

## **Anti-Bullying, Harassment & Complaints Policy**

Sligo PPN is committed to providing all paid staff and volunteers with a work environment that is free from bullying/harassment. The aim of this policy is to outline what constitutes bullying and harassment and what action will be taken in dealing with offences of this nature.

This policy is underpinned by national legislation:

- Employment Equality Act 1998
- Equal Status Act 1999
- Prohibition to Incitement of Hatred Act, 1989

### **Scope**

This policy is applicable to all paid staff and volunteers both in the workplace and at associated events such as meetings, conferences, and company functions whether on or off-site including members of the Board.

It also applies to contractors, customers and any other business contacts which paid staff or volunteers might reasonably expect to come into contact within the course of their work.

### **Policy**

Sligo PPN acknowledges the right of all paid staff and volunteers to be treated with fairness, dignity, and respect and to a work environment free from bullying and harassment. All paid staff and volunteers have an obligation to be aware of the effects their behaviour has on others.

Any instances of bullying/harassment will be dealt with in an effective and efficient manner. Cases where the behaviour is proved to be repeated and consistent causing unnecessary stress and anxiety will be considered as gross misconduct and will be subject to disciplinary procedures up to and including dismissal.

It is imperative that all paid staff and volunteers respect the dignity of every colleague and be conscious of behaviour which may cause offence.

## Definition of 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 individual can be harassed on grounds of race, religious belief, gender, sexual orientation, age, marital status, family status, disability, or membership of the travelling community. 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.

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

Other examples of bullying behaviour include:

- Personal insults and name calling
- Persistent unjustified criticism and sarcasm
- Public or private humiliation
- Shouting at staff in public and/or private
- Sneering
- Instantaneous rage, often over trivial issues
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unnecessary work interference
- Making it difficult for staff to have access to necessary information
- Aggression
- Not giving credit for work contribution
- Continuously refusing reasonable requests without good reasons
- Intimidation and threats in general.

## Definition of Harassment

Sexual harassment is defined as any form of verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity 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 on the other eight grounds of marital status, family status, race, age, religious belief, sexual orientation, disability, or membership of the travelling community is any unwanted conduct that has the purpose or effect of violating a person's dignity 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.

## **Complaints Procedure**

It is the policy of Sligo PPN to adopt a two-tiered approach (informal and formal procedures) to dealing with issues of Bullying and Harassment within the Service.

### **1. Informal Procedure**

As part of its commitment to an environment which is free of any form of bullying, Sligo PPN has a number of resources available to those who feel that they are the subject of bullying and has established procedures to deal with formal complaints.

While in no way undermining your right to engage in formal or legal procedures, an informal approach can often resolve matters.

In the first instance a person who believes he/she is the subject of bullying/harassment should ask the perpetrator to stop the offensive behaviour. If the complainant finds this approach difficult then s/he should seek help on a strictly confidential basis, from a contact person, for example, a colleague, a supervisor or manager or a member of the board. (Likewise, if they are unsure whether the behaviour constitutes a form of bullying/harassment.)

The approach of the contact person should be by way of a confidential, non-confrontational discussion with the alleged perpetrator(s), with a view to resolving the issue in an informal low-key manner.

It may not always be practical to use the informal procedure, particularly when the bullying/harassment is serious or where the people involved are at different levels in the organization.

It is important that you keep a record of incidents so that you can be specific about the behaviour or actions which are causing offence.

## **Possible sources of help – internal**

- Co-ordinator, Sligo PPN
- Any member of the Sligo PPN HR sub-group
- Any member of the Sligo PPN Secretariat

## **Possible sources of help – external**

- Citizens Information Centre
- The Equality Authority
- Irish Congress of Trade Unions

## **1. Formal Procedure**

A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure should not reflect negatively on a complainant in the formal procedure. It is recognised that it may not always be practical to use the informal procedure particularly where the bullying or harassment is serious or where the people involved are at different levels in the organisation. In such instances the employee should use the formal mechanism set out below.

Where formal complaints have been made, then the employee should contact their manager as soon as possible. If this is inappropriate, then the employee should contact a member of the Sligo PPN. The person making the complaint will be required to put their allegation in writing. In the interests of natural justice, the alleged bully or harasser will be made aware of the nature of the complaint, his or her right to representation and will be given every opportunity to rebut the detailed allegations made.

Whilst it is desirable to maintain utmost confidentiality, once an investigation of an issue begins, it may be necessary to interview other staff. If this is so, the importance of confidentiality will be stressed to them. Any statements taken from witnesses will be circulated to the person making the complaint and the alleged harasser for their comments before any conclusion is reached in the investigation.

Strict confidentiality and proper discretion will be maintained, as far as is possible, in any necessary consultation to safeguard both parties from innuendo and harmful gossip. A record of all relevant discussions, which take place during the course of the investigation, will be maintained by the manager and the Sligo PPN board.

When the investigation has been completed both parties will be informed as to whether or not the complaint has been upheld. Both parties will be given the opportunity to comment on the findings before any action is decided upon by

management. All complaints received will be treated seriously, confidentially and dealt with as soon as is practicable.

Both parties will be given an opportunity to comment on the conclusions of the investigation team. Both parties will be given a copy, in writing, of the conclusions reached by the investigating team.

## Action post-Investigation

Where a complaint is upheld, a disciplinary hearing will take place in line with Sligo PPN's disciplinary policy. Should a case of bullying/harassment be proven then Sligo PPN will take appropriate disciplinary action up to and including dismissal.

Records of any warnings for bullying/harassment will remain on the person's file and will be used if any further allegations of a similar nature occur in future.

Regular checks will be made by management to ensure that the bullying/harassment have stopped and there is no victimisation of the complainant. Retaliation against a complainant or a witness concerning bullying or harassment at work is a serious disciplinary offence.

In cases where it is established that a person made a false allegation against another person, then he/she will face serious misconduct charges resulting in an immediate disciplinary hearing.

## Right of Appeal

After the investigation is complete and the outcome made known to both parties, either party will have the right to appeal to the Sligo PPN Secretariat.

## The Law & Individual Rights

This policy aims to ensure that any problems of bullying which occurs can be resolved within the Sligo PPN. If you feel that your complaint about bullying has not been dealt with properly by the Sligo PPN, you can bring your case to the Equality Authority and/or seek redress through the courts. **Complaints under the Employment Equality Act must be brought within 6 months of the last act of harassment.** This time limit can be increased to 12 months in exceptional circumstances.

In the case of an employee, if the bullying becomes unbearable and you are forced to leave your job, you may be entitled to claim that you were 'constructively dismissed'. This means that although you left your job voluntarily, in reality you were forced to do so because of the way that you were being treated.

You may then be entitled to bring a claim to the Employment Appeals Tribunal and if the Tribunal agrees that you were 'constructively dismissed', you may also be entitled to bring a claim in the courts for compensation from your employer.

If the bullying/harassment/stress at work is so great that it causes your health (physical or psychological) to suffer or be affected, you may also be entitled to bring a claim in the courts for compensation for personal injury.

It is advised that if you are being bullied or subjected to unreasonable amounts of stress in the workplace that you obtain legal advice about your rights before you leave your job.

### **Where to apply**

Further information about your rights and your employers' obligations regarding bullying in the workplace is available from The Equality Authority

You should contact a solicitor if you wish to bring a claim about bullying in the workplace before the courts. FLAC (Free Legal Advice Centres) is a voluntary organisation that operates a network, of legal advice centres throughout the country. These clinics are confidential, free of charge and open to all. Contact your nearest Citizens Information Centre for information on FLAC services in your area.

### **Review**

The Sligo PPN Board has agreed that the implementation of the Policy and Procedures on bullying at the Sligo PPN will be monitored and kept under review annually or more frequently if circumstances change.