

## **ONE ESSEX COURT HARASSMENT POLICY**

### **1 THIS POLICY**

- 1.1 One Essex Court is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect.
- 1.2 This policy covers barristers, pupils and staff as well as those visiting Chambers and providing services to Chambers. Such visitors could be clients, mini-pupils, solicitors or third party suppliers.
- 1.3 This policy covers harassment which occurs at work or at work-related events outside the workplace, such as on business trips or at work-related social functions. It covers harassment perpetrated by staff, barristers and pupils and also by visitors to Chambers.

### **2 DEFINITION AND EXAMPLES OF HARASSMENT**

- 2.1 Harassment is unlawful under section 26 of the Equality Act 2010 and will not be tolerated in any form at One Essex Court. Harassment includes any unwanted physical, or verbal conduct, even a single incident, which relates to sex, race, disability, gender re-assignment, religion or belief, sexual orientation or age. Such behaviour may take many forms including:
  - (a) Conduct which is unwanted by the recipient and perceived as hostile, threatening, degrading, humiliating or offensive;
  - (b) Conduct which gives rise to a hostile, threatening, degrading, humiliating or offensive work environment; and
  - (c) Conduct which creates an atmosphere in which it is feared that rejection or submission will be used as a basis for decisions which have a detrimental impact on the recipient at work, for example in allocating work or making a decision on tenancy.
- 2.2 The following are examples of types of behaviour which may amount to harassment:
  - (a) Physical or sexual assault;
  - (b) Requests for sexual favours in return for career advancement;
  - (c) Unnecessary physical contact;
  - (d) Exclusion from social networks and activities or other forms of isolation;
  - (e) Bullying;
  - (f) Compromising suggestions or invitations;
  - (g) Suggestive remarks or looks;

- (h) Display of offensive materials, including on a computer screen;
- (i) Inappropriate jokes or verbal abuse, including any sent by email;
- (j) Offensive remarks or ridicule;
- (k) Provocative behaviour such as the wearing of discriminatory badges or insignia;
- (l) Threats of violence; and
- (m) Dealing inappropriately or inadequately with complaints of harassment.

2.3 In addition to the above unwanted conduct, harassment can arise where a person engages in any kind of unwanted sexual behaviour.

2.4 A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist jokes about a different ethnic group to their own if the jokes create an offensive environment.

2.5 Under the Equality Act 2010, 'harassment' is defined by reference to the purpose or effect of the conduct. Therefore, in the first instance, full consideration will be given to the complainant's view of what they have found to be offensive and therefore unacceptable behaviour. Furthermore, it is not an excuse and not a defence that a perpetrator is "joking" or "not meaning to cause offence" or "merely being friendly".

2.6 If you witness behaviour which you consider contravenes the harassment policy you should take immediate action to indicate that such behaviour is unacceptable. A failure to do so could be interpreted as condoning such behaviour.

### 3 **RESOLVING COMPLAINTS OF HARASSMENT**

3.1 Complaints of harassment can sometimes be resolved informally. If possible, you could raise the issue with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If you feel that you are being harassed and do not feel that you can raise the problem informally with the person responsible, you should speak to one of the Chambers Conciliators who can provide confidential advice. At the time of writing, the Chambers Conciliators are Neil Kitchener KC, Guy Hollingworth and Patricia Burns.

3.2 If informal steps are not appropriate or have been unsuccessful, you should follow the appropriate procedure as set out below:

- (a) Staff should follow the Grievance Procedure, which may be found in the Staff Handbook;
- (b) Barristers should follow the Complaints Procedure for Barristers and Pupils, which may be found on the X-drive at Shared/Chambers Policies Barristers; and
- (c) Visitors to Chambers (including mini-pupils, applicants or service providers) should follow the Complaints Procedure for Visitors, which may be found on the Chambers website at About Us/Complaints Procedure.

- 3.3 Complaints of harassment may be made by people who were not the target.
- 3.4 All complaints about harassment will be investigated in a timely and confidential manner. Full details of the investigation procedure into complaints of harassment can be found in each of the documents at (a) to (c) above.
- 3.5 Advice may also be sought from the Bar Council's Equality helpline 020 7611 1310.

#### **4 CONSEQUENCES OF HARASSMENT**

- 4.1 Harassment may result in disciplinary proceedings for employees or a breach of the Bar Code of Conduct for barristers and pupils.
- 4.2 Chambers is committed to ensuring that no-one who makes an allegation of harassment in good faith should be subjected to a detriment as a result. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint will be viewed seriously.
- 4.3 People who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Any staff member found to have retaliated or victimised someone in this way will be subject to appropriate disciplinary action. Where a barrister or pupil is found to have retaliated or victimised someone, serious consideration will be given to reporting them to the BSB.
- 4.4 Allegations of harassment are taken very seriously. However, where it is considered, after investigation, that the allegations have been made either frivolously or maliciously, appropriate measures may be taken against the individual who has made the allegation.

#### **5 CHALLENGING INAPPROPRIATE BEHAVIOUR, HARASSMENT AND BULLYING**

- 5.1 Everyone who works at One Essex Court Chambers is encouraged to take appropriate steps to stop, deter and prevent harassment, bullying and inappropriate behaviour.
- 5.2 Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to challenge it rather than let it pass (unless to do so would place themselves in danger) and is encouraged to bring it to the attention of one of the Equality and Diversity Officers.
- 5.3 Any barrister who has reasonable grounds to believe that there has been serious misconduct, including sexual or other harassment, by another barrister also has a professional duty to report it to the Bar Standards Board. To fail to do so is a breach of the Code of Conduct, unless they reasonably believe that the misconduct has already been reported to the BSB by someone else. If you are not sure whether an incident should be reported, or has already been reported, you can seek advice from the BSB or Bar Council, or Chambers' Equality and Diversity Officers. Guidance from the BSB, and a link to a form which can be used to report the misconduct to the BSB, can be found [here](#); and/or advice can be obtained from the BSB by calling them on 0207 611 1444 or from the Bar Council by calling their Ethical Queries Helpline on 0207 611 1307.

## 6 **AVAILABILITY OF RELEVANT POLICIES**

- 6.1 A copy of this policy will be included in the Staff Handbook. A copy will also be placed on the X-drive at Shared/Chambers Policies Barristers, where it is accessible to barristers, pupils and senior staff. Barristers and pupils will be annually reminded of the existence of this shared drive and its contents. Finally, a copy will be accessible through a link on the website so that those outside Chambers can also access the policy.

This policy was adopted by Management Committee on 20 October 2022 and will be reviewed on 20 October 2024.