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# ANTI-HARASSMENT AND BULLYING POLICY

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# ANTI-HARASSMENT AND BULLYING POLICY

## SUMMARY OF POLICY

Matrix is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect.

Matrix takes a zero-tolerance approach to harassment and bullying by members, staff and others for whom it is responsible. Matrix will also take reasonable steps to prevent and address bullying and harassment by others.

Harassment will not be tolerated or condoned. Employees, members, trainees, work experience placements, and others who work at or for Matrix, or with individuals subject to this policy (for example, clients of Matrix) have a right to complain if it occurs.

Bullying, harassment and sexual harassment will normally be regarded as gross misconduct and will lead to disciplinary action under the Conduct & Capability Procedures in their applicable Handbook.

## DEFINITIONS

- **Harassment** is unlawful under the Equality Act 2010 and will not be tolerated in any form at Matrix.
  - In summary, harassment consists of any unwanted conduct related to sex, race, disability, gender identity and reassignment, religion or belief (or absence thereof), sexual orientation, age, pregnancy or maternity, which has the purpose or effect of violating a person's dignity, or of creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.
  - In summary, sexual harassment consists of unwanted conduct of a sexual nature/related to gender or sex which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person and/or less favourable treatment for rejecting or refusing to submit to such conduct.
- **Harassment** not linked to any protected characteristic is also unlawful under the Protection from Harassment Act 1997.
- **Bullying** includes offensive, intimidating, malicious or insulting behaviour, and any abuse or misuse of power which undermines, humiliates, denigrates or injures the recipient.
- **Victimisation** is treating a person less favourably because that have raised, or been involved in raising, or are thought to be going to raise issues of equality or harassment under the Equality Act 2010.

Harassment and bullying may include:

- Verbal or non-verbal, physical or visual behaviour.
- A single act or a series of acts.
- Behaviour which has the effect set out above, even if the perpetrator does not intend or that it will have this effect, particularly if they should have anticipated or realized that it would have the effect which it had.
- Behaviour which is not directed at the person who finds it intimidating, offensive etc.

## EXAMPLES OF HARASSMENT OR BULLYING

The following are examples of types of behaviour which may, depending on the circumstances, amount to harassment or bullying:

- Physical or sexual assault.
- Requests for sexual favours, for example in return for career advancement.

- Unwelcome sexual advances.
- Unreasonable physical contact.
- Unnecessary and degrading references to someone's protected characteristics.
- Spreading rumours or gossip.
- Exclusion from social networks and activities or other forms of isolation.
- Verbal abuse, including shouting and intimidation.
- Compromising suggestions or invitations.
- Suggestive remarks or looks.
- Display of offensive materials, including on a computer screen.
- Offensive jokes, whether verbal or written.
- Offensive remarks or ridicule.
- Overbearing supervision or other misuse of power or position.
- Making threats or comments about job security without foundation.
- Deliberately undermining someone, for example by unreasonable overloading and/or criticism.
- Unfair work assignments.
- Unreasonably asking intrusive questions.
- Dealing inappropriately or inadequately with complaints of harassment.

## APPLICATION OF THIS POLICY

A copy of this policy is provided to all those for whom Matrix constitutes their working environment, including members, associates, academics, trainees, employees, temporary workers, applicants, those who provide services to Matrix such as contract cleaners, accountants and IT Managers, and work experience students. All of those people are required to comply with the terms of this policy. A copy of this Policy will be published on Matrix's website and intranet, to draw the Policy to the attention of clients and visitors.

## RAISING A COMPLAINT

Where appropriate, Matrix encourages people who are concerned about bullying and harassment to attempt to address behaviour informally and at an early stage. This may be done by approaching the person responsible directly or by involving or seeking advice from a third party, such as a colleague or an Equality & Diversity Officer (EDO). It may be that the person responsible does not appreciate the effect of their behaviour and some concerns can be resolved by simply talking the matter through.

However, Matrix recognises that this will not be possible or appropriate in all cases. Any person who wishes to make a complaint of harassment or bullying should therefore follow the Grievance & Complaints Procedure. They should also be aware of the position in relation to confidentiality as set out at Section 8 of that Procedure and in the Conduct and Capability Procedure.

Harassment is misconduct and, for members, is also a breach of the Bar Standards Board Handbook. Bullying is also misconduct. They therefore may result in disciplinary action being taken under the Conduct & Capability Procedures contained in the applicable Handbook.

## DUTY TO REPORT SERIOUS MISCONDUCT FOR MEMBERS

Allegations which may amount to serious misconduct by a member may be reported to the BSB under its reporting procedure.

Members have a duty to inform the BSB if they have reasonable grounds to believe that another member has committed serious misconduct. Guidance for members on their duty to report serious misconduct can be found on the BSB website. Reference to this duty is also contained in Section 8 of the Grievance & Complaints Procedure.

## STATEMENT ON VICTIMISATION

Matrix is committed to ensuring, as best it can, that no-one who makes an allegation of harassment in good faith should be subjected to any detriment as a result. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint may result in disciplinary action being taken under the Conduct & Capability Procedure contained in this Handbook. Victimisation is also unlawful under the Equality Act 2010.

## REVIEW OF THIS POLICY

This policy shall be reviewed in accordance with the procedure contained in this Handbook entitled Procedure for Reviewing this Handbook.

## SUPPORT AND ADVICE UNDER THIS POLICY

If you have been a victim of harassment or bullying, you are able to seek the advice of an EDO (Matrix's EDO's are: [Sarah Hannett](#), [Mathew Purchase](#) and [Isabel Baylis](#)).

You are also able to nominate a companion if you wish to make a complaint under the Grievance and Complaints Policy.

In addition to this, Matrix funds an Employee Assistance Programme.

The Employee Assistance Programme provides mental health and wellbeing support for **everyone** within Matrix (this includes anyone on the staff team, any member, trainee, as well as any of your immediate family members). This is a valuable and important service. This service is provided by Health Assured.

The EAP is an independent and external 24/7 support helpline which you can call for counselling and support on a number of issues, including:

- Stress.
- Work-related emotional support.

Every call is answered by a qualified counsellor and it is anonymous and confidential – you only need to give 'Matrix Chambers' when asked, but we will not know who has accessed the service or what advice or issues have been discussed.

After the initial phone call the service can lead to (with no charge to you):

- Up to 8 sessions per issue of face to face counselling and Cognitive Behavioural Therapy (CBT) per person, per issue, per year
- Up to 8 sessions of structured telephone counselling per person, per issue, per policy year
- Medical Line – 24 hour access to trained nurses and a GP Call Back Service
- Occupational Health Nurse Intervention for stress.
- HSE compliant online health portal including personal coaching and positive attitude tools.

**HOW TO ACCESS THE EAP HOTLINE**

Hotline: **0800 030 5182**. Available 24 hours a day.

Online support – this provides a number of resources on dealing with the issues listed above and are free for you to use at any time. Again, the service is anonymous and not linked to individual accounts.

[www.healthassuredeap.co.uk](http://www.healthassuredeap.co.uk)

Username – matrix

Password – chambers

Any feedback that you are willing to give regarding the EAP service will allow us to ensure we are providing quality support. Please speak to an Equality and Diversity Officer if any have any feedback.

**BAR COUNCIL SUPPORT**

The Bar Council has a helpline which puts you through to Sam Mercer or a member of the Bar Council's Equality and Diversity team who are responsible for issues including harassment at the Bar.

The helpline: **0207 611 1321**

Email: [equality@barcouncil.org.uk](mailto:equality@barcouncil.org.uk)

See also the section on support under the Wellbeing Policy.