

DIVERSITY AND EQUITY POLICY

January 2023



DIVERSITY AND EQUITY POLICY

Our Commitment

We are committed to providing outstanding client service by maintaining the highest standards of professional excellence. To meet this objective we have an Equity, Diversity, and Inclusion policy, committing us to supporting the principle of equal opportunities for all. We are committed to recruiting, training and promoting the best person for the job, regardless of age, disability, ethnic origin, gender identity, marital and civil partnership status, parental responsibilities (including pregnancy and maternity), race, religion or belief, sex, or sexual orientation. We are also committed to creating a working environment which is free of any form of discrimination, harassment or bullying and within which all individuals are treated with respect, fairness, and courtesy.

This policy applies to everyone working at BDB Pitmans including employees, partners, temporary or agency workers, trainees, work experience students, secondees, contractors and consultants. You are required to comply with the policy in all your dealings with clients, colleagues, and anyone else with whom you come into contact during your employment or engagement (if you are a Partner or Consultant). The policy applies not only when you are working on our premises or those of any client or contact, but also includes work-related social events, corporate events and travelling or staying away from home whilst on business.

Any breach of this policy will be treated as a disciplinary offence resulting if appropriate, in disciplinary action.

Scope of the Policy

This policy covers the following matters:

- recruitment, selection, learning and development and promotion;
- terms and conditions of employment / terms of engagement;
- disability;
- discrimination, victimisation, and harassment;
- our obligations;
- our responsibilities;
- complaints procedure; and
- monitoring.

Recruitment, Selection, Learning and Development and Promotion

The firm will ensure that information about job opportunities is circulated as widely as possible in the circumstances to ensure that it reaches all sections of the community. All applications are welcomed and are considered for selection on the relative merits of the applicant against the job and/or person specification for the position regardless of age, disability, ethnic origin, gender identity, marital and civil partnership status, parental responsibilities (including pregnancy and maternity), race, religion or belief, sex, or sexual orientation.

Where we employ the services of recruitment agencies to assist us in selecting our people those agencies will be instructed that advertisements must not be discriminatory and all those involved in recruitment must be aware of the firm's overall policy on equal opportunities at the recruitment stage.

Job and person specifications will only include criteria which are objectively required for the duties and responsibilities of the vacancy and will be drawn up before the recruitment process begins. However, if there is a genuine and lawful reason for limiting the vacancy to a particular group, this reason, and the grounds for it will be clearly stated on any advertisements.

We retain the discretion to invite applications from individuals whose job may be at risk of redundancy or who require redeployment for health or disability reasons before advertising the vacancy more widely.

All new joiners are asked to complete a monitoring form to assist in the maintenance of records and for monitoring purposes.

We aim to provide everyone with the appropriate learning and development opportunities to enable them to improve their performance and achieve the performance targets set for them. Opportunities for learning and development are equally available to everyone. Promotion within the firm is based on personal merit and the reasonable requirements of the job only.

Barristers, experts and other sub-contractors are selected and instructed on the basis of their skills, experience, ability and cost and not on the grounds of age, disability, ethnic origin, gender identity, marital and civil partnership status, parental responsibilities (including pregnancy and maternity), race, religion or belief, sex, or sexual orientation. We will work closely with the client (involving the Client or Matter Partner as appropriate) to agree the instruction of a barrister, expert or other sub-contractor who is the most appropriate for the matter under consideration.

Terms and Conditions of Employment / Terms of Engagement

We ensure that terms and conditions of employment/terms of engagement are free from all forms of direct and indirect discrimination and apply in an equitable way regardless of age, disability, ethnic origin, gender identity, marital and civil partnership status, parental responsibilities (including pregnancy and maternity), race, religion or belief, sex, or sexual orientation. No requirements, conditions, criteria, or practices will be imposed, either directly or indirectly, which might place any group of colleagues at an unfair or unlawful disadvantage. Our grievance and disciplinary procedures will operate without discrimination.

We recognise the need to balance personal and work life and that flexibility regarding working patterns assists the broadest range of people. Our Flexible Working policies and toolkit encourages and supports this.

Disability

We value the individual contribution of all colleagues and prospective employees from all sectors of the community. We are committed to facilitating the employment of people with disabilities wherever practicable and to achieve this, we operate the following code of practice. We will:

- take reasonable steps to ensure that the working environment, working practices, terms and conditions of employment and terms of engagement do not prevent disabled people from taking up positions for which they are suitably qualified and, in all other respects, the best person for the job;
- bear in mind the desirability of avoiding barriers to the employment of disabled people when acquiring and fitting out buildings with equipment and devising working practices;
- make reasonable adjustments to recruitment arrangements, the working environment, working practices and to terms and conditions of employment to ensure that no disabled person is placed at a substantial disadvantage;
- ensure that any decision not to make a reasonable adjustment which might enable or assist a colleague or prospective colleague will not be taken below the level of the Head of Department after consultation with the HR Department. Before making such a decision, we will ensure that all possible reasonable adjustments have been fully investigated, including consultation with the individual concerned and any appropriate expert advice;
- ensure that any colleague who becomes disabled whilst in employment will be given the full support of the firm and our Occupational Health Advisers to continue in their own job (where practicable and having put in place any reasonable adjustments) or to move to an alternative job appropriate to his/her experience and abilities, if available;
- encourage the participation of disabled colleagues to ensure that, wherever possible, our employment practices recognise and meet their needs;
- consult disabled colleagues on action to make sure they develop and use their abilities at work; and
- continue to provide services and facilities to clients with disabilities.

Further guidance can be obtained on an entirely confidential basis from the HR Department. If you know or believe you might be disabled, you are encouraged to discuss this with the HR Department so that we can ensure you achieve your full potential and that we comply with our responsibilities.

Discrimination, Victimisation and Harassment

Discrimination

A person has been discriminated against if they are treated less favourably than another on the grounds of age, disability, ethnic origin, gender identity, marital and civil partnership status, parental responsibilities (including pregnancy and maternity), race, religion or belief, sex, or sexual orientation. Discrimination also includes harassment, bullying or victimisation on any of these grounds.

Indirect discrimination

Is where there is a practice, policy or rule which applies to all employees in the same way, but when applied to some employees may have a worse effect or cause a disadvantage due to their age, disability, ethnic origin, gender identity, marital and civil partnership status, parental responsibilities (including pregnancy and maternity), race, religion or belief, sex, or sexual orientation.

Victimisation

Victimisation is a term used to describe action by an employer, against an employee, in retaliation for involvement in bringing, or supporting, a complaint of discrimination.

Harassment

Harassment is unwanted, unjustified, unreasonable, or inappropriate treatment of or behaviour towards another person which causes them distress, discomfort or worry. Harassment includes bullying and victimisation. Harassment may be discriminatory when it is on the grounds of another's age, disability, ethnic origin, gender identity, marital and civil partnership status, parental responsibilities (including pregnancy and maternity), race, religion or belief, sex, or sexual orientation. Harassment will be unlawful discrimination if:

- unwanted conduct takes place;
- it is on discriminatory grounds; and
- has the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

The following types of behaviour may amount to harassment and are not exhaustive:

- physical assault;
- physical or verbal abuse including threats;
- suggestive comments or gestures;
- suggestive or offensive emails;
- insulting or abusive behaviour or comments;
- isolation or exclusion from corporate, social or sporting events;
- bullying and victimisation;
- persistent criticism or humiliation; and
- unfair allocation of work or responsibilities.

The examples provided below are the types of behaviour which may constitute harassment and are not exhaustive.

Age Harassment

The following types of behaviour may amount to age bullying and harassment:

- making ageist insults or threats;
- making assumptions and judgements about a colleague based on their age;
- engaging in banter or jokes which are degrading to a person's age;
- ignoring or excluding a colleague from activities because of their age.

Disability Harassment

The following types of behaviour may amount to disability and harassment:

- making ableist insults or threats (including nicknames, teasing, name-calling, pulling faces, jokes, or pranks);
- making assumptions and judgements about a colleague based on their disability;
- asking a disabled colleague intrusive questions about their private life;
- ignoring or excluding a colleague from activities because of their disability.

Homophobic and Transphobic Harassment

The following types of behaviour may amount to homophobic or transphobic bullying and harassment:

- making homophobic or transphobic insults and threats;
- making unnecessary and degrading references to an individual's sexual orientation or gender identity;
- engaging in banter or making jokes which are degrading to a person's sexual orientation, perceived sexual orientation or gender identity;
- outing an individual as lesbian, gay, bisexual or transgender (LGBTQ+) without their permission;
- ignoring or excluding a colleague from activities because they are LGBTQ+;
- spreading rumours or gossip about an individual's sexual orientation or gender identity;
- asking an LGBTQ+ colleague intrusive questions about their private life;
- making assumptions and judgements about a colleague based on their sexual orientation or gender identity; and
- using religious belief to justify anti-LGBTQ+ bullying and harassment.

Racist Harassment

The following types of behaviour may amount to racist bullying and harassment:

- Racist derogatory name calling;
- Verbal threats, insults, and racist jokes (mimicry, gestures, etc);
- Display of racially offensive material;
- Exclusion from normal workplace conversation or activities;
- Physical attack;
- Encouraging others to commit any such acts.

Religion or Belief Harassment

The following types of behaviour may amount to religion or belief harassment:

- where an employee is upset by repeated mocking use of derogatory terms or comments about their religion or belief or observance by a colleague;
- exclusion from normal workplace conversation or activities because of religion or belief;
- insults, ridicule, or teasing regarding appearance, religious symbols or dress;
- conduct that denigrates, is intimidatory or physically abusive of a colleague because of their religion or belief.

Sexual Harassment

The following types of behaviour may amount to sexual harassment:

- physical conduct of a sexual nature;
- unwanted physical contact or conduct even if not obviously sexual including unnecessary touching, brushing against another individual, uncomfortable proximity;
- verbal conduct of a sexual nature including unwelcome sexual advances, continued suggestions of social activity outside work after it has been made clear that this is unwelcome, suggestions that sexual favour may further a career (or refusal may hinder it);
- insults, ridicule or teasing of a sexual nature, insults related to gender or sexual orientation, offensive comments about appearance or dress, talk or jokes of a sexual nature which a person present has indicated they dislike;
- display of sexually suggestive or pornographic pictures, sending sexually harassing messages or images through email; and

- conduct that denigrates or ridicules, is intimidatory or physically abusive of a colleague because of his / her sex, marital status, or sexual orientation.

The Halo Code

Our workplace champions the right of staff to embrace all Afro-hairstyles. We acknowledge that Afro-textured hair is an important part of our Black employees' racial, ethnic, cultural, and religious identities, and requires specific styling for hair health and maintenance.

We celebrate Afro-textured hair worn in all styles including, but not limited to, afros, locs, twists, braids, cornrows, fades, hair straightened through the application of heat or chemicals, weaves, wigs, headscarves, and wraps. In this workplace, we recognise and celebrate our colleagues' identities. We are a community built on an ethos of equality and respect where hair texture and style have no bearing on an employee's ability to succeed.

Notes:

- Race-based hair discrimination is illegal under the Equalities Act 2010. Workplaces have the right to enforce a dress code as long as it is fair and does not unduly discriminate against any staff. Policies and practices that prohibit hairstyles which are primarily used to maintain Afro-textured hair can lead to indirect discrimination.
- The Halo Code focuses on hair textures and styles most commonly associated with the Black community.
- The term Black has historically been used as a racial and political label. Here, we use it to refer to members of the African diaspora, including those with mixed heritage, who as a result of their ancestry have Afro-textured hair.
- The Halo Code is a gender-neutral policy.
- In order to embody the spirit of The Halo Code, all staff are encouraged to familiarise themselves with different Afro-textured hairstyles and their cultural significance, and to avoid labelling Afro-textured hair with terms such as messy, unprofessional, or inappropriate.
- The Halo Code does not prevent workplaces from issuing additional guidance around Afro-texture hair and protective styles if applied consistently across all staff

Consequences of Discrimination, Victimisation or Harassment

Any behaviour involving discrimination, victimisation, or harassment of another will not be tolerated. Such behaviour may amount to gross misconduct in which case disciplinary action (including dismissal for serious offences) will be taken against any person breaching this policy.

Our Obligations

We believe that we all have the right to work in an environment which promotes equality of opportunity and prohibits discriminatory practices. We do not tolerate any form of discrimination, victimisation, or harassment by or against our people.

We should be fully aware of the behaviour that can constitute discrimination, victimisation, and harassment

It is the responsibility of each of us to be sensitive towards the impact that we have on others and not to discriminate against, harass or bully colleagues or condone discrimination, harassment or bullying by others. All of us must behave in a way that supports this policy and treat each other with respect, courtesy, and dignity in line with our values. If you have experienced behaviour which you believe falls short of the standard we require and which is not in line with our values, please see the Conduct Section of the Office Manual for further details of our grievance procedures.

Our Responsibilities

Our collective responsibility

All of us must comply with this policy and report any incidents or alleged incidents to your partner or manager or to the HR Department. Anyone who believes they are the victim of discrimination, victimisation or harassment should where possible raise the matter with the person against whom they have the complaint and attempt to resolve the matter without recourse to any formal procedure. You are encouraged to use the complaints procedure which is part of this policy.

Duties of partners and managers

It is the responsibility of all partners and managers to ensure the implementation of this policy and to ensure compliance. Where a partner or manager becomes aware of an allegation of discrimination, victimisation or harassment against a colleague or a member of the public in connection with the firm's activities, they must discuss it with the complainant. The HR Department can provide further advice and support.

Complaints Procedure

Failure to comply with this policy or to co-operate with it operating effectively is a disciplinary offence which may lead to disciplinary action including dismissal.

In the event of a complaint which falls within this procedure, it is our aim to reach a resolution as quickly as possible and as informally as possible. All complaints will be treated seriously and with appropriate confidentiality.

Making a complaint

If you feel you have experienced or are experiencing any form of discrimination, harassment, or bullying, please consider in the first instance whether it is appropriate to raise the matter directly with the person concerned. If it not appropriate to do so, or you feel unable to do so, please discuss the matter with your partner or manager. If you feel unable to do this, the appropriate point of contact is the HR Department.

Following initial discussions with your partner or manager or the HR Department, you will be asked to choose one of the following options:

- no further action necessary;

- discuss the complaint directly with the individual who is alleged to have caused offence;
- ask your partner or manager / HR Department to help you resolve the matter through informal approaches; and
- make a formal written complaint to the HR Department. This will initiate a full investigation and if appropriate, recourse to the disciplinary procedure.

If the alleged discrimination, victimisation, or harassment involves a client or an employee of a client, or if an employee of a client is alleged to have acted in a discriminatory or harassing manner, appropriate action to deal with the problem will be discussed with the person making the complaint.

Investigation

Once a formal written complaint has been made, the first step is to investigate the allegations as carefully and discreetly as possible. This will involve hearing detailed accounts from both parties - others may also be asked to provide information. Documents, emails, and other evidence may be considered. A full record of the progress and outcome of the investigation and any steps taken will be reported to the complainant at the earliest opportunity. Those conducting the investigation will not be parties directly involved in the allegation.

In extreme cases (for example, where it is felt that others could be at risk if no action is taken), we may need to investigate and take disciplinary action even if a formal written complaint is not made.

Disciplinary Procedure

If the investigation concludes that there appears to be substance to the complaint, it will normally be appropriate for the disciplinary procedure to be initiated. Please see the Conduct Section in the Office Manual for further details of our disciplinary procedures. Modifications to the procedure may be necessary to reflect the sensitive nature of the allegations.

We would normally seek the agreement of the complainant prior to commencing disciplinary action.

However, there may be occasions where despite the views of the complainant, we may need to pursue the matter formally. The matter will be dealt with promptly, fairly, and impartially. Care will be taken to ensure that the reputation of each party is not unjustly affected.

We will protect individuals who make a complaint in good faith or assist in an investigation from harassment. Any acts of retaliation or intimidation against the complainant will be treated as a disciplinary matter. However, individuals who maliciously make an unfounded complaint will be subject to disciplinary action.

Monitoring

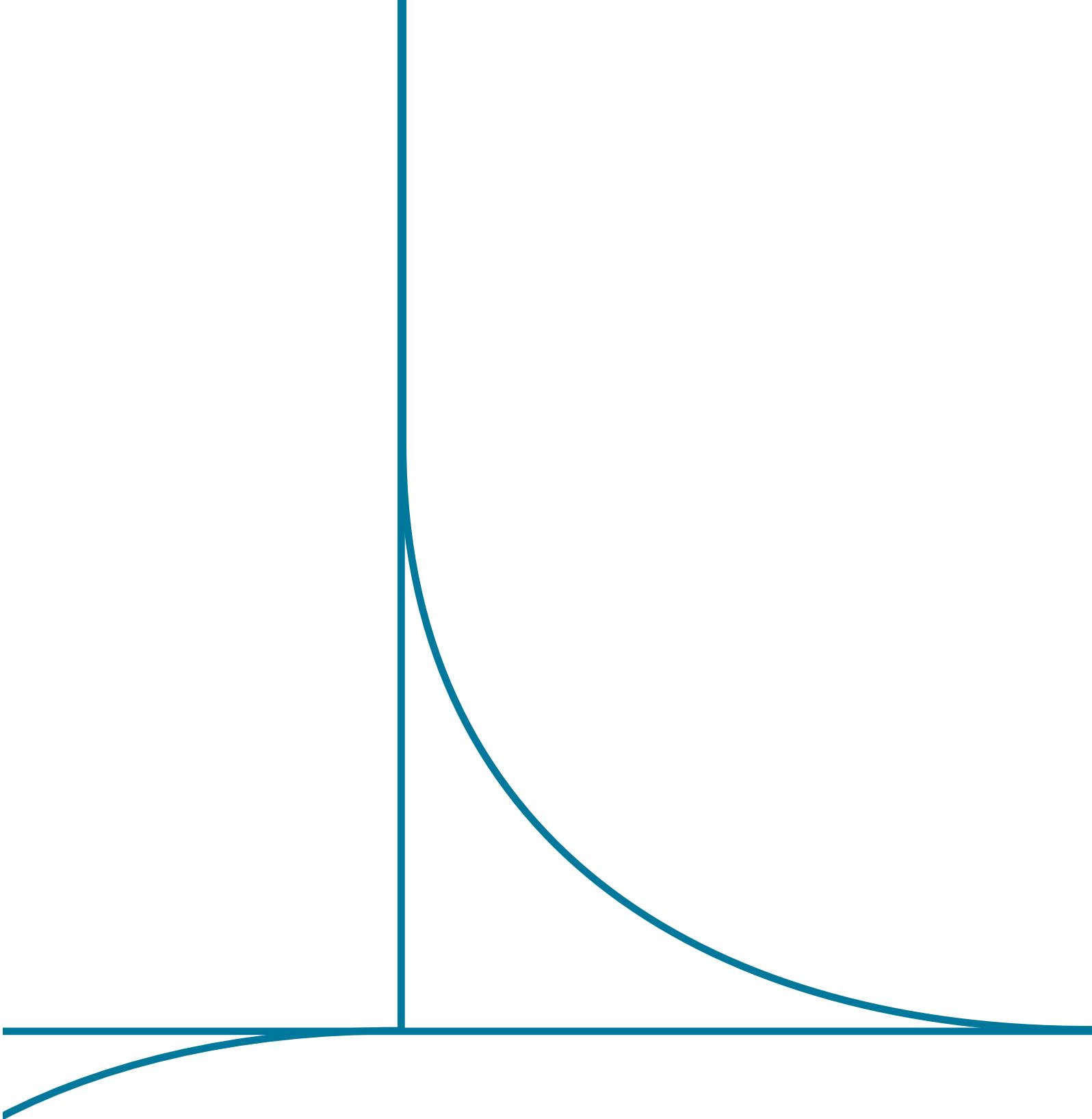
As well as being a requirement of all law firms regulated by the Solicitors Regulation Authority (SRA), collecting and monitoring diversity data provides us with an accurate picture of the make-up of our workforce. This enables us to highlight areas that require appropriate action to improve diversity at BDB Pitmans.

The firm stores, processes and on occasion discloses information about employees, Partners, and other Data Subjects (employees, partners, temporary or agency workers, trainees, work experience students, secondees, contractors and consultants) for employment, administrative and commercial purposes. We are committed to a policy of protecting the fundamental rights and freedoms of individuals and in particular their right to privacy with respect to the processing of personal data, as set out in the Data Protection Act 2018. When handling such information, the firm, and all employees or others who process or use any personal information will always comply with the Act in full.

This policy reflects the law and firm's practice as of January 2023. The HR Department will be responsible for reviewing this policy from a legislative and operational perspective annually.

Reviewed by: Sarah Senel

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