

Non-harassment and bullying policy

Introduction

The Firm supports the rights of all people to seek, obtain and hold employment without harassment or bullying.

It is the Firm's policy to make every effort to provide a working environment free from harassment, bullying and intimidation (whether the harassment is on the grounds of gender identity or expression, gender reassignment, marital status, civil partnership status, pregnancy, maternity, paternity, part-time and/or fixed-time status, sexual orientation, age, disability, race, colour, nationality or national or ethnic origins, religion or belief, union membership status or otherwise). The Firm will not permit or condone harassment or bullying towards members of the Firm (including partners, employees, directors and temporary workers) and third parties with whom the firm deals (including contractors, agency staff, consultants, clients, suppliers or indeed any persons visiting or working in the Firm's offices).

All members of the Firm have a personal responsibility to behave in a manner which is not, nor is likely to be perceived as offensive to others. National Practice Group Heads and Business Services Directors have a responsibility to ensure that any complaint of harassment affecting a member of their practice or business services group is investigated.

The aim of this non-harassment and bullying policy ("**the Policy**") is to draw attention to, and seek to prevent all types of behaviour which amount to harassment or bullying and which are therefore unacceptable. Any person acting in breach of the Policy may be liable to disciplinary action.

Definition

"**Harassment**" in the context of the Policy, means misconduct of a physical, verbal or non-verbal nature when:

- it is unsolicited and unwelcome; and/or
- submission to such conduct is implicitly or explicitly a term or condition of an individual's continued employment; and/or
- submission to such conduct is implicitly or explicitly a term or condition for decisions which could affect promotion, salary or any other job condition; and/or
- such behaviour creates an intimidating, humiliating, hostile or offensive work environment for one or more individuals.

The following are examples of behaviour that are likely to be inappropriate and unacceptable. These examples do not form an exhaustive list:

- Physical conduct – including but not limited to unwanted physical conduct, including unnecessary touching, patting or pinching, assault, coercing sexual intercourse, physical threats and insulting or abusive behaviour or gestures.
- Verbal conduct relating to gender identity or expression, gender reassignment, marital status, civil partnership status, pregnancy, maternity, paternity, part-time and/or fixed-time status, sexual orientation, age, disability, race, colour, nationality or national or ethnic origins, religion or belief, union membership status – including but not limited to unwelcome advances, propositions or pressure for sexual activity, offensive flirtations, lewd or threatening comments (including threats to out someone who has not openly disclosed their sexual orientation or gender identity or expression), mimicking, correcting or commenting on someone's accent or social background or inappropriate questioning or abusive language (including refusal to use the pronoun appropriate to someone's acquired gender, for example, calling a trans woman "he" or calling the person by the name that they had before they transitioned) which denigrates or ridicules, insults (including offensive name calling and homophobic, biphobic or transphobic comments, for example, calling a bisexual person "greedy") which relate to gender, gender reassignment, marital status, civil partnership status, pregnancy, maternity, paternity, part-time and/or fixed-time status, sexual orientation, age, disability, race, colour, nationality or national or ethnic origins, religion or belief (including offensive name-calling) and offensive comments about dress, appearance or physique, and the writing and/or sending of written materials, including e-mails, of an offensive nature.

- Non-verbal conduct relating to gender identity or expression, gender reassignment, marital status, civil partnership status, pregnancy, maternity, paternity, part-time and/or fixed-time status, sexual orientation, age, disability, race, colour, nationality or national or ethnic origins, religion or belief, union membership status including but not limited to the display of pornographic or sexually suggestive pictures, offensive objects or written materials, the display of written or visual material, including graffiti which is offensive on the grounds of gender, gender reassignment, marital status, civil partnership status, pregnancy, maternity, paternity, part-time and/or fixed-time status, sexual orientation, age, disability, race, colour, nationality or national or ethnic origins, religion or belief, the organising of kiss-o-grams or strip-o-grams, hostility to employees on the grounds of their gender, gender reassignment, marital status, civil partnership status, pregnancy, maternity, paternity, part-time and/or fixed-time status, sexual orientation, age, disability, race, colour, nationality or national or ethnic origins, religion or belief or other unacceptable non-verbal conduct which denigrates a person.

Harassment on the grounds of any of the matters referred to at paragraph 2.1 above may be illegal and will be treated as a serious disciplinary matter. The harasser may be held personally liable for such conduct. In addition, harassment may constitute a criminal offence, rendering the harasser liable to criminal prosecution.

“Bullying”, in the context of the Policy, is a form of harassment. It is defined as repeated aggression (whether verbal, psychological or physical) conducted by an individual or group against another person or persons. It includes persistent, offensive, abusive, intimidating, malicious or insulting behaviour, or abuse of power which make the recipient feel upset, threatened, humiliated, vulnerable or which undermines their self-confidence.

Procedure

In recognition of the sensitivity of this subject the following procedure has been established to facilitate the resolution of harassment and bullying complaints. Both the complainant and the alleged harasser have the right to be accompanied at any stage in this procedure by a fellow worker.

Issues relating to harassment and bullying can always be referred by any member of the Firm to his or her National Practice Group Head or Business Services Director. However, it is recognised that not everyone may wish to discuss a matter relating to harassment or bullying directly with their National Practice Group Head or Business Services Director.

If any member of the Firm feels that he or she has been subjected to harassment or bullying he or she should not hesitate at any time to discuss this, in full confidence, with any Human Resources Manager or the Human Resources Director.

Informal Process - Wherever reasonably possible, a member of the Firm who believes that he or she has been the subject of harassment or bullying should tell the person responsible that he or she finds their behaviour offensive and ask them to stop. Instead, or as well as this, he or she may wish to address the issue informally by speaking to their National Practice Group Head/Director and/or the Human Resources department who will assist in dealing with the matter.

It is recommended that the member of the Firm who is the subject of the harassment keep personal notes of all events from the first instance.

Formal Process - If the harassment or bullying continues, or a single incident is sufficiently serious, or the member of the Firm is unable to confront the person carrying out the harassment/bullying, then the member of the Firm should report the incident(s) either to his or her National Practice Group Head or Business Services Director or alternatively, to a member of the Human Resources Business Services Group (“HR”) if the person would feel more comfortable doing so. If the alleged harasser is a National Practice Group Head or Business Services Director the matter should be reported to the Managing Partner.

Under normal circumstances, the Firm would expect such a complaint to be made at the earliest possible opportunity and in any event within one month of the alleged incident taking place.

The individual that the complainant chooses to approach will, in the first instance, provide support and assistance and listen to any complaint, treating it sensitively, seriously and confidentially.

If the complainant wishes to pursue the matter further or if the person to whom the complaint has been made decides to pursue the matter further in any event, the complainant will be asked to make a formal complaint. Where a formal complaint has been made, a prompt investigation will be conducted.

If it is decided that the complaint is well founded the Firm’s grievance procedure (see paragraph 4) will be invoked.

If it is decided that the complaint is not well-founded then the member of the Firm who has made the complaint will be advised accordingly.

All complaints taken up under this procedure will receive a full and fair hearing. All measures taken will aim to preserve confidentiality to the maximum possible extent. However, malicious and unfounded allegations of harassment will also be subject to disciplinary proceedings against the complainant.

Victimisation

The Firm will not tolerate intimidation, victimisation or unfair discrimination against any person who makes a complaint of harassment or bullying or who assists in an investigation of alleged harassment. Retaliation against a member of the Firm who complains of harassment or bullying can be expected to lead to disciplinary action.

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