

EQUALITY AND DIVERSITY POLICY

Introduction

It is essential to a modern, multicultural society that its justice system should reflect the social, gender-based, racial and cultural diversity of the society it serves. It is also good business sense for Chambers to ensure that its most important resources, its members and staff, are utilised in a fair and effective way. The principles of non-discrimination and equality of opportunity apply to all staff, members of Chambers, applicants, visitors, clients, suppliers and former staff members.

Avoiding discrimination in any form of business should be seen as an important strand of its risk management policy. Viewed more positively, achieving diversity should ensure a wider pool of talent on which the set can draw and enhance the service provided to clients.

The risks of falling foul of the provisions that relate to discrimination are:

- Criminal or civil liability – or both
- Professional liability for non-compliance with the anti-discrimination practice rules, and
- Consequential reputational harm

Anti-discrimination legislation is designed to promote fairness including in relation to employment, promotion and the provision of services. There are provisions relating to:

- Race (including colour, nationality, and national or ethnic origins)



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- Gender (including marital status, gender reassignment, pregnancy, maternity and paternity)
 - Disability
 - Sexual orientation (including civil partnership status)
 - Religion or belief
 - Age

Chambers monitors the gender, ethnicity and disability of those it recruits to ensure the application of a diverse recruitment policy, but does not set or work towards any targets in these areas.

Anti-Discrimination & Diversity Policy

Chambers is committed to providing equal opportunities and promoting diversity. This is evidenced by the diverse ethnic and social backgrounds of members, staff and clients (lay and professional).

It is unlawful to discriminate against individuals either directly or indirectly in respect of their age, race, gender, sexual orientation, disability or marital status. Relevant legislation is incorporated into this policy by reference.

All members of Chambers, pupils and staff, in their professional dealings with any other parties:

- Must not at any time discriminate against any person, directly or indirectly, nor victimise or harass them on grounds of their sex (including their marital status), race or racial group, ethnic or national origins, colour, nationality political, persuasion, religion or belief sexual orientation age, and



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- Must not at any time discriminate against any person on grounds of disability, except where, in relation to legislation, there is specific exception or limitation preventing such discrimination from being unlawful.

Chambers is committed to implementing the relevant legislation and the Bar Council Code.

Forms of Discrimination

Forms of discrimination include:

Direct discrimination, where a person is less favourably treated because of race, colour, ethnic or national origins, sex, pregnancy, marital status, disability or sexual orientation.

Indirect discrimination, where a requirement or condition which cannot be justified is applied equally to all groups but has a disproportionately adverse effect on one particular group.

Victimisation, where someone is treated less favourably than others because he or she has taken action or given information about discrimination or harassment or supported someone else's complaint.

Implementation

Responsibility

The Management Committee is responsible for ensuring compliance with the Chambers Equal Opportunities Policy.

Recruitment & Promotion

Chambers takes steps to ensure that applications for tenants, pupils and staff are attracted from both sexes and all races and from people with disabilities, and regardless of age, sexual orientation or religion



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or belief, and ensures that there are equal opportunities in all stages of the recruitment process. All advertisements relating to recruitment refer to Chamber's commitment to equal opportunities and the selection procedures adopted by Chambers are geared towards promoting equal opportunities.

Promotion within Chambers is made without regard to age, race, colour, ethnic or national origins, sex, marital status, sexual orientation, disability or age and is based solely on merit.

Clients

Chambers is generally free to decide whether to accept instructions from any particular client (subject to the cab rank rule), but any refusal to act will not be based upon the age, race, colour, ethnic or national origins, sex, creed, disability, sexual orientation or religion or belief of the prospective client.

Clients' request for a named barrister will be complied with, subject to Chambers' duty to discuss with the client the suitability of the barrister and to advise appropriately.

Chambers has a duty to discuss with the client any request by the client that only a barrister of a particular racial or social group or gender be instructed. Chambers will endeavour to persuade the client to modify instructions which appear to be given on discriminatory grounds. Should the client refuse to modify such instructions, the instructions must be refused and the matter reported to the Bar Council Equal Opportunities Officer (details at www.barcouncil.org.uk).

Allocation of Work

The allocation of work received in Chambers and the distribution of work between members of Chambers and pupils is conducted in such a manner as to ensure that all members and pupils are treated fairly and given equal opportunity to develop their practices.

Reasonable Adjustments Policy



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Guernica 37 International Justice Chambers is committed to making reasonable adjustments in order to remove or reduce disadvantage for disabled people, who are working with Chambers or are receiving legal services. This policy covers Chambers' dealings with all employees, barristers, clerks, pupils, mini pupils and visitors to chambers.

This policy is circulated to all members, staff and pupils who are required to read and understand it.

Definition of Disability

For the purpose of this policy the definition of disability follows that set out s. 6 of the Equality Act 2010. A person is therefore disabled if he or she has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities. "Substantial" means more than minor or trivial and "long term" means 12 months or more.

Types of Reasonable Adjustment

This policy does not provide an exhaustive list of all the reasonable adjustment that Chambers will make for staff, barristers, pupils or visitors however the types of adjustment that may be made are listed below:

- Provision of accessible conference room facilities
- Arrangements for conference to take place at client's home or solicitor's offices if attendance at chambers is not reasonably practicable
- Provision of auxiliary aids
- Provision of information in appropriate alternative formats (e.g. large print, Braille, coloured paper etc.).



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- Extension of time limits (where it is lawful to do so).
- Use of email or telephone in preference to hard copy letters.
- Use of plain English.
- Communication through a representative or an intermediary.
- Rest/comfort breaks in meetings.
- Provision for assistance dogs.

Staff or Barristers and others in chambers

Staff or barristers with specific requirements should make requests to the Management Committee for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case by case basis. Where it is not possible to make the adjustment requested a member will discuss viable alternatives with the applicant.

The Management Committee is responsible for considering whether or not disabled staff, barristers or pupils require assistance during an emergency evacuation and if so, whether a personal contingency plan is required for the individuals concerned. If so, the plan will be developed in partnership with the individual(s) concerned in order to ensure that adjustments to the emergency evacuation procedure may be made

Visitors to Chambers

Barristers are responsible for considering reasonable adjustment requests for their clients. They are also responsible for anticipating any likely reasonable adjustments that will need to be made for visitors



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who they know to be disabled and be likely to require assistance. Visitor requests for specific reasonable adjustments may be made by contacting the clerks.

Guernica 37 International Justice Chambers' consideration of whether an adjustment is reasonable or not depends on a number of factors including:

- The effectiveness of the adjustment(s) in preventing or reducing disadvantage for the disabled person.
- The practicality of making the adjustment(s) for Chambers.
- The availability of resources, including external assistance and finance.
- Any disruption to Guernica 37 International Justice Chambers activity that making the adjustment might cause.

There is no formal appeal procedure however where it is not possible to make the adjustment requested Guernica 27 International Justice Chambers will provide reasons for the decision and discuss any viable alternatives with the individual concerned.

In no circumstances will Guernica 37 International Justice Chambers pass on the cost of a reasonable adjustment to the disabled person.

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate. If you experience difficulties at work because of your disability please contact either the Chambers Director or a member of the Management Committee to discuss any reasonable adjustments that would help you overcome or minimise that difficulty.

This Policy is reviewed annually as part of Chambers Quality Review Cycle.



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Maternity, Paternity Policy and Flexible Working Policy

The maternity and paternity rights available to employees shall be no less favourable than those required by the Employment Protection (Consolidation) Act 1978 (as amended by the Trade Union Reform and Employment Rights Act 1993) for employees. In relation to its dealings with job applicants, employees or members, Chambers will be mindful of the provisions of the Sex Discrimination Act 1975, the Equal Pay Act 1970 and subsequent relevant legislation.

Flexible working hours and career breaks

In many ways working at the Bar is very suitable for flexible working hours. Chambers does not adopt a global policy but each member of Chambers is given the opportunity to adjust their practice in consultation with the Chambers Director as to what will work for them. This may mean working from home or only working a certain number of days, though it will still be that member's responsibility to have in place systems to operate their practice efficiently i.e. collecting and deliver papers.

If a member wants to request a career break, then this must be made in writing to the Management Committee including the reasons and length of break requested. This will then be considered taking into account the reasons, length of break, ability for Chambers to manage the work and the financial impact on Chambers.

Disciplinary & Grievance Procedures

Acts of discrimination or harassment on grounds of age, race, colour, ethnic or national origins, sex, marital status, sexual orientation, disability or religion or belief by employees or members of Chambers should be reported under Chambers' Grievance and Disciplinary Procedure and, if substantiated, will result in disciplinary action. Failure to comply with this policy will be treated in a similar fashion. The



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policy applies to all who are employed in Chambers, to clients and to members of Chambers and pupils.

Chambers will treat seriously and take action when any employee, member of Chambers or pupil has a grievance as a result of discrimination or harassment on grounds of age, race, colour, ethnic or national origins, sex, marital status, sexual orientation or disability.

Chambers will deal with all clients and other persons with the same attention, courtesy and consideration regardless of age, race, colour, ethnic or national origins, sex, creed, disability, sexual orientation, religion or belief.

Harassment – General Statement

Chambers accepts that everyone has the right to be treated with dignity. Harassment will not be permitted or condoned and members, employees and clients all have the right to complain should it ever occur.

Definition

Harassment means physical, verbal or non-verbal unwanted conduct that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can include:

- Unwelcome sexual attention
- Subjecting a member, employee or client to insults or ridicule because of their sex, sexual orientation, disability or race



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- Suggesting that sexual favours may further someone's career or that the refusal of sexual favours may in some way damage their career
 - Over-familiar behaviour, including lewd and suggestive remarks
 - Display of sexually suggestive pictures

What Constitutes Harassment?

What is harassment to one person may not amount to harassment to another. If it is unwanted by the recipient, then it may amount to harassment.

It is up to each individual to decide what behaviour is acceptable to them and to decide what is offensive. If an individual decides that the behaviour is offensive, they must make it clear that they do not accept it. If the behaviour continues, then it becomes harassment.

Remedial Action

Chambers will treat any case of harassment seriously. Those complaining will be protected against any form of victimisation or retaliation after bringing the complaint. Serious or persistent harassment may amount to gross misconduct and could lead to dismissal in line with Chambers' Disciplinary Procedure.

Informal Actions

A formal complaint of harassment is a serious step to take. Any person who has been harassed should therefore initially, wherever possible, try to tell the person that their behaviour is unacceptable. You may speak to a member of the Management Committee who can provide advice and assistance.

Formal Actions



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A formal complaint of harassment should be pursued through the process set out in the Chambers Grievance Procedure.

Review and Reporting

Chambers Equality and Diversity Officer is responsible for monitoring the effectiveness of this policy and its implementation. This policy and its operation will be reviewed annually.

Chambers Equality and Diversity Officer is currently Mr. Omar Soliman.

1 February 2022



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