

Anti-Harassment and Anti-Bullying Statement

Introduction

We believe that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the JCP culture we wish to protect.

One key to protecting our culture and our people is seeking to eradicate bullying or harassment at work. This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.

The policy accompanies our Equality, diversity and inclusion (EDI) policy, which can be found in the Quality Manual.

Scope

This policy applies to anyone working for us. This includes employees, workers, contractors, volunteers, interns and apprentices. The policy also relates to applicants and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

Our commitment to you

We believe that a culture of equality, diversity and inclusion not only benefits the business but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

We are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where instances of bullying or harassment are not appropriately addressed, is harmful to the wellbeing of the workforce as well as the wider business.

We therefore adopt a zero-tolerance approach to instances of bullying or harassment.

What we expect from team members

We expect every one of our team members to take personal responsibility for observing, upholding, promoting and applying this policy. The same expectation applies to third parties of all kinds, including but not limited to, clients, contractors, consultants and agency staff.

Any dealings should be free from discrimination, harassment, victimisation or bullying.

There is no justifiable reason to bully or harass someone else. For example, observing a particular religion is not a legitimate reason for bullying or harassing a colleague because of their sexual orientation. It is important to emphasise that the behaviour does not need to be intended in order to be considered as bullying or harassing.

You should be aware that you can be personally liable for harassment.

If a team member experiences bullying or harassment, they have been encouraged to speak up without delay as this will help us to support our valued team members and protect them from such behaviour.

If a third party experiences bullying or harassment from a JCP team member, they are encouraged to report this matter to hr@jcpsolicitors.co.uk.

Who is protected from harassment

The Equality Act 2010 prohibits discrimination because of certain protected characteristics.

These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- sexual orientation; and
- age.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any ground to be unacceptable.

Meaning of harassment

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

Examples of harassment

Harassment can occur in many forms, and can take place either at work or outside work. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic;
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event or marginalising them from the

- group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (ie revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

Meaning of sexual harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has

the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

Examples of bullying

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- Behaviours, which an individual knows or ought to know, would cause or is likely to cause fear or excessive anxiety to another;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

Sensitivity and confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, should keep the matter strictly confidential and act with appropriate sensitivity to all parties.

Consequences of breaching this policy

If any of our people is found after investigation to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our Disciplinary procedure, up to and including dismissal.

If any third party is found, after investigation to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies), up to and including cessation of contract and prohibitions on future contact.

Training

Every current team member at JCP attends regular equality, diversity and inclusion training on at least an annual basis.

We expect all third parties to display behaviours that align with the principles of this policy.

We expect all third party contractors to ensure that representatives of their organisation have participated in their own relevant training on bullying and harassment and adhere to the standards outlined within this policy.

Record-keeping

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation. The HR team will keep a log of all instances that could fall under the SRA Workplace Environment Reporting Obligations.

All team members and third parties should immediately report any inappropriate access or disclosure of data in accordance with our Data protection policy as this constitutes a data protection breach.

Monitoring and review

We analyse data around allegations of bullying or harassment (in compliance with our data protection obligations) on an ongoing basis to assess the impact of this policy and our wider equality, diversity, and inclusion strategy.