

**POLICY NO.25 DIGNITY AND RESPECT AT WORK POLICY****REV: 6 DATE: 22.07.2022****Introduction**

The policy of our Company is to treat all employees in a consistent manner, with respect and dignity and to provide an environment free from bullying/harassment and sexual harassment, in line with the current codes of practice issued by Health and Safety Authority, WRC and IHREC.

The Company is fully committed to providing a positive working environment, free from any form of harassment/bullying behaviour, for all personnel working with us. It is fundamental to our ethos of dignity and respect for others in the working environment that staff members should be free from any activity or behaviour that adversely affects the dignity of people in the workplace. This policy applies to all employees whether they are in a fixed location, at home, or mobile. An act of bullying, harassment or sexual harassment may occur outside the work premises or normal working hours provided the perpetrator was acting in the course of employment, for example on a training course or work-related social event.

Harassment/bullying behaviour can have a devastating impact on staff in the workplace and is totally unacceptable. Every employee is responsible for promoting a positive workplace free from bullying behaviour. Both the management and staff of the company have a shared responsibility to ensure that this type of behaviour is not tolerated within the organisation.

The objective of this policy is to inform all staff of their rights and responsibilities under the policy and to promote awareness among staff of the steps that they may take if they feel they are encountering problems in this area. Any complaint involving harassment/bullying behaviour, which comes through the identified complaints procedure, will be dealt with promptly and fairly.

Bullying / harassment in the workplace will not be tolerated by the Company under any circumstances. This policy provides for prompt, fair, confidential and effective redress for targets of Bullying / harassment. Bullying and Harassment and sexual harassment are distinct concepts and so any alleged behaviour must be either deemed bullying or harassment, not both.

**Application**

All employees will be expected to comply with this policy and Management will take appropriate measures to ensure that bullying/harassment does not occur. Every employee both staff and management have a shared responsibility for promoting a positive workplace free from inappropriate behaviour and in particular bullying, harassment and sexual harassment.

This policy applies to all employees whether they are in a fixed location, at home, or mobile. The policy also applies to employees at work associated events such as meetings and Company outings, whether on the premises or off site.

The policy applies to dignity & respect not only by fellow employees but also by a client, supplier or other business contact to which an employee might reasonably expect to come into contact within the course of their employment.

**Breaches**

Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employees who violate this policy.

**Harassment**

Harassment is defined as any form of inappropriate behaviour or act of conduct which is unwelcome and offensive, humiliating or intimidating on a discriminatory ground including spoken words, gestures, or the production, display or circulation of written material or pictures. (Employment Equality Act 1998). Harassment is linked to the nine discriminatory grounds (race, religious belief, age, sexual orientation, disability, civil status, membership of the traveling community, gender and family status), is outlawed in the workplace and in the course of employment. Harassment is defined in the Employment Equality Acts as any form of unwanted conduct relating to any of the discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating,

hostile, degrading, humiliating or offensive environment for that person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

The Employment Equality Act 1998 prohibits harassment by an employer, another employee or by clients, suppliers or business contacts of the employer. Unlike bullying, harassment may be persistent behaviour or an isolated incident.

### **Sexual Harassment**

Sexual Harassment is defined in the Employment Equality Act 1998 as all unwelcome and sexually, or otherwise on the gender ground, offensive, humiliating or intimidating actions involving acts of physical intimacy, spoken words, gestures or the production, display or circulation of written material or pictures, or requests for sexual favours. Sexual harassment is Sexual Harassment is defined in the Employment Equality Act 1998 as all unwelcome and outlawed in the workplace and in the course of employment by the employer, an employee or by clients, suppliers or business contacts of the employer. (Employment Equality Act 1998)

### **Bullying**

Workplace Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a once off incident, is not considered to be bullying. Complaints regarding an isolated incident should be handled under the company's Grievance Procedure.

Workplace bullying allegations should meet the criteria of an on-going series of accumulation of seriously negative targeted behaviours against a person or persons to undermine their esteem and standing in a harmful, sustained way. Bullying behaviour is offensive, on-going, targeted and outside any reasonable 'norm'.

A pattern and trend are involved so that a reasonable person would regard such behaviour as clearly wrong, undermining and humiliating. It involves repeated incidents or a pattern of behaviour that is usually intended to intimidate, offend, degrade or humiliate a particular person or group of people - but the intention is not important.

Behaviour that constitutes bullying can transcend organisational and reporting structures and can occur between members of staff at any grade/level. It can occur within peer groups, from management to staff and staff to management.

Bullying behaviour also occurs in many guises and reveals itself through obvious and direct methods as well as in less direct and subtle forms.

### **Behaviours likely to Constitute Bullying**

Bullying can include conduct offensive to a reasonable person, e.g. oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emojis, graffiti or other material which state/imply prejudicial attitudes which are offensive to fellow employees.

Other behaviours which can constitute bullying could be one or more of the following. This list is not exhaustive.

- Exclusion with negative consequences
- Isolating others from information or information
- Verbal abuse/insults
- Being treated less favourably than colleagues in similar roles
- Belittling a person's opinion
- Disseminating malicious rumours, gossip or innuendo
- Socially excluding or isolating a person within the work sphere
- Intrusion - pestering, spying or stalking
- Intimidation/aggressive interactions
- Excessive monitoring of work
- Withholding information necessary for proper performance of a person's job
- Repeatedly manipulating a person's job content and targets
- Blaming a person for things beyond their control
- Use of aggressive and obscene language
- Other menacing behaviour

**What is Not Bullying?**

- Once off behaviour is not bullying, however it may be an affront to dignity at work and the employee is still encouraged to raise this and seek resolution.
- The employee may consider the Grievance Procedure in this instance if the inappropriate behaviour complained of does not fall within the scope of this policy.
- Inappropriate behaviour in isolation does not in itself fall within the level of distress required for it to be considered bullying.
- Behaviour considered bullying by one person may be considered routine or acceptable interaction by another, so the 'reasonableness' of behaviours over time must be considered.
- Disrespectful behaviour, conflicts and disagreements is not of itself bullying. There are various workplace behavioural issues and relationship breakdowns which are troubling, upsetting and unsettling but are not of an adequate level to meet the criteria required for a bullying case.

Bullying does not include:

- Expressing differences of opinion strongly
- Offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome
- Ordinary performance management
- Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees (for example managing a worker's performance, taking reasonable disciplinary actions, or assigning work)
- Workplace conflict where people disagree or disregard the others' point of view

This list is not exhaustive.

**Procedures**

There is both an informal and formal procedure to deal with the issue of bullying/harassment at work. Any investigation should be completed as quickly as possible.

**Contact Person**

The Company has appointed a Contact Person/Contact Persons for any employee who wishes to enquire about complaint procedures in order to assist the resolution of a matter. The Contact Persons responsibilities are to sign post you by:

- Listening,
- Offer guidance on options available to you in line with the appropriate procedures.

This is on a strictly confidential basis.

The Contact Person is named on the staff notice board in the staff room. The contact person is trained appropriately on the company's policies and procedures. Contact persons are subject to agreement of terms which include confidentiality and objectivity.

The Contact Person will have no role in the investigation, outcome or appeal of any formal complaint or any further involvement in the details of the complaint, should it progress to that stage.

**Informal Procedure**

An informal approach may effectively address the unwanted behaviour without recourse to any other action. Sometimes the alleged perpetrator is genuinely unaware that the behaviour being complained of is disrespectful or unwelcome or undermining and/or causing distress.

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt should be made to address concerns as informally as possible by means of an agreed informal procedure.

The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for all of the individuals involved.

- I. Any employee who has a concern or who believes he/she is being bullied/harassed (the complainant) should explain clearly to the respondent(s) (the person who is causing the alleged issue) that the behaviour in question is unacceptable. This should be done quickly and calmly, focusing on the facts regarding acts done and their consequences.
- II. If it is more suitable, the employee who perceives that they are the recipient of unacceptable behaviour should put their concerns in writing, again focusing on the offending acts and their effects on them.
- III. In circumstances where the complainant finds it difficult to approach the respondent(s) directly, he or she should seek help and advice, on a strictly confidential basis, from a contact person:
  - At this stage the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned.
  - This could involve the contact person approaching the respondent(s) on the complainant's behalf and advising them that an informal complaint has been received against them.
  - The contact person will explain the nature of this complaint to the Respondent outlining this policy to them.
  - A meeting between the parties will be facilitated, in an informal manner so that both sides have an opportunity to discuss their issues.
  - The aim is to get the Respondent(s) to understand the effect that their behaviour has had on the Complainant and overall to get an apology and commitment from the individual that it will never happen again and agree ways of working, going forward.
  - The aim is to ensure that both parties can work together, positively going forward and ensure there is a commitment from both on agreed outcomes.

Complainant may decide for whatever reason, or the employer may deem it appropriate based on the seriousness of the issue, to bypass the informal procedure once they go through the review of the formal complaint as outlined below that will assess if it meets the criteria of bullying and thus can be progressed in line with the formal route.

#### **Secondary Informal Procedure**

If matters cannot be resolved at an informal level, the employee may decide to invoke the secondary informal procedure. If the employee decides to take the secondary informal route, then the Company will nominate someone to oversee this process. This will not be the same contact person, if utilised.

- The complaint should be set out in writing. If the complaint is made verbally, a written note of what is complained of will be taken by the nominated person and a copy given to the complainant for verification.
- The nominated person (who may be a trained manager or a member of the contacts person list), but not the contact person you spoke with already, will establish the facts, the context of the complaint and the next course of action in dealing with the matter under the informal procedure.
- If the complaint satisfies the definition of harassment, sexual harassment or bullying and includes concrete examples of this behaviour, the person complained of will be presented with the written complaint and be invited to respond.
- A method will be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment. This will require both parties meeting together with the nominated person to discuss the complaint and the responses to the complaint.
- The nominated person may deem it necessary to put in place an on-going monitoring process to ensure the behaviour has ceased. This may involve; regular check-ins with both parties for a period of time specified, additional meetings, temporary alternative working arrangements or any other measures appropriate to the situation.
- The nominated person will keep a record of each stage; complaint, meetings, agreed actions and signed records of meeting(s).

If the behaviour complained of does not meet the definition of harassment, sexual harassment or bullying, an alternative approach will be put in place under the grievance procedure or any other appropriate policy and a rationale recorded.

If there are no examples given by the complainant, it will be deemed that there is no complaint to be answered by the person complained of and therefore the complaint cannot proceed as the person complained of has no recourse to

rebutting an accusation that doesn't give any specifics. However, if an issue has occurred as perceived by either party, the parties will make every effort for positive relations going forward.

Line managers will be kept informed on the process as it progresses, where necessary and on a strictly confidential basis.

### **Mediation**

Mediation is a process whereby an independent, neutral mediator assists parties to come to an agreement through collaborative engagement. It is not about blame, but about understanding the conflict and finding agreed ways of future interaction and behaviour. The most important principles of mediation are voluntariness, impartiality, and confidentiality. It can be a very effective process for addressing issues and interpersonal disputes. Mediation requires the voluntary participation and co-operation of the parties to the complaint. Where mediation is availed of, the following applies:

- An independent mediator will be appointed.
- Mediation does not deny the right to a full investigation at a later date.
- The information that arises in mediation is confidential and cannot be used later in an investigation.

The option of mediation should be considered prior to the informal procedure.

Should these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint should take place with a view to determining the facts and the credibility or otherwise of the allegation(s).

### **Formal Procedure**

If an informal approach is inappropriate, or if after the informal stage and the concerns persists, or where management have made a reasonable evidence-based decision the following formal procedures should be invoked.

In order to commence the formal process for allegations under this Policy, the definition of harassment, sexual harassment or bullying must be met. Prior to an Investigator being appointed, the complaint must satisfy the definition of harassment, sexual harassment or bullying. If it does not, an alternative approach/Policy will be discussed and a rationale provided. This will be reviewed and considered by an appropriate person, the company assign this task to.

- In all cases all employees will have the right to a fair hearing.
- The matter(s) will be fully and fairly investigated; and all employees involved will have the full right to reply.
- The Company will always strive to be balanced, not to pre-judge and to apply the procedure in a consistent and honest manner.
- A reasonable amount of time should be afforded to both parties to respond to any issues raised in the course of the investigation in advance of any investigation meetings.

Those attending the investigation meeting will be informed in writing in advance of the meeting of:

- The purpose of the meeting.
- The complaint being investigated.
- The time and venue
- Their right to be accompanied

### **Location/Remote**

Formal meetings will always be carried out in a suitable private area, remote or otherwise.

### **Representation/Witness**

At all times throughout the formal procedure, you will have the right to express your views and to have a work colleague of your choice/ union representative present if you so wish. The presence of your witness (outlined above) may aid you in airing your views or act as a witness thus, ensuring you get a fair hearing.

### **Separation of Process**

The formal Investigation process is a three-step process which will be carried out by three separate people and it will be in accordance with the Principles of Natural Justice.

Information relating to the Investigation (including but not limited to the: Investigation Report and the Invite to the Investigation) will be transferred to the Outcome Manager. Relevant information relating to the investigation will be passed to:

- The Subject of Complaint
- Witnesses (if necessary)
- The Outcome Manager

#### **Third Party**

The Company reserves the right to appoint a third party to conduct this process. This will ensure an independent process where the Company have limited resources or limited persons appropriate to oversee the complaint.

#### **Confidentiality**

All individuals involved in this Procedure should maintain absolute confidentiality on the subject.

#### **Working Under Protest**

Should a dispute arise in relation to the handling of this process, it is agreed that the employees concerned will continue to work normally (under protest if necessary) pending resolution and exhaustion of the agreed Procedure.

#### **Cooperation**

Failure to attend scheduled such meetings without giving reasonable notice and a reasonable explanation will in itself be considered a disciplinary matter.

#### **Timeline**

Any investigation will be completed as quickly as possible whilst ensuring fairness to both parties.

#### **Appeal**

You will have the right to appeal.

#### **Investigation**

- The Complainant should make a formal complaint in writing to his/her immediate supervisor, or if preferred, any member of management. The complaint should be confined to precise details; including actual incidents with dates/times.
- The investigation should be conducted by either a designated member or members of management or, if deemed appropriate, an agreed third party. This role is called the Investigation Manager(s).
- The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant(s) and the respondent(s).
- The investigation should be governed by terms of reference. The parties will be provided with these terms of reference. If any party has a disagreement with the terms of reference this must be stated at the commencement of the process for resolving in advance.
- The Investigation Manager(s) should meet with the complainant(s) with a view to establishing the facts surrounding the allegation (s).
- The Respondent(s) should be notified in writing that an allegation has been made against them. The Respondent(s) should be given a copy of the Complainant's original statement and a copy of the Investigation Minutes.
- The Investigation Manager(s) should meet with the Respondent(s) giving them the opportunity to reply to the allegations.
- The Investigation Manager(s) should meet with any witnesses on an individual confidential basis with a view to establishing the facts surrounding the allegation(s).
- On completion of the investigation, the Investigation Manager(s) should submit a Preliminary Investigation Report to the Complainant(s) and Respondent(s). This will be the final opportunity to review and make any additional comments on the preliminary findings as both parties deem fit before a finalised Investigation Report is issued to both parties and the Outcome Manager(s).
- The Complainant(s) and the Respondent(s) should then be issued with a Final Investigation Report outlining the findings of the investigation.

#### **Outcome**

- The Investigation Manager will provide the Final Investigation Report to the Outcome Manager.
- Both parties will be invited to attend an Outcome Meeting and will be provided with a copy of the report.

- Both parties will be given the opportunity to respond to the Investigation Report.
- The Outcome Manager will take time in which to decide on the appropriate outcome of the investigation.
- The outcome will be confirmed to the parties in writing after the Outcome Meeting.

#### Outcomes

- **Substantiated:** Should the Outcome Manager decide that the complaint is substantiated; a recommendation should be made within the Outcome Letter to progress the issue through the disciplinary procedure. The Subject of Complaint will then be subject to the Company Disciplinary Procedure, which will be conducted at the Disciplinary Outcome Stage by a Disciplinary Outcome Manager. Please revert to the Company Disciplinary Procedure for further details.
- **Non-Employee:** If a complaint is substantiated against a non-employee the Outcome Letter will recommend appropriate sanctions against the non-employee or his/her employer.
- **Unsubstantiated:** Where a complaint is not substantiated due to lack of/conflicting evidence, no action will be taken against a Complainant provided that the complaint was made in good faith.
- **Malicious Complaints:** A malicious complaint can be described as an allegation being made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of allegedly bullying them. This could also apply to where one person maliciously complains of someone allegedly bullying a third party, without fully exploring the veracity of the claim. In the interest of all employees, any malicious or vexatious complaints will be treated very seriously and may lead to disciplinary action against the Complainant. Please revert to the Company Disciplinary Procedure for further details. Where a complaint is deemed malicious/ vexatious, the Complainant will be subject to the Company Disciplinary Procedure, which will be conducted at the Disciplinary Outcome Stage by a Disciplinary Outcome Manager.

#### Post Investigation

Should a case of bullying and/or harassment be established, on the balance of probabilities, then the Company will take appropriate action to ensure that the behaviour complained of ceases. This action may include training, counselling, disciplinary action and/or any other action deemed appropriate by the Company. Disciplinary action may be taken in line with the Company's disciplinary procedure and can include appropriate action up to and including dismissal. The decision of the Company will be notified to the relevant parties in writing as soon as practicable after the completion of the investigation. Please note that in line with GDPR principles Complainants cannot be informed of sanctions (if any) given to the subject of complaints.

#### Appeal

Either party can appeal the decision of the formal investigation in writing within 5 working days.

- The grounds of appeal must be noted in writing when requesting an appeal.
- This will be conducted by the Appeal Manager.
- The employee that appeals will be invited to attend an Appeal Meeting.
- The Appeal Manager will take time in which to decide on the appropriate outcome of the appeal, taking into account the appeal grounds.
- The outcome of the appeal will be confirmed to the employee in writing after the Appeal Meeting.
- You will have only one right of appeal and the outcome of this appeal is final. If the employee is unhappy with the outcome of the process further to the appeal, the issue may be processed through the normal channels.
- Please note that employees are obliged to exhaust the internal procedures before proceeding to a third party.

#### Follow Up

Regular checks will be made if necessary, to ensure that any actions have stopped and that there has been no victimisation for referring a complaint in good faith. However, please let a member of management know if you have outstanding concerns.

#### Victimisation

Retaliation of any kind against an employee for complaining or taking part in an investigation concerning this policy at work is a serious disciplinary offence.

**Data Protection**

In order to comply with its obligation under employment legislations the Company reserves the right to refer Dignity and Respect matters to outside professionals/ HR consultants for advice. Any information forwarded may be processed by those parties. Information will be made available to the WRC / The Department of Social Welfare / Revenue should they request same.

The principles of GDPR will be maintained at all times.

**To Conclude – Overall Responsibility for the Policy is Shared with Everyone!**

All employees working in the company are responsible for ensuring that harassment/bullying does not occur at any level in the organisation.

We all want to foster a positive, harmonious and supportive work environment and ensuring dignity at work does not prevent normal good humoured consensual interaction between work colleagues. However, care needs to be taken not to cross the line into unacceptable behaviour which is offensive, abusive, intimidating, malicious or insulting. Where a colleague indicates that certain behaviour is unacceptable; the individual involved in the behaviour should desist immediately.

All employees are responsible for ensuring that harassment/bullying does not occur at any level in the organisation. It is also the responsibility of all staff to make themselves familiar with this policy and to treat their colleagues with respect and dignity.

Management has a particular responsibility to ensure that the workplace remains free from all forms of harassment/bullying, to establish and maintain appropriate standards of behaviour in the workplace and to deal promptly and fairly with complaints of harassment/bullying.

If you need to invoke this policy, be assured you will be supported. This is really important to the culture of the company and our ethos.

**APPROVAL DATE:** \_\_\_\_\_

**IMPLEMENTATION DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**(On behalf of the Board of Directors)**