



Sexual Harassment Prevention Policy and Procedure

Introduction

At TWM, we are committed to ensuring that all our people are treated with dignity and respect. This commitment includes fostering a workplace free from sexual harassment, where everyone feels safe, supported and confident that any concerns will be addressed promptly and fairly.

Sexual harassment can take many forms, all of which are unlawful under the Equality Act 2010, as amended. We have zero tolerance for such behaviour.

As mandated by law, we are committed to:

- Taking reasonable steps to prevent sexual harassment in the workplace;
- Taking swift and appropriate action when incidents occur;
- Providing clear reporting procedures for our people to raise concerns or complaints.

We encourage anyone who has experienced or witnessed sexual harassment to come forward so we can address the issue promptly. The Managing Partner holds ultimate responsibility for the enforcement of this policy, though certain duties may be delegated to the Director of People. Managers and partners operate an open-door policy, and we strongly encourage our people to raise any concerns.

All our people are responsible for adhering to this policy. Instances of sexual harassment or victimisation will be taken seriously and may result in disciplinary action, up to and including termination of employment.

This policy is regularly reviewed to ensure its effectiveness and relevance. Any necessary updates will be implemented and communicated to all our people.

Scope of the policy

This policy applies to everyone working at TWM, including our people, workers, agency workers, subcontractors, volunteers, interns, and apprentices. It also extends to job applicants and all stages of the employment relationship. Additionally, the policy covers sexual harassment by third parties.

Roles and Responsibilities

TWM

- Ensure compliance with the *Equality Act 2010* and its 2023 amendments.
- Implement and enforce this policy consistently.
- Conduct regular risk assessments to identify and address potential areas where harassment could occur.
- Gather feedback from our people on the effectiveness of the policy.

- Provide support to our people affected by harassment, including counselling and legal assistance where necessary.

Managers

- Set an example of appropriate behaviour and uphold this policy.
- Act promptly on any report of harassment and initiate investigations where necessary.
- Participate in required training to recognise, address, and prevent sexual harassment.
- Monitor the work environment for any signs of inappropriate behaviour or power imbalances.

Our people

- Treat all colleagues with respect and contribute to a safe and inclusive environment.
- Report incidents of sexual harassment promptly, using the company's reporting channels.
- Participate in training and awareness programs to understand sexual harassment and the company's prevention policies.

Definitions

Sexual harassment: Definition and Examples

Sexual harassment is a form of misconduct that involves explicit or implicit sexual overtones. It is typically characterised by unwelcome and inappropriate sexual remarks, gestures, or physical advances in a professional, social, or workplace setting.

Under the law, sexual harassment is defined as:

- **Unwanted conduct of a sexual nature** that has the purpose or effect of violating a person's dignity or creating an environment that is intimidating, hostile, degrading, humiliating, or offensive.
- **Less favourable treatment** based on sex or gender reassignment, which occurs as a result of rejecting or submitting to unwanted sexual conduct.

Sexual harassment can be perpetrated by a colleague, an agent of an organisation, or a third party. It does not need to happen face-to-face; it can occur through digital channels such as social media platforms or messaging services (e.g., WhatsApp, GloCom). Additionally, individuals may be affected by sexual harassment even if they are not the direct target of the behaviour.

Examples of Sexual Harassment

Examples of sexual harassment include, but are not limited to:

- sexual comments or jokes, which may be referred to as “banter”;
- displaying sexually graphic pictures, posters or photos;
- suggestive looks, staring or leering;
- propositions and sexual advances;
- making promises in return for sexual favours;
- sexual gestures;
- intrusive questions about a person's private or sex life or a person discussing their own sex life;

- sexual posts or contact in online communications, including on social media;
- spreading sexual rumours about a person;
- sending sexually explicit emails, text messages or messages via other social media;
- unwelcome touching, hugging, massaging or kissing;
- Invasion of personal space.

All instances of such behaviour are unacceptable and will be addressed in line with our policy.

Victimisation: Definition and Examples

Victimisation, as defined under the Equality Act 2010 (and updated in 2023), refers to treating someone unfavourably because they have performed, are suspected of performing, or intend to perform a **protected act**. Protected acts include:

- Making a complaint about discrimination or harassment.
- Supporting someone else's complaint.
- Providing evidence or information in connection with a discrimination or harassment complaint.
- Raising concerns about discriminatory practices.

It is important to note that the person does not need to have actually performed the protected act for victimisation to occur. Simply suspecting that someone has or will engage in a protected act is sufficient for detrimental treatment to be considered victimisation.

Examples of victimisation may include:

- failing to consider someone for promotion because they have previously made a sexual harassment complaint;
- dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint;
- excluding someone from work meetings because they gave evidence as a witness for another member of our people as part of an employment tribunal claim about harassment.

Victimisation is unlawful, and the Equality Act provides protection against such behaviour, ensuring that individuals can assert their rights without fear of retaliation or disadvantage.

Circumstances which are covered

This policy covers behaviour which occurs in the following situations:

- a work situation;
- a situation occurring outside of the normal workplace or normal working hours which is related to work, for example a working lunch, a business trip or social functions;
- outside of a work situation but involving a colleague or other person connected to the organisation, including on social media;
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

What to do if you are subject to sexual harassment or victimisation

We are committed to maintaining a workplace free from sexual harassment and victimisation. Any allegations of such misconduct will be treated as serious disciplinary matters. Each case will be evaluated individually, following the principles outlined in our disciplinary procedures. For further details, please refer to the Staff Handbook, available on the TWM Intranet.

Informal complaint

We understand that bringing forward complaints of sexual harassment or victimisation can be deeply personal and sensitive. Recognising this, we want to assure you that you do not need to follow the usual grievance procedure if it feels inappropriate. Instead, you are encouraged to speak confidentially with a senior colleague of your choice, regardless of whether they are your direct supervisor. This person will act as a supportive confidant but will not be involved in formally investigating the matter.

If you feel comfortable, you may choose to address the harasser informally by clearly communicating that their behaviour is unwelcome and asking them to stop. If speaking directly feels too difficult, you can provide a written request, with assistance from your confidential helper if needed.

Additionally, you are welcome to bring up any concerns during regular meetings with your manager, such as one-on-ones. Your manager will listen with empathy and take your concerns seriously, though they may guide you toward the formal reporting procedures outlined below. If you don't have a one-on-one scheduled, you can request a meeting at any time to discuss your concerns.

Formal complaint

Where the informal approach fails or if the sexual harassment or victimisation is more serious, you should bring the matter to the attention of the Director of People as a formal written complaint and again your confidential helper can assist you in this. Alternatively, you can report instances by emailing TWMconfidential@twmsolicitors.com. Our emails are continually monitored, and you will be contacted within 24 hours.

If possible, you should make notes of what happened so that the written complaint can include:

- the name of the alleged harasser;
- the nature of the alleged harassment;
- the dates and times when the alleged harassment occurred;
- the names of any witnesses;
- any action already taken by you to stop the alleged harassment.

Upon receiving a formal complaint, our priority is to ensure your well-being while a thorough investigation is conducted. To provide you with a safe and supportive environment, we will take immediate steps to separate you from the alleged harasser. This may involve temporarily relocating the alleged harasser to another area or placing them on suspension with full pay until the matter is resolved.

You will be invited to a meeting at a mutually convenient time and location, typically within five working days of submitting your complaint, to discuss the situation in detail. You are welcome to bring

a confidential helper or a work colleague of your choice to support you during this meeting. We encourage you to attend, as your input is vital for a comprehensive investigation.

We are committed to handling your complaint with the utmost sensitivity and confidentiality. All parties involved in the investigation are required to maintain strict confidentiality, and any breaches will be addressed under our disciplinary procedures. The investigation will be conducted promptly and impartially by trained professionals with no conflict of interest.

You can expect to receive the investigator's decision in writing, typically within 10 working days of the meeting. Our goal is to resolve the matter fairly and efficiently, ensuring your concerns are addressed with care and respect.

Disciplinary action

If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to, and including, summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of an aggravating factor is an abuse of power over a more junior colleague.

If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

Right to Appeal

You have the right to appeal against the findings of the investigator. If you wish to appeal, you must inform the Director of People within five working days of receiving the outcome. You will then be invited to a further meeting. As far as reasonably practicable, a more senior manager will hear the appeal.

Following the appeal meeting, you will be informed of the final decision, normally within 10 working days, which will be confirmed in writing. Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.

You will not be victimised for having brought a complaint.

What to do if you witness sexual harassment or victimisation

If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of the Director of People in writing. Alternatively, you can report instances of sexual harassment by emailing TWMconfidential@twmsolicitors.com. Our online means of reporting sexual harassment are continually monitored.

Your concerns will be handled by the Director of People who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

Third-party sexual harassment

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our clients, suppliers, members of the public, agents and contractors.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claims.

In order to prevent third-party sexual harassment from occurring, we will inform third parties (for example suppliers) of our zero-tolerance sexual harassment policy within our supplier documentation

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to the Director of People. Alternatively, you can report instances of third-party sexual harassment by emailing TWMconfidential@twmsolicitors.com. Our online means of reporting sexual harassment are continually monitored.

In cases where a client engages in sexual harassment with a member of our workforce, we will take appropriate action, which may include issuing a formal warning, blacklisting the client, or sharing details of the incident with our other offices. If the harassment involves criminal behaviour, it will be reported to the police.

We also uphold the same zero-tolerance approach for any sexual harassment committed by our workforce against third parties. Such incidents will result in disciplinary action, up to and including termination of employment.

Training

We provide training to all our staff on sexual harassment to ensure there is a clear understanding of:

- what sexual harassment is, how it may occur and that it will not be tolerated
- expected levels of behaviour;
- how they can report any incidents of having been sexually harassed or having witnessed it;
- how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal.

We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported. We will regularly review the effectiveness of our training and provide refresher training as appropriate.

Risk assessments

We conduct annual assessments to identify workplace areas, activities, or teams that may be more vulnerable to harassment due to factors like power imbalances or isolated working conditions. We also take proactive steps to address identified risks, such as installing appropriate physical security in areas where our people may work alone or strengthening supervision of high risk activities.

Awareness and communication

We ensure that the Sexual Harassment Policy is accessible to all our people, prominently displayed, and included in new hire inductions. We will use newsletters, posters, emails, and meetings to reinforce awareness of sexual harassment prevention and available reporting channels.

Employee Assistance Programme

We would like to remind you that further support is available by contacting our Employee Assistance Programme (EAP), a confidential 24-hour telephone counselling service, which can be accessed via the HR Portal or by calling **0203 499 0167**. As part of our EAP, you also have access to an online wellbeing tool and a 24 hour virtual GP.

Jamie Berry

Managing Partner & COLP

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