

ANTI-HARASSMENT POLICY

1. This Policy covers all those working at, visiting, and providing services to, Brick Court Chambers or visiting events arranged by Brick Court Chambers.
2. Brick Court Chambers is committed to providing a work environment in which everyone, whether staff, members of chambers, pupils, clients or any other individual is treated with dignity and respect. Brick Court Chambers is determined to promote a work environment in which everyone is treated equally and with dignity and can flourish.
3. Harassment is unlawful under the Equality Act 2010 and will not be tolerated in any form at Brick Court Chambers.
4. Harassment under the Equality Act includes any unwanted conduct related to sex, race, colour, nationality, ethnic or national origins, disability, gender re-assignment, religion or belief, sexual orientation or age, that has the purpose or effect of:
 - violating someone's dignity, or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

The Annex to this policy sets out the full definition of harassment under the Equality Act.

5. Brick Court Chambers also prohibits harassment relating to identity or expression, marital or civil partnership status, political persuasion, pregnancy or maternity, and social background.
6. Harassment may take many forms including:
 - conduct which is perceived as hostile or threatening;
 - conduct which gives rise to a hostile or threatening work environment;

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- 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 a tenancy decision;
7. Whether conduct is unwanted is determined from the perspective of the person affected by the conduct; conduct which has been welcomed in the past may become unwanted.
 8. Whether conduct has violated a person's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment is determined from the perspective of the person affected by the conduct and by reference to the circumstances, including not only the particular conduct but the relative power, seniority, age, race and cultural background of the people involved.
 9. Conduct which is intended to violate a person's dignity or create an offensive environment amounts to harassment even if it does not have the intended effect.
 10. The following are examples of types of behaviour which may amount to harassment:
 - physical assault;
 - unnecessary physical contact;
 - bullying;
 - exclusion from social networks and activities or other forms of isolation;
 - display of offensive materials, including on a computer screen;
 - comments or jokes or verbal abuse, whether in person or in writing including any sent by email;
 - offensive remarks or ridicule;
 - dealing inappropriately or inadequately with complaints of harassment.
 11. Sexual harassment occurs when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:
 - violating someone's dignity, or

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- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

12. Conduct of a sexual nature is a broad term which includes the following:

- criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communications;
- offering rewards, or making promises in return for sexual favours;
- unwelcome touching, hugging or kissing;
- propositions and sexual advances;
- suggestive looks, staring or leering;
- sending sexually explicit emails or text messages;
- generating or spreading sexual rumours about a person;
- sexual posts or contact on social media;
- asking intrusive questions about a person's sex life;
- discussing anyone's sex life, including your own;
- displaying sexually graphic pictures, posters or photos;
- sexual gestures or language.

13. Examples of sexual harassment include:

- a pupil supervisor invites a pupil on a date promising to support his application for tenancy if he accepts the invitation;
- following a failed romance, a member of chambers spreads rumours about another member of chambers' sexual preferences;
- a member of chambers asks an openly gay clerk whether she has ever had sex with a man, making the clerk feel embarrassed.

14. Harassment is prohibited in all workplace contexts and related activities, including at office functions, training courses, at seminars or at conferences, at Chambers or clients' parties, social events, drinks or dinners with colleagues or clients.

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15. Complaints of or concerns about harassment may be raised in the first instance with Kelyn Bacon QC (the Equality and Diversity Officer in Chambers) or Marie Demetriou QC (also a member of Chambers' Equality and Diversity Panel), who will attempt to resolve the matter by informal enquiry and, if appropriate, mediation. If the person making or raising the complaint or concern is not satisfied by the initial handling of the matter, or wishes to raise a formal issue/grievance/complaint, this should be done in the way set out in the Equality Procedures, details of which are available on Chambers' website.
16. Harassment is misconduct for employees and harassment under the Equality Act is a breach of the BSB Handbook for barristers. Allegations of harassment will be dealt with under the Brick Court Chambers Equality Procedures. More serious allegations may require formal investigation by an external party.
17. Brick Court 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 any complainant, witness or anyone else involved in the investigation of a complaint will be viewed as a disciplinary matter.
18. A copy of this Policy is available to all those for whom Chambers constitutes a working environment (including Members of Chambers, pupils, mini-pupils, staff, and those providing services to Chambers) on the Brick Court Chambers website.

Brick Court Chambers

Approved by Executive Committee June 2018

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ANNEX: SECTION 26 OF THE EQUALITY ACT 2010

26 Harassment

(1) A person (A) harasses another (B) if—

(a) A engages in unwanted conduct related to a relevant protected characteristic, and

(b) the conduct has the purpose or effect of—

(i) violating B's dignity, or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(2) A also harasses B if—

(a) A engages in unwanted conduct of a sexual nature, and

(b) the conduct has the purpose or effect referred to in subsection (1)(b).

(3) A also harasses B if—

(a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,

(b) the conduct has the purpose or effect referred to in subsection (1)(b), and

(c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—

(a) the perception of B;

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(b) the other circumstances of the case;

(c) whether it is reasonable for the conduct to have that effect.

(5) The relevant protected characteristics are—

age;

disability;

gender reassignment;

race;

religion or belief;

sex;

sexual orientation.