



WATERFORD SPRAOI CLG

Dignity at Work Policy

(Anti-Bullying, Inappropriate Behaviour, Harassment & Sexual Harassment)

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Introduction

Waterford Spraoi is committed to creating and maintaining a diverse and inclusive work environment free from all forms of bullying, inappropriate behaviour, harassment and sexual harassment and where employees and contractors can make a meaningful contribution. In accordance with our organisational values, everyone has a role in delivering this commitment and a responsibility to engage with and treat all colleagues with dignity and respect, regardless of their work location (home or the studios). This applies to both individual and group interactions with other employees, contractors, customers, clients and anyone they engage with in their working day. Any allegation of bullying, inappropriate behaviour, harassment or sexual harassment will be taken very seriously and we will do our utmost to ensure that all employees and contractors are protected against victimisation for either making, or being involved in, a complaint. Complaints by colleagues and contractors will be treated with fairness and sensitivity and in as confidential a manner as possible. Engagement by colleagues with this policy will not affect their right to make a complaint under the Employment Equality Act, 1998-2015.

Purpose

The purpose of this policy is to ensure all employees and contractors are aware of the procedures for bringing complaints under this policy and be assured that no colleague or contractor should feel threatened or fearful for raising any issue in their work environment.

Scope

This policy applies to colleagues and contractors both in the physical workplace, when working from home or at work-associated events e.g., off-site meetings, conferences and work-related social occasions etc. The policy applies to bullying, inappropriate behaviour, harassment or sexual harassment not only by fellow colleagues or contractors, but also by any client, customer, supplier or other business contact with whom colleagues might come into contact within the course of employment with Waterford Spraoi.

For the purposes of this policy, an employee or contractor making a complaint is referred to as “the complainant(s)” and the alleged offender is referred to as “the respondent(s)”.

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, and may be unsettling, but as a once off incident does not in and of itself constitute bullying. Behaviour which makes for a bullying pattern will likely include, not just one but, a range of the following behaviours:

Bullying activities involve actions and behavioural patterns, directly or indirectly, spoken and/or written and could include the use of cyber or digital means for the goal of bullying. Behaviour which makes for a bullying pattern will likely include not just one but a range of the following behaviours:

- Exclusion with negative consequences OR Verbal abuse/insults
- Being treated less favourably than colleagues in similar roles OR belittling a person’s opinion
- Disseminating malicious rumours, gossip or innuendo OR socially excluding or isolating a person within the work sphere
- Intrusion – pestering, spying or stalking OR Intimidation/aggressive interactions

Any references to bullying throughout this policy shall also include cyberbullying. Cyberbullying or Cyber-harassment is a form of bullying or harassment using electronic means, such as computers, tablets, mobile phones etc. It includes sending, posting, or sharing harmful, false, or otherwise negative content about someone else and can include sharing personal or private information about someone else causing embarrassment or humiliation. Cyberbullying will be treated with the same seriousness as any other form of bullying and will be dealt with in accordance with this policy.

Harassment

Harassment on the grounds of gender, civil status, family status, sexual orientation, religious belief, age, disability, race, or membership of the traveller community is defined as any unwanted conduct that has the purpose or effect of violating a person's dignity at work and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material. Harassment may consist of a single incident or repeated inappropriate behaviour. Unwanted conduct based on the discriminatory ground, even if the person does not have that relevant characteristic, may also be deemed to be harassment i.e., if the perpetrator believes that the employee has the characteristic when in fact they don't.

Examples of Harassment:

- Verbal harassment - jokes, comments, ridicule or songs
- Written harassment - including faxes, text messages, emails or notices
 - Physical harassment - jostling, shoving or any form of assault
 - Intimidatory harassment - gestures, posturing or threatening poses
 - Visual displays such as posters, emblems or badges
- Isolation or exclusion from social activities
- Pressure to behave in a manner that the employee thinks is inappropriate, for example being required to dress in a manner unsuited to a person's ethnic or religious background.
- Non-exhaustive list

Sexual Harassment

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. This includes same-sex sexual harassment, and a single incident may constitute sexual harassment. The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

Examples of Sexual Harassment:

- **Physical conduct of a sexual nature** - includes unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse.
- **Verbal conduct of a sexual nature** - includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.
- **Non-verbal conduct of a sexual nature** - includes the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.
- **Sex-based conduct** - includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex such as derogatory or degrading abuse or insults which are gender-related.
- Non-exhaustive list

Other form(s) of Inappropriate behaviour

While other forms of inappropriate behaviour may not amount to bullying or harassment, under the above definitions, they are also not condoned or tolerated by Waterford Spraoi. For example, an isolated incident that is an affront to dignity may not be bullying, but it may be inappropriate behaviour. Similarly, harassment on a ground that is not one of the nine grounds referenced above may not be covered by that definition, but it is unacceptable.

Supports Available Contact Person(s)

Contact Person is an employee who have been trained to be first point of contact for any colleague or contractor requiring (assistance) and information in resolving an issue in the workplace relating to alleged breaches of this policy.

The role of the Contact Person is to:

- help colleagues and contractors in circumstances where they need information, support, and clarification about the policy.
- provide the appropriate 'next step' information to the colleague or contractor seeking support.
- help the colleague or contractor to clarify what they are experiencing and to support them in deciding on the course of action, if any, they may wish to take.
- treat discussions with colleagues and contractors as completely confidential and not disclose information to a third party. In circumstances where the Contact Person believes that there is a potential risk to a colleague or contractor's health and/or safety they may be obliged to contact a member of management for advice.

The role of the Contact Person is not to:

- Deal with any other forms of workplace grievances or personal problems.
- Approach the alleged complainant(s)/ respondent(s) on behalf of the person they are supporting; or
- Act as an advocate or representative on behalf of the person they are supporting, nor can they direct the person as to the best course of action to take.

Line Manager

Colleagues and contractors should also engage with their line manager, on a confidential basis, to understand the supports available to them and address any concerns at a local level where feasible.

Timeframe of complaint

Any (informal or formal) complaint of bullying, harassment or sexual harassment should be made as soon as possible after a person has experienced bullying, harassment or sexual harassment, to support a timely and effective outcome, and must be made within six months of the latest incident of alleged behaviour.

Initial Informal Procedure

As a first step, employees should, where appropriate, attempt to address an allegation of bullying, inappropriate behaviour, harassment or sexual harassment as informally as possible.

This response is designed to be flexible and suited to non-serious, minor Dignity at Work complaints to be dealt with quickly. It can suit situations where it is possible that the respondent(s) is/ are unaware that their behaviour is negatively impacting others. Ideally, this initial informal response would effectively address the unwanted behaviour without any further action being required.

It is recommended that colleagues or contractors contact either a Contact Person or a Staff Representative in advance of taking any action.

Below are the steps involved in the 'Initial informal Procedure':

- a) The complainant(s) who believes that he or she is being bullied, sexually harassed or harassed should explain clearly to the respondent(s) that the behaviour in question is unacceptable;
- b) If it is more suitable, the complainant(s) should put their concerns in writing;
- c) In circumstances where the complainant(s) finds it difficult to approach the respondent(s) directly he or she should seek assistance from a manager where appropriate;
- d) The complainant(s) may wish to engage a Contact Person for confidential support or information;
- e) A brief written record, in line with GDPR, should be kept of the matter and agreed outcomes and dates noted by HR Advisory.

Mediation

Mediation is a voluntary, confidential process that allows two or more disputing parties to resolve their issues (conflict) in a mutually agreeable way with the help of a trained mediator. The objective of mediation, which is accessible without making a formal complaint, is to resolve matters speedily and confidentially without recourse to a formal investigation. It is intended that it will therefore involve the minimum of conflict and stress for the individuals involved.

Colleagues or contractors wishing to avail of mediation should refer to their manager or Contact Person.

Secondary Informal Procedure

This process may be invoked if the 'Initial Informal' process and/ or Mediation is unsuccessful or unsuitable given the seriousness of the issue. This process is more protracted than the initial informal procedure, but still informal.

A separate person with the required training will be assigned to handle the complaint on behalf of Waterford Spraoi and should not be the Contact Person.

Below are the steps to be followed during a Secondary Informal Procedure:

- a) Colleagues should submit their complaint in writing; where this does not occur, the Nominated Person handling the complaint will write up the complaint(s) and provide the complainant(s) with a copy.
- b) The Nominated Person will then attempt to establish the facts and context of the complaint before deciding on a relevant course of action to be taken. It should be noted that if no concrete examples of inappropriate behaviour are provided by the complainant(s) it may not be possible to progress the matter.

c) If the Nominated Person believes the respondent(s) has a case to answer, after they have established the facts, they will advise the respondent(s) and provide them with an opportunity to respond. The Nominated Person should arrange a meeting with the respondent(s) to record their response.

d) If it is found that there has been inappropriate behaviour from the respondent(s) steps should be put in place to stop the behaviour, monitor the situation going forward and prevent any reoccurrence. This should be documented with agreed actions and should be signed by both parties at the final meeting with the intention of enabling both parties to return to a harmonious working environment.

e) The Nominated Person handling the case should keep a nominal record of all stages and ensure these are retained in line with GDPR requirements.

A complainant/ complainants may choose to bypass both the initial and secondary informal procedures and choosing to do so should not reflect negativity on them in any formal procedure.

Formal Procedure

If an informal approach is inappropriate or if after the informal procedures, the conduct complained of persists, after already informing the respondent, the following formal procedures should be invoked:

1. **Written Complaint** Formal complaints should be made in writing to the complainant's immediate line manager. The formal complaint should outline the precise details of the alleged incident (i.e., the specific allegation(s), details of the inappropriate behaviour, specific time, date and names of any witnesses. Contact Persons can also provide detailed information

in relation to the specific requirements for a written complaint. An appropriate course of action at this stage, for example, could be exploring a mediated solution or seeking to resolve the issue informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place with a view to determining the facts and the credibility or otherwise of the allegation(s) and, in appropriate cases, the referral of the matter for further consideration in the context of a disciplinary hearing.

2. In circumstances where the management decides to seek to address the complaint in any way other than full investigation, they will consult with both/ all parties to the complaint.
3. Rights of the Respondent in all cases of formal complaint the respondent will be notified in writing that an allegation of bullying, inappropriate behaviour, harassment or sexual harassment has been made against them.
4. If the matter proceeds to formal investigation a copy of the complainant's statement, along with any other relevant information, will be issued to the respondent(s). The respondent will be advised that they will be afforded a fair opportunity to respond to the allegation(s), that the management/Board of Directors or Appropriate Person(s) has not formed any conclusion about the allegation(s) and that they have the benefit of the presumption of innocence pending the outcome of the investigation.

Terms of Reference Any formal investigation:

- Will be governed by terms of reference, based on the written complaint and any other relevant matters determined by Management/Board of Directors or Appropriate Person(s) following consultation with the complainant and the respondent(s).
- **Investigation Process 1.** Both the complainant and respondent will be informed in writing of the following:
 1. What the formal procedure entails and the indicative time limits.
 2. That both parties have the right to be accompanied and/or supported, by a colleague.
 3. That the complaint will be in writing and that the respondent will be given details in writing of the nature of the complaint including written statements and any other documentation or evidence including interview notes or records of meetings held with the witnesses.
 4. That the respondent will be given time to consider the documentation and an opportunity to respond to such documents.
 5. That confidentiality will be maintained throughout any investigation to the greatest extent possible, consistent with the requirements of a fair investigation.
 6. That a written record, in line with GDPR, will be kept of all meetings and investigations.
 7. That the investigation, having considered all of the evidence before it and the representations made to it, will produce a written report to both parties outlining its findings and the reasons for its final decision.
 8. That the complainant and respondent will be given the opportunity to comment on the minutes of relevant

meetings held, within a set timeframe, and they may wish to keep their own record.

Potential Outcomes following Complaint Process

Disciplinary Action

- Should the Management/Board of Directors or Appropriate person(s) decide that the case of bullying, inappropriate behaviour, harassment or sexual harassment be substantiated; Waterford Spraoi may consider appropriate disciplinary action as set out in the Code of Practice on Grievance and Disciplinary Procedures SI 146/2000.

This could include a warning(s), demotion or other appropriate action up to and including dismissal.

- It may be determined that the upheld allegation constitutes serious misconduct and, as such, dismissal of any colleague found to have behaved in such a manner may be considered appropriate/necessary.

A record of any warning(s) for such misconduct will remain on colleagues' personal files for a time period defined.

Other Outcome(s)

- The Management/Board of Directors or Appropriate Person(s) may find that other actions such as counselling, mediation or training would be appropriate.

- The Management/Board of Directors or Appropriate Person(s) may find that the case of bullying, inappropriate behaviour, harassment or sexual harassment is not substantiated and, in these circumstance, should communicate this outcome to the parties.

Appeal Process

- If either party is not satisfied with the outcome of the investigation they may appeal in writing to Management/ Board of Directors or Appropriate Person(s) stating the full grounds of appeal within [one week] of the date on which the decision was sent or provided to them
- The Management/ Board of Directors or Appropriate Person(s) will appoint a person or panel (who had no prior involvement in the matter) to review the findings of the investigation panel and hold an appeal hearing with the colleague or contractor. Any appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure and will not be a re-hearing of the original issues.

Any further appeal would be by reference to appropriate third parties and there will be no further right of appeal within Waterford Spraoi.

Post-investigation follow- up

Waterford Spraoi reserves the right, following any formal investigation, to conduct a postinvestigation follow-up with the relevant parties to monitor the situation and ensure any recommended changes and/ or required training is implemented.

Protection against Victimisation

Victimisation or retaliation against a complainant(s), witnesses or any other party will constitute a serious disciplinary offence and may result in disciplinary action up to and including dismissal.

Training, Awareness and Communication

Waterford Spraoi is committed to ensuring colleagues and contractors have the information, instruction, training and supervision necessary to ensure the prevention of workplace bullying, inappropriate behaviour, harassment or sexual harassment.

This will include:

- Making colleagues and contractors aware of the Dignity at Work policy.
- Providing information on the types of behaviour(s) that are dealt with under the Dignity at Work policy.
- Providing training on the Dignity at Work Policy.
- Providing assistance, if necessary, to overcome an incident as well as adequate and informed supervision of the work environment.

Malicious Complaints

In the interests of all colleagues and contractors, if a complaint is found to be malicious, then appropriate disciplinary action up to and including dismissal may be imposed, after due process. 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

