

Policy to prevent bullying, discrimination and harassment (including at work-related functions)

Sharp Tudhope is committed to providing an environment where all members of staff and contractors enjoy mutual respect and which is free from harassment and discrimination in accordance with the [Lawyers and Conveyancers Act 2006](#), [Human Rights Act 1993](#) and [Health and Safety at Work Act 2015](#). The behaviours and definitions covered by [The Lawyers and Conveyancers Act \(Lawyers: Conduct and Care\) Amendment Rules 2021](#) are listed below. They apply to conduct both on-site, off-site, social and professional development work related activities.

The defined behaviours

Behaviour includes the use of language (whether written or spoken), the use of digital or visual material, and physical behaviour

Bullying means repeated an unreasonable behaviour directed towards a person or people that is likely to lead to physical or psychological harm

Discrimination means discrimination that is unlawful under the Human Rights Act 1993 or any other enactment

Harassment –

- a. Means intimidating, threatening, or degrading behaviour directed towards a person or group that is likely to have a harmful effect on the recipient
- b. Includes repeated behaviour but may be a serious single incident

Racial harassment means behaviour that –

- a. Expresses hostility against, or contempt or ridicule towards, another person on the ground of race, ethnicity, or national origin; and
- b. Is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person)

Sexual harassment means –

- a. Subjecting another person to unreasonable behaviour of a sexual nature that is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person); or
- b. A request made by a person of any other person for sexual intercourse, sexual contact, or any other form of sexual activity, that contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment

Violence includes the following:

- a. Physical violence
- b. Psychological abuse

Reporting requirements to the Law Society

Under regulations 2.8, 2.9 of the Act, a lawyer who has reasonable grounds to suspect another lawyer of engaging in misconduct must make a confidential report to the Law Society.

Further information on the rules and who they apply to under 2.8 and 2.9 are available [here](#)

If you feel that you have been or are being bullied, racially or sexually harassed, discriminated against, or have been subject to physical or psychological violence or otherwise unfairly treated at work, you should raise it with your partner or supervisor in the first instance. Likewise, if you believe that any of your colleagues are being subjected to such treatment, please raise it with your partner or supervisor in the first instance. If you are not comfortable doing this, you should contact the HR Coordinator. Any discussion will be kept in confidence and you will not be victimised for raising your concerns.

Shima Grice, employment partner is Sharp Tudhope's designated lawyer to deal with complaints and will be advised, in confidence, of any complaints made. There are two ways a concern may be dealt with.

Informal Intervention

Your partner, supervisor or the HR Coordinator may informally intervene by discussing with you:

- a. The behaviour causing your concern; and
- b. What you would like to occur to resolve your concern.

Your partner, supervisor or the HR Coordinator will then discuss your concerns with the person who has caused them in order to obtain that person's agreement to cease or modify their behaviour.

Formal Complaint

If informal intervention has not worked, or if you believe that the allegation is serious enough that the allegation is serious enough, submit a detailed written complaint to your partner, supervisor or the HR Coordinator.

Your partner, supervisor or the HR Coordinator will then meet with you (with a support person, if you wish) to discuss the complaint and confirm that you do wish to proceed with a formal complaint.

If you make a formal complaint, you need to be aware that:

- a. a formal investigation will be carried out;
- b. this will involve asking you further questions. This questioning does not indicate that your complaint is not believed, but to establish independently that the complaint has substance; and
- c. during the process, you must not speak to possible witnesses, and should discuss matters relating to your complaint with your support person only.
- d. you may have to continue working with the person about whom you have complained;
- e. although the process is confidential, the person about whom you have complained will have to be told who has made the complaint. Any witnesses and persons directly involved in the complaints process will also learn your identity;
- f. your employment will not suffer unless the complaint is shown to be false; and
- g. if you experience any work difficulties as a result of your complaint you should report these immediately.

You may access EAP or similar services at any time during the process.

The person investigating the complaint will then notify the person about whom you have complained of the complaint and arrange a time to meet to discuss the allegations.

If allegations are made against you:

- a. you will be given a copy of the complaint prior to the investigation meeting;
- b. you may bring a support person or legal representative to the investigation meeting;
- c. the investigation process is confidential, however, witnesses will be interviewed and will therefore know something about the complaint;
- d. you must not speak to possible witnesses or other staff about the complaint while the investigation is ongoing;
- e. if there are witnesses who can speak in your defence, you should raise this at the investigation meeting. The investigator will then contact those staff directly.

You may access EAP or similar services at any time during the process.

Once all witnesses have been interviewed (and re-interviewed, if necessary) the investigator will prepare a report of their findings and recommended outcome. This will be presented to Ex Com, who will then make a final decision.

Both parties should be told of the decision and the reasons for it. This should then be confirmed in writing. If warranted, a separate disciplinary process will follow.

Any steps required to prevent similar behaviour from occurring should be decided on and, if appropriate, explained to all staff.

The responsible lawyer must certify that Sharp Tudhope is meeting its requirements under the Lawyers and Conveyancers Act (Lawyers: Conduct and Care) Amendment Rules 2021.

The responsible lawyer is required to report any lawyers who have been issued a written warning or dismissed for any of the following:

- (a) bullying:
- (b) discrimination:
- (c) harassment:
- (d) racial harassment:
- (e) sexual harassment:
- (f) theft:
- (g) violence.

Work-related functions

The Partners recognise that staff will attend both internal and external social functions, as well as Friday night drinks, and encourage staff to engage in such social events and to have a great time.

It is not the Partners' intention to place unnecessary restrictions on your enjoyment at such events, but it is in everyone's interest that certain rules of conduct for the protection and comfort of all are observed. The purpose of this policy is to establish a guide to acceptable behaviour at such functions to ensure that staff are safe, and to ensure that appropriate standards of behaviour are observed

General standards – all functions

Please remember that you are an ambassador for the firm, and act accordingly.

- Alcohol should only be consumed in moderation, regardless of who is providing drinks or paying.
- Staff must not say or do anything at a work-related social event that could offend, intimidate, embarrass or upset any other person, whether as a joke or not.
- The use or supply of illegal drugs at any work-related social event is absolutely prohibited.
- Staff must not behave in any way at any work-related social event that could bring the firm into disrepute. This includes posts on your own social media pages.
- Staff members shall make appropriate arrangements to get home safely to avoid drink-driving. The firm is not responsible for determining your suitability to drive. Any decision to drive is entirely at your discretion. Taxi vouchers may be available, depending on the occasion.
- If a staff member or their guest is acting inappropriately, they may be asked to leave the function.

Friday night drinks

Staff are invited to have a drink after work on Friday nights. A range of non-alcoholic drinks are also available, as well as light snacks. It is expected that Friday night drinks will not involve drinking to excess or continue past 7pm unless a partner/consultant/practice manager is present. The tearoom should be left tidy, and the last person to leave should ensure the alarm is set.

Social club functions

Social club functions may run later into the evening, depending on the event. As with Friday night drinks, such functions should not involve drinking to excess. The tearoom should be left tidy, and the last person to leave should ensure the alarm is set.

Any person attending the function who is not employed by Sharp Tudhope should be accompanied by a member of Sharp Tudhope staff. Non-staff members should not visit the third floor, to maintain client confidentiality.

A senior member of staff should be present at all times and should ensure that they remain sober and ensure the assist staff in getting home safely.

External functions

Although such social events usually take place away from the workplace and may fall outside of normal working hours, the general standards above still apply. It is an honour to be invited to attend external events and appropriate behaviour is essential. Poor behaviour may damage our firm's reputation, our relationship with the client and may ultimately result in the loss of the client.

If you have any questions regarding this policy, please talk to the HR Coordinator.