

Dignity at Work

1 Introduction

- 1.1 Devonshires (“the Firm”) is committed to providing equal opportunities in employment and to providing a workplace which fosters the development of the individual and is free from discrimination, harassment, and bullying, where everyone is treated with dignity and respect.
- 1.2 We will not tolerate conduct which breaches this policy, by any partner, consultant, employee, agency worker, client, or supplier.

2 Discrimination (including harassment) and bullying

- 2.1 We prohibit the following kinds of discrimination (irrespective of whether such discrimination is intentional or unintentional):
- Direct discrimination – legally this occurs when a person is treated less favourably because of perceived or actual age, disability, gender identity, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. This also occurs if the less favourable treatment is because a person is associated with someone who has one of the protected characteristics.
 - Indirect discrimination – legally this occurs where a provision, criterion or practice which cannot be justified is applied equally to all groups regardless of age, disability, gender identity, marriage and civil partnership status, race, religion or belief, sex, or sexual orientation, but adversely affects people with a particular protected characteristic more than others.
 - Victimisation – this is where a person is subjected to a detriment because they have (or are believed to have) made allegations or complaints of unlawful discrimination, provided information about such allegations or complaints, or supported someone else who has made or intends to make such an allegation or complaint, in good faith. Victimisation also arises where the perpetrator acts because they think the other person may take any of these actions.
 - Harassment – legally this is unwanted conduct relating to age, disability, gender identity, race, religion or belief, sex, or sexual orientation which:
 - Has the purpose of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual; or
 - Is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, or offensive environment for them, even if this effect was not intended by the person responsible for the conduct and even if the conduct was not ‘directed’ at them. Acts or behaviours may be offensive, and humiliating based on how they are reasonably perceived by the individual concerned.
 - Harassment also includes conduct of a sexual nature (sexual harassment). For example, unwanted sexual advances or physical

contact, displays of sexually suggestive pictures, or inappropriate sexual comments.

- 2.2 Whilst there are particular ‘protected characteristics’ which legally qualify for protection against discrimination and harassment (as identified above), the Firm’s position is that discrimination and harassment based on any personal characteristic – and not just those provided for within the Equality Act 2010 – is unacceptable. Other examples of personal characteristics for which individuals may find themselves subject to discrimination or harassment are school background; physical attributes such as height, weight, tattoos, or facial features; and where they live. For the avoidance of doubt, discrimination or harassment based on any personal characteristic (or victimising someone for complaining about such/supporting someone else with a complaint) will not be tolerated.
- 2.3 Bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power that undermines, humiliates, or injures the individual on the receiving end.
- 2.4 Harassment and bullying can also include unwelcome physical, verbal, or non-verbal conduct.
- 2.5 Discrimination, harassment, and bullying can be carried out by colleagues or subordinates, as well as by partners, consultants, managers, supervisors, clients of the Firm and other third parties contracted by the Firm.
- 2.6 This policy covers discrimination, bullying and harassment of individuals (employees, agency workers, partners, consultants, and other third parties who may come into contact with the Firm) in the workplace or in any work-related setting outside the workplace. This policy applies when at work and may also apply outside core working hours because in the legal profession, client entertaining is common, as are social interactions within and across teams and with clients. There is a possibility that discrimination, harassment, or bullying could occur in such situations and individuals should be assured that the policy remains in place at such times where the event is work-related.

3 Consequences of discrimination, harassment or bullying

- 3.1 Discrimination, harassment, and bullying can have very serious consequences, potentially causing stress and affecting an individual’s well-being, their relationships, and their performance at work. Effects on the Firm can include poor work performance and consequent client service, loss of morale, increased staff turnover (which means additional costs) and damage to reputation.
- 3.2 The Firm will not tolerate discrimination, bullying or harassment of any kind and will also not tolerate victimisation of any person for making allegations of discrimination, bullying or harassment in good faith.
- 3.3 Incidences of discrimination, bullying and harassment undermine the effectiveness and integrity of the Firm and as such will be taken seriously and investigated as such.

3.4 A breach of this policy will be deemed gross misconduct under the Firm's disciplinary procedure. Non-employees who breach this policy will have a similar appropriate sanction applied.

3.5 Extreme forms of harassment or bullying such as sexual or racial abuse may also constitute a criminal offence.

4 What to do where discrimination, harassment or bullying happens

4.1 All employees, consultants and partners have a responsibility to implement and comply with this policy.

4.2 Any employee, consultant, partner, or agency worker who believes they are being discriminated against, harassed, or bullied has the option to have their complaint dealt with formally or informally.

- Informal action: in some instances, it will be sufficient for the recipient to raise the problem informally with the perpetrator, pointing out that their conduct is unwelcome. Anyone who finds it intimidating or embarrassing to raise the problem directly with the perpetrator may seek advice or support from their line manager or they may if they wish speak directly to a member of the HR team, who will advise on next steps in attempting to resolve the issue informally and confidentially.
- Where the complaint is about a client of the Firm, it should always be referred to a partner.
- Formal action: this will generally be appropriate where informal action has proved ineffective or for more serious instances of discrimination, harassment or bullying where the individual requests to use the formal procedure immediately. In these instances, the Grievance Procedure will be followed (or alternative if they are not an employee), and should the Grievance be upheld then the perpetrators will be dealt with under the Disciplinary Procedure (or alternative if they are not an employee).

4.3 Where a matter is raised informally with HR, if the HR representative deems it to be sufficiently serious, they may pursuant to a discussion with the Head of HR, determine that a formal investigation following the Grievance Procedure (or equivalent) needs to be instigated.

4.4 Should an individual be offended by the action of a client or supplier, the Firm will act accordingly to support them. This may include informing the client or supplier of the unacceptable nature of such behaviour, or if appropriate not working with that client or supplier going forward. The Firm will not tolerate unacceptable behaviour from its clients or suppliers.

4.5 No individual should be subject to coercion by partners, managers, or peers to carry out actions which they find offensive, and no partners or managers should abuse their positions of authority. Any individual who believes they are subject to coercion by partners, managers, peers, suppliers, or clients to carry out actions that they consider offensive should report this to the HR Team or to one of the partners.

5 Training

- 5.1 The regular programme of compliance training will include a section on Dignity at Work which will remind all employees, consultants, and partners of what constitutes unacceptable behaviour under legislation and in general.

6 Monitoring and review of the policy

- 6.1 This policy is reviewed and amended periodically by the HR team.