprets as being a duty to protect its workers from such conduct.

Sexual harassment is defined as unwanted conduct of a sexual nature of another person which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive atmosphere for that other person. The list of indicative examples in paragraph 3, above, contains several examples of sexual or related behaviour that is sexual harassment.

Guildhall Chambers takes all types of unlawful harassment extremely seriously. Allegations of harassment against Staff or Pupils, including sexual harassment, will be dealt with under the formal part of the disciplinary policy as potential gross misconduct.

Allegations of this type against a Member of Chambers will be dealt with in accordance with the Chambers Constitution, at an equivalent level of severity.

Whilst the sanction for any act of proven act of unlawful harassment will be a matter for the decision maker(s) at the disciplinary hearing (in the first instance), dismissal will be a sanction that will be available to them.

Aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary sanction is applied.

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6.

Complaints of harassment may be raised informally in the first instance with Chambers' Equality and Diversity Officer or one of the staff members of Chambers' Senior Leadership Team: the Practice Director, Crime & Sport; the Civil Strategy Director; the Senior practice Managers (Civil); and the Operations Manager (the 'Senior Managers').

Complaints of unlawful harassment of any type should be raised in with Chambers' Equality and Diversity Officer or one of the Senior Managers. The complaint will be addressed as an allegation of potential gross misconduct under Chambers' disciplinary policy.

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7.

Chambers recognises its duty under s.40A of the Equality Act 2010 to proactively take all reasonable steps to prevent its Members of Chambers, Probationary Tenants, Staff, Pupils and other workers from experiencing unlawful sexual harassment by third party visitors to Chambers and those persons with whom they might come into contact. Sexual harassment of any type will not be tolerated.

Chambers recognises that that whilst an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claim.

All Members of Chambers, Staff, Pupils and other workers are encouraged to report any alleged sexual harassment by third parties to one of the Senior Practice Managers who will record the matter and refer it to Chambers' Equality and Diversity Officer.

If, in the opinion of Chambers' Equality and Diversity Officer, the complaint is well founded the third party can expect that they might be warned about their behaviour and / or banned from contacting Chambers, and / or if the sexual harassment is of a criminal nature, reported to the Police.

Chambers' Equality and Diversity Officer will periodically assess the risk of sexual harassment and implement all reasonable measures, from time to time, to eliminate or mitigate that risk, having regard to the applicable Equality and Human Rights Commission guidance that is in place, from time to time.

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8.

Chambers is committed to ensuring that no-one who makes an allegation of harassment in good faith should be subjected to any detriment as a result. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint will be viewed as a serious disciplinary matter, at the level of potential gross misconduct.

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9.

A copy of this policy is provided to all those for whom Chambers constitutes a working environment, including Members of Chambers, Probationary Tenants, Pupils, squatters, Clerks and other employees, temporary workers, those who provide services to chambers such as contract cleaners, accountants and IT consultants, and mini-pupils and work experience students.

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10.

Chambers recognises that barristers have an obligation to report their own serious misconduct and to report serious misconduct by others to the Bar Standards Board.

If serious misconduct is admitted by any member of Chambers, they will be encouraged to self-report.

If an allegation of serious misconduct is made which falls to be investigated, Chambers will consider the most appropriate time at which a report should be made to the BSB.

The confidentiality with which Chambers would seek to treat all complaints of harassment is subject to the need to report serious misconduct to the regulator.

24 October 2024