



DIGNITY AT WORK
POLICY STATEMENT
■ JANUARY 2019

CORK ENGLISH WORLD POLICY ON PREVENTING AND DEALING WITH BULLYING/HARASSMENT AT WORK

Bullying and Harassment – Compliance with the Employment Equality Act, 1998

CEW is committed to providing all of its employees with an environment free from bullying/harassment.

All employees will be expected to comply with this policy and management will take appropriate measures to ensure that bullying/harassment does not occur. Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates this policy.

The policy applies to employees both in the workplace and at work associated events such as meetings, conferences and work related social events, whether on the premises or off-site.

The policy applies to bullying/harassment not only by fellow employees but also by a client, customer or other business contact to which an employee might reasonably expect to come into contact with in the course of their employment.

What is Workplace 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 or 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.

A key characteristic of bullying is that it usually takes place over a period of time. It is regular and persistent inappropriate behaviour which is specifically targeted at one employee or a group of employees. It may be perpetrated by someone in a position of authority, by staff against a supervisor/manager or by staff in the same grade as the recipient.

What Bullying is Not:

- An isolated incident of inappropriate behaviour may be an affront to dignity at work, but, as a once-off incident, is not considered to be bullying, e.g. an occasional bout of anger or a conflict of views.
- Fair and constructive criticism of an employee's performance, conduct or attendance does not constitute bullying.
- Complaints relating to instructions issued by a supervisor/manager, assignment of duties, terms and conditions of employment or other matters, which are appropriate for referral under the normal grievance procedure, do not constitute bullying.
- Legitimate management responses to crisis situations, which require immediate action or which arise from staff shortages, increased workload, etc.

Definition of Harassment

Any act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating.

Harassment is inappropriate behaviour based on the relevant characteristic of the employee such as race, religious belief (or none), age, marital status, family status, sexual orientation, disability, colour, nationality or ethnic or national origin.

What is Sexual Harassment?

Sexual harassment can be defined as conduct towards another person which is sexual in nature, or has a sexual dimension, and is unwelcome to the recipient. Examples of this type of harassment include:

- Sexual gestures
- Displaying sexually suggestive objects, pictures, calendars
- Sending suggestive and pornographic correspondence including faxes, text messages or emails
- Unwelcome sexual comments and jokes
- Unwelcome physical conduct such as pinching, unnecessary touching, etc.

Procedure for dealing with allegations of Bullying, Sexual Harassment & Harassment

Any employee who feels that s/he is being subjected to behaviour which undermines his or her dignity should let his or her objections be known, otherwise the person engaging in the unwelcome behaviour may be unaware of the effects of his/her actions.

The employee may either:

1. approach the alleged perpetrator directly and make the person aware that the behaviour in question is unwelcome
- or
2. request a supervisor/manager to approach the person on his or her behalf.

Sometimes the alleged perpetrator is genuinely unaware that his or her behaviour is unwelcome and causing distress. An informal discussion is often sufficient to alert the person concerned to the effects of his or her behaviour and can lead to greater understanding and an agreement that the behaviour will stop.

Before deciding what course of action, if any, to take, the employee may wish to discuss the matter on a confidential basis, at mutually agreed time, with the Support Contact Person. At CEW, this person is Paul Sheehan.

Support Contact Person

An employee who feels that s/he is being bullied or harassed may wish to avail of the support of a Support Contact Person whose function is to listen, be supportive and outline the options open to the employee.

The Support Contact Person will explain the definitions of bullying/harassment and the various elements of the procedure and will assist the employee in making an informed choice about what action, if any, s/he may wish to take.

The Support Contact Person cannot act as an advocate or representative for the employee and may not approach the alleged perpetrator on his or her behalf (the role of the Support Contact Person is set out in Appendix 1).

Alternatively, the employee may seek information and advice regarding the policy and procedure on a confidential basis from:

- A supervisor or manager
- The Directors.

If having consulted with the Support Contact Person or other appropriate person, the employee decides to pursue the matter, s/he may approach the alleged perpetrator directly or request the intervention of an appropriate supervisor/manager.

Approach the Alleged Perpetrator Directly

In this case the employee may find it helpful to rehearse what s/he intends saying to the person concerned so that s/he feels more confident about initiating the discussion and articulating the precise nature of the offending behaviour and its

effects.

Request the Intervention of an Appropriate Supervisor/Manager

Where a direct approach has not resolved the matter the employee should request the intervention of an appropriate supervisor/manager.

The supervisor/manager will attempt to resolve the matter in an informal, low-key and non-confrontational manner by making the alleged perpetrator aware of the effect of his/her behaviour. Where this does not bring about a satisfactory outcome, the matter may be referred to a manager at a more senior level who will make every effort to resolve the matter between the parties.

Where the matter remains unresolved, the senior manager may request both parties to consider mediation.

Mediation

Mediation is the preferred method under the Dignity at Work policy for the resolution of complaints of bullying and harassment, which are not capable of being resolved by local management. The objective of mediation is to resolve the matter speedily and confidentially without recourse to a formal investigation and with the minimum of conflict and stress for the individuals involved.

Mediation requires the voluntary participation and co-operation of both parties in order to work effectively.

An assigned mediator will meet with both parties, usually separately to begin with, to discuss the alleged offending behaviour. The mediator will then bring both parties together to reach a common understanding and agreement on acceptable future behaviour.

A mediated agreement seeks to reach an accommodation between the parties and thereby restore harmonious working relations.

A mediated solution will not result in the issues being dealt with under the disciplinary policy. Minimal paperwork and/or records will be generated by this process.

Parties will be requested to attempt mediation before alleged offending behaviour is the subject of formal investigation.

Formal Investigation

If the matter cannot be resolved at local level or through mediation, it may be the subject of a formal investigation.

The complaint will be clearly formulated in writing setting out details of the offending behaviour (including dates and witnesses if any) and the context in which it occurred. Employees should complete the Bullying/Harassment/Sexual Harassment Complaint Form (available from a manager) and submit this one of the Directors.

The alleged perpetrator will be advised that the complaint is the subject of a formal investigation. S/he will be given a copy of the written complaint and invited to respond to the allegations in writing within 2 weeks. A copy of the response will be forwarded to the complainant.

Principles Governing the Investigation Process

- The investigation will be conducted thoroughly and objectively and with due respect for the rights of both parties.
- Both parties will be required to co-operate fully with the investigation.
- Confidentiality will be maintained throughout the investigation to the greatest extent consistent with the requirements of a fair investigation. It is not possible however to guarantee the anonymity of the complainant or any person who participates in the investigation.
- Notwithstanding the difficult circumstances, both the complainant and the alleged perpetrator may be expected to continue with their normal duties and maintain a professional working relationship during the course of the investigation.

- A written record will be kept of all meetings and treated in the strictest confidence.
- The investigator may interview anyone who they feel can assist with the investigation. Staff are expected to co-operate fully with the investigation and will be fully supported throughout the process.
- Employees who participate in the investigation process will be required to respect the privacy of the parties involved by refraining from discussing the matter with other work colleagues or persons outside the organisation.
- It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

Conducting the Investigation

- The investigation will be conducted by a designated person(s) agreed between the parties who is not connected to the complaint in any way.
- The investigation will be governed by clear terms of reference based on the written complaint and any other matters relevant to the complaint. The terms of reference shall specify the following:
 - The investigation will be conducted in accordance with the Dignity at Work Policy;
 - The time-scale within which the investigation will be completed;
 - The investigator(s) may set time limits for completion of various stages of the procedure to ensure the overall time-scale is adhered to;
 - Scope of the investigation i.e. the investigator(s) will determine whether or not the behaviour complained of falls within the definition of bullying/harassment, whether the complaint has been upheld and recommend an appropriate course of action in the circumstances.
- Both parties will be given copies of all relevant documentation prior to and during the investigation process, i.e.
 - Complaint
 - Written response from the alleged perpetrator
 - Witness statements (if any)
- Both the complainant and the alleged perpetrator may provide details of witnesses or any other person whom they feel could assist in the investigation.
- The investigator(s) will conduct separate interviews with the complainant and the alleged perpetrator with a view to establishing the facts surrounding the allegations.
- Both the complainant and the alleged perpetrator may be accompanied by a staff representative or work colleague if so desired.
- The investigator(s) will interview any witnesses to the alleged incidents of bullying/harassment and other relevant persons. Confidentiality will be maintained as far as practicable.
- Person may be required to attend further meetings to respond to new evidence or provide clarification on any of the issues raised.
- The investigator(s) will form preliminary conclusions based on the evidence gathered in the course of the investigation and invite any person adversely affected by these conclusions to provide additional information or challenge any aspect of the evidence.
- On completion of the investigation, the investigator(s) will submit a written report of its findings and recommendations to senior management.
- Both parties will be given a copy of the investigation report and an opportunity to comment before any action is decided upon by management.

Outcome

- If the complaint is upheld, the matter may be further progressed through the disciplinary procedure or other appropriate action may be taken, such as counseling or mediation.
- The complainant and the alleged perpetrator will be informed in writing of management's decision.
- Where a complaint is not sustained, no action will be made against the complainant provided that the complaint was made in good faith.
- In the interests of all employees any malicious or vexatious complaints will be treated very seriously and may lead to disciplinary action against the complainant.
- Victimization or retaliation against a complainant, witness or any other party will constitute a serious disciplinary offence.

Non-Employees

Where complaints against non-employees are the subject of a formal investigation the alleged perpetrator will be expected to co-operate fully with the process and will be afforded fair procedures and an opportunity to respond fully to the complaint. Where the complaint is upheld, appropriate sanctions will apply which may include:

- Exclusion of the individual from the premises
- Suspension or termination of service or other contract.

Training

The Policy will be communicated to all new staff as part of their induction process. Managers have been trained and can brief staff on the Policy and complaints procedure if required. Appropriate training will be provided for supervisors/managers and Support Contact Person.

Monitoring & Review

This Policy comes into operation in April 2011 and there will be reviews at national level on a partnership basis after two years. Each employer is required to monitor the effectiveness of the Policy at local level and ensure the necessary support and infrastructure is made available.

Statutory Redress

Nothing in this policy is designed to prevent a person from exercising his or her statutory entitlements under the Employment Equality Act, 1998 and the Industrial Relations Acts, 1946-2001. Complaints under the Employment Equality act must be brought within 6 months of the last act of discrimination.



APPENDIX 1**ROLE OF THE SUPPORT CONTACT PERSON**

The role of the Support Contact Person is to provide information and emotional support in a confidential, non-judgmental and off-the-record discussion(s) to any employee who feels that s/he is being subjected to bullying or harassment or against whom a complaint of bullying or harassment has been made.

The Contact Person only offers emotional support and advice for issues relating to workplace bullying or harassment. The role does not extend to any other forms of workplace grievances or personal problems.

The Contact Person may not act as an advocate or representative on behalf of the person s/he is supporting nor can s/he direct the person as to the best course of action to take.

The aim of the Contact Person is to help the employee to clarify what s/he is experiencing and to empower the employee to decide what course of action, if any, s/he may wish to take.

A Contact Person may not approach the alleged perpetrator/complainant on behalf of the person s/he is supporting.

The Contact Person may offer support to an employee who feels that s/he is being subjected to bullying/harassment or against whom the complaint of bullying/harassment has been made, but not both. If a Contact Person is approached by both parties, s/he should support the first person who requests support and refer the second person to another Contact Person.

The Contact Person will treat these discussions as completely confidential and will not be requested to disclose information to a third party. However, in a crisis situation of potential danger (e.g. assault or risk of suicide) the Directors should be contacted so that appropriate professional assistance can be sought.

Prior to taking up the role of Contact Person, the person's line manager will be made aware of what the role entails or ensure that s/he is fully supportive and facilitates time off for meetings. Meetings between the Contact Person and the employee seeking support should normally take place during normal working hours when the Contact Person is time-tabled for work. The Contact Person should notify his or her line manager in advance to ensure cover during his or her absence. Meetings should take place in a suitable room where privacy can be assured. Where it is not practicable to meet on the work premises, an alternative suitable venue may be used.

Under no circumstances should meetings be held where alcohol is served.

The Contact Person will not retain any notes or records of these discussions.

Meetings should generally last no longer than 45 minutes to an hour and no more than 3 to 4 meetings with any one individual should ever be needed. More than this number could mean that the Contact Person is being drawn into a counselling relationship.

No home or personal mobile phone numbers should be exchanged with the person seeking support.

APPENDIX 2**ROLE OF SUPERVISORS AND MANAGERS**

Supervisors and managers have a key role to play in the resolution of complaints of bullying and harassment. If an employee raises a complaint of bullying/harassment, the supervisor/manager must treat the complaint seriously and with sensitivity. The supervisor/manager should establish the precise nature of the offending behaviour and the context in which it occurred. In some cases the employee may wish to discuss the complaint on a strictly confidential basis without any intervention on the part of the supervisor/manager. In these circumstances the supervisor/manager should be supportive and discuss the options open to the employee and indicate that s/he is available to provide further assistance if requested.

If the employee requests the supervisor/manager to approach the alleged perpetrator on his or her behalf, the supervisor/manager should undertake to speak with the person concerned as soon as possible. Where appropriate the supervisor/manager should attempt to resolve the matter in an informal, low-key and non-confrontational manner by making the alleged perpetrator aware of the effects of his or her behaviour and the possible consequences. The supervisor/manager should avoid labeling the person as a bully/harasser but should impress upon the person concerned that his or her behaviour is causing distress to the employee and outline the possible repercussions of engaging in this behaviour. The supervisor/manager may facilitate a meeting between the parties to reach an accommodation.

Where this does not bring about a satisfactory outcome, the supervisor/manager may request the intervention of a manager at a more senior level who will make every effort to resolve the matter between the parties.

The supervisor/manager should keep a record of the complaint, the action taken to resolve the matter and the outcome.

The supervisor/manager should continue to monitor the situation to ensure that there is no recurrence of the behaviour or victimization of the complainant, e.g. hostile treatment from colleagues.



**CEW
Bullying/Harassment/Sexual Harassment
Complaint Form for Formal Complaint**

CONFIDENTIAL

PERSONAL DETAILS

Name: _____

Address: _____

Job Title: _____

Department: _____

Start Date in CEW: Day_____/Month_____/Year_____

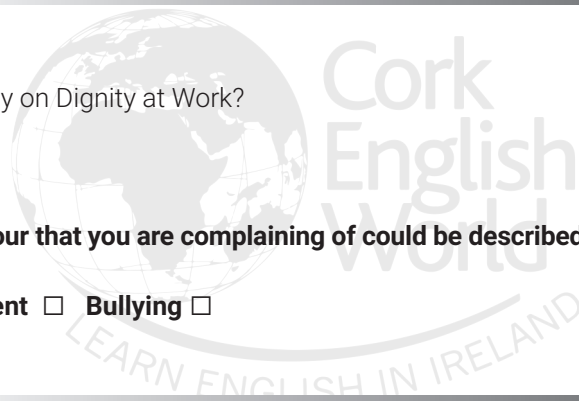
STEPS TAKEN TO DATE

1. Are you familiar with CEW's Policy on Dignity at Work?

Yes No

2. Do you consider that the behaviour that you are complaining of could be described as one or more of the following?

Harassment Sexual Harassment Bullying



INFORMAL STEPS

3. Have you attempted to have this matter resolved informally?

Yes No

4. Have you brought this matter to the attention of the respondent(s)?

Yes No

5. Have you brought this matter to the attention of any of the following? A Supervisor, Manager, Director or other.

If yes, please provide the name of that person, their job title, work location and the date when you brought this matter to their attention.

Name: _____ Job Title: _____

Work Location: _____ Date Informed: _____

6. Has Mediation been attempted?

Yes No

DETAILS OF COMPLAINT

Please state clearly, the nature of the complaint, detailing specific allegations, stating when (date(s)) and where they occurred and details of any potential witnesses. Also include details of the context and any specific statements made/ words used.

Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

DETAILS OF INCIDENTS

Incident 1:

Date & approx time incident occurred: _____

Where incident occurred: _____

Context in which incident occurred: _____

Nature of incident (including specific statements made/words used): _____



Name of Potential Witness/Witnesses:

1. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

2. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

3. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

Incident 2:

Date & approx time incident occurred: _____

Where incident occurred: _____

Context in which incident occurred: _____

Nature of incident (including specific statements made/words used): _____

Name of Potential Witness/Witnesses:

1. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

2. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

3. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

Incident 3:

Date & approx time incident occurred: _____

Where incident occurred: _____

Context in which incident occurred: _____

Nature of incident (including specific statements made/words used): _____

Name of Potential Witness/Witnesses:

1. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

2. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

3. Name of Respondent/Alleged Perpetrator: _____ Job Title: _____

Work Location: _____

If additional material is being submitted with this complaint, please list below:



I am aware of the process involved in the investigation of my complaint and I have attached any relevant documentation. I understand and will comply with the process.

Confidentiality must be maintained by all parties involved in this process. On no account should information in relation to these issues be divulged or discussed. I understand the importance of this, and will uphold confidentiality.

Signed: _____ Date: _____

In order to thoroughly investigate this matter, the allegations and the attached documentation will be forwarded to the respondent(s)/alleged perpetrator(s). This will allow the respondent(s) to respond in full to the allegations(s) of harassment, sexual harassment or bullying. All documentation will be exchanged between the parties.

Please submit this form and accompanying documentation to one of the Directors.

