

## **POLICY NO.9 HARASSMENT & BULLYING AT WORK POLICY**

**REV: 08 DATE: 13.08.2021**

This policy is informed by relevant legislation and also Policy no.8 Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work

### **Code of Conduct**

Appropriate behaviour for staff, parents, members of Board of Directors, contractors.

We expect all members of the Scamps and Scholars community to recognise the right to dignity of all individuals and impose a duty of respect where members of our community are treated with consideration, courtesy, respect, without harassment or physical or verbal abuse or actions that can be interpreted as demeaning of others.

Our community has a responsibility to contribute towards an environment of trust and respect and at all times to avoid behaviour that may create an atmosphere of hostility or intimidation, leading to poor morale, and effecting employees' confidence and performance as this can increase levels of stress and absenteeism.

Employers are legally responsible to ensure employees are not harassed or bullied at work.

### **Definition of Bullying:**

These are legally distinct concepts and so a behaviour can be deemed either discrimination, bullying or harassment, not both.

### **Discrimination:**

Discrimination on the basis of the nine grounds specified in the Acts (Gender, Civil Status, Family Status, Sexual Orientation, Religion, Age, Disability, Race and Membership of the Traveller Community) comes under the remit of the Employment Equality Acts.

### **Bullying:**

- For the purpose of this code workplace bullying is defined as 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 be reasonably regarded as undermining the individual's right to dignity at work.
- Workplace bullying 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.

An isolated incident of behaviour is not considered bullying.

**Examples of Bullying:**

Verbal: Slander, ridicule, name calling, insults, humiliation, abusive

Physical: Pushing, kicking, threatening of physical assault

Gestures: Non verbal threatening gestures, glances which can be conveyed as threatening or frightening

Exclusion: Socially or work related exclusion an individual in work related activities

Extortion: Deliberate extraction of money accompanied by threats.

Social network or mobile phone use may also be used to facilitate these examples

Social network sites or mobile phone use may also be used to facilitate these examples

**Definition of Harassment (Employment Equality Act 2004)**

Harassment is any act or conduct (including spoken words, gestures, production or display of written materials) if the action is unwelcome to the recipient and could be reasonable regarded to the following: Marital status, family status, sexual orientation, race, colour, religious beliefs, age, disability, nationality, ethnic origin or membership of the Travelling Community.

- Must be unwelcome conduct
- It is up to the individual to decide what behaviour is unwelcome irrespective of the attitude of others in the matter

**Examples of Harassment:**

Verbal: Jokes, comments, name calling

Written: Faxes, texts, emails

Physical: Shoving, pushing

Intimidating: Inappropriate looks, gestures, threats

Visual Displays; Posters, Notices

Isolation or Exclusion

**Complaints Procedure:**

Employees are encouraged to raise concerns as soon as possible with Management or Board of Directors.

A record should be kept of all incidents, stating dates and times, nature and details, witness names, a record of own feelings and response.

**Informal Complaint Procedure:**

- An attempt if possible should be made to address the allegation as informally as possible or by mediation.
- Any person who feels they are being bullied or harassed should explain clearly to the other person engaging in the unwanted behaviour that the behaviour is making them uncomfortable and that it interferes with their work.
- If the above is not possible, help should be sought from a contact person. (Supervisor, Manager, Member of Management Committee, Trade Union Representative, Colleague)

**Objective of Informal Complaint Procedure:**

- To resolve the matter with minimum of conflict and stress for all involved
- To explore a mediated solution
- To restore a working relationship between the involved parties

- To give the person accused of the behaviour an opportunity to stop.

**Formal Complaint Procedure:** (Will be initiated where)

- If the bullying or harassment is serious
- If informal attempts at resolution have been futile
- If behaviour continues after Informal Procedure
- On the request of the complainant

**THE FORMAL PROCEDURE**

In the event that the informal complaint has failed and the harassment is repeated, or the informal procedure is inappropriate, the complainant will progress to the formal procedure. These are the steps that individuals must follow in this procedure:

- Make your initial complaint in writing to the centre manager.  
The complaint should state:  
The name of the alleged perpetrator  
The nature of the alleged harassment  
Dates, times and locations of where and when the alleged harassment / sexual harassment or bullying occurred  
Names of witnesses to any alleged incidents  
Details of any action already taken to prevent recurrence
- Send a copy of your complaint marked confidential to the Board of Directors.
- If your supervisor or manager is involved in the incident, make the complaint to the next manager in succession and or the board of Directors.
- All complaints will be dealt with in the strictest confidence.
- Only individuals necessary to the investigation will be involved from the initial stages.
- On receipt of a complaint the alleged perpetrator(s) will be notified in writing that a complaint has been made against him / her, and provided with a copy of this complaint. They will be afforded a fair opportunity to respond.
- Management or an independent advisor will be assigned to thoroughly investigate the case and a timetable will be set for the investigation.
- Interviews will be held with the complainant, alleged perpetrator(s) and any relevant witnesses to establish a thorough understanding of the facts of the alleged complaint.
- Each party will be interviewed
- All material received will be treated with the highest level of sensitivity.
- Where necessary parties to the procedure may in some cases be asked to remain at home and on paid leave in the case of employees to enable parties to investigate complaints.
- When the investigation has been completed all the facts will be summarised where possible a decision made as to whether bullying has taken place.
- The complainant and the alleged perpetrator(s) will receive a copy of the outcome in writing.
- Where a complaint is upheld a disciplinary hearing will take place and in the case of an employee, in line with the company's disciplinary procedure.
- The company reserves the right to re-locate the complainant or perpetrator, where necessary for the effective running of the department. Clients found to be in breach of this policy will be refused access to our services.
- In cases where it is discovered that the complainant made a false accusation against an employee / client for harassment, the complainant will face gross misconduct charges resulting in an immediate disciplinary hearing.
- Where an investigation is inconclusive and the complaint is not upheld, there will be no negative inference against any party to the complaint. All parties to the complaint will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

- The Company will monitor the workplace to ensure that there is no follow up action, victimization or future incidents.

**Customers Complaints Procedure:**

Customers complaints of a bullying nature should be made to the Manager or Board of Directors. Such reports of a bullying incident will be recorded and investigated thereafter in an appropriate manner under one of the three procedures outlined above.

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

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

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