



POLICY:	Dignity and Respect at Work
FIRST DRAFT:	
ADOPTED:	BR 2010#07, UR 2018#04
AMENDMENTS:	2017 v.5, ET 2018#01, ET 2018#01, ET 2018#09
REVIEW:	October 2018

1.0 POLICY STATEMENT

1.1 All policies, guidelines and protocols of Mary Immaculate College, will reflect the College's commitment to the promotion of equality and will be fully compliant with the provisions of prevailing equality legislation.

1.1 In line with the mission of the institution, Mary Immaculate College is committed to the principle that all staff members have the right to be treated with dignity and respect. It is accepted that bullying and harassment may occur organisation-wide, and may be directed at any staff member at any level. Accordingly, the College is committed to providing a work environment that is free from all forms of bullying and harassment, including any forms of humiliating, offensive or intimidating behaviour. Mary Immaculate College recognises that such behaviours have negative effects on the well-being of other staff members possibly leading to low self-confidence, anxiety, low job satisfaction, and possibly to other effects including illness and absenteeism.

1.3 Allegations of breaches of this Dignity & Respect at Work Policy will be investigated thoroughly in a timely and confidential manner. If substantiated, allegations of behaviours in breach of this policy will constitute grounds for disciplinary action up to and including dismissal from employment at MIC.

2.0 Scope of Policy

2.1 This policy applies to all staff members both in the workplace and also off site where activities or interactions are related to the workplace.

2.2 This policy applies to bullying/harassment involving MIC staff members, clients, students, customers and/or other contacts with which MIC staff may come into contact within the course of their employment.

3.0 Legislation, Regulations and Related Policies

3.1 Governing legislation, regulation and policy in relation to this document includes:

- Employment Equality Acts, 1998 to 2015.
- Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2002 (S.I. No. 78 of 2002).
- Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work – Health and Safety Authority.
- Procedures for Addressing Bullying in the Workplace – Workplace Relations Commission.

4.0 Responsibilities

- 4.1 *An tUachtarán* and the Executive Team are responsible for the development of this policy and for oversight of its implementation. Adoption of the policy is the responsibility of *An tÚdarás Rialaithe*.
- 4.2 The Human Resources Office is responsible for providing appropriate training to support this policy, and providing advice and guidance to users of this policy.
- 4.3 Heads of Departments and Line Managers are responsible for making themselves aware of the contents of this policy, and for ensuring that they apply the policy and related procedures in a fair and objective manner.
- 4.4 Heads of Departments, Line Managers and other Staff Members who have a supervisory responsibility must:
- Positively promote the policy;
 - Be vigilant and intervene if s/he observes any inappropriate behavior;
 - Take seriously and deal promptly and appropriately with issues of bullying or harassment or victimisation of which they become aware;
 - Set appropriate standards of behaviour by their own example;
 - Take all reasonable steps to ensure that the work area for which they are responsible is free from bullying, harassment or victimisation.
- 4.5 All staff are responsible for the following:
- to positively contribute to an environment in which everybody is treated with

dignity and respect;

- (b) to read and support this policy and co-operate with all of its procedures;
- (c) to attend the training/education provided in relation to policies and procedures;
- (d) to challenge bullying and harassment and victimisation and report any incidents witnessed;
- (e) to maintain confidentiality and act discreetly and tactfully in the application of this policy;
- (f) to be aware of the effects of their own behaviour;
- (g) to avoid making spurious, vexatious or frivolous allegations.

5.0 Forms of Bullying and Harassment - Definitions

5.1 Workplace Bullying:

- (a) Bullying is defined in the Codes of Practice adopted under the Industrial Relations Act 1990 (set out in statutory Instrument No. 17 of 2002) and Safety, Health and Welfare at Work Act 1989 (Amended 2005), as follows:

“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”.

- (b) 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 employees against a manager or by employees in the same grade as the recipient.

(c) The following are some examples of the type of behaviour which may constitute bullying. These examples are illustrative but not exhaustive:

- Constant humiliation, ridicule, belittling efforts – often in front of others;
- Verbal abuse, including shouting, use of obscene language and spreading malicious rumours;
- Showing hostility through sustained unfriendly contact or exclusion;
- Inappropriate overruling of a person's authority, reducing a job to routine tasks well below the person's skills and capabilities without prior discussion or explanation;
- Persistently and inappropriately finding fault with a person's work and using this as an excuse to humiliate the person, rather than trying to improve performance;
- Constantly picking on a person when things go wrong even when he/she is not responsible.
- Persistently and inappropriately refusing to follow and/or questioning the legitimate instructions of a line manager in a manner likely to undermine or humiliate them

(d) The following do not constitute bullying:

- 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;
- Reasonable and essential discipline arising from the good management of the performance of an employee at work;
- Actions taken which can be justified with regard to the safety, health and welfare of the employees;
- Legitimate management responses to crisis situations which require immediate action;
- Complaints relating to instructions issued by a manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure.

5.2 Sexual Harassment at Work:

- (a) Sexual Harassment is defined in the Employment Equality Act as any form of unwanted 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 include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

- (b) The definition of sexual harassment includes any act of physical intimacy, request for sexual favours or other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.

- (c) Sexual harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one employee or a group of employees. Sexual harassment may occur outside the work premises or outside normal working hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference or work-related social event.

- (d) Many forms of behaviour can constitute sexual harassment. It includes examples like those contained in the following list although it must be emphasised that the list is illustrative rather than exhaustive:

- (i) Physical conduct of a sexual nature including unwanted physical contact such as unnecessary touching, patting, pinching or brushing against another employee's body, assault and coercive sexual intercourse;
- (ii) Verbal conduct of a sexual nature such as 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 and offensive flirtations, suggestive remarks, innuendos or lewd comments;

- (iii) Non-verbal conduct of a sexual nature such as the display of pornographic of sexually suggestive pictures, objects, written materials, e-mails, text messages of faxes. It may also include leering, whistling or making sexually suggestive gestures;
- (iv) Gender-based conduct including conduct that denigrates, ridicules, intimidates or is physically abusive of an employee because of his or her gender, including derogatory or degrading abuse or insults which are gender related.

5.3 Harassment

- (a) Harassment (other than sexual harassment) is defined in the Employment Equality Act as any form of unwanted conduct related 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 the person.

The grounds covered by the Employment Equality Acts 1998 to 2008 are gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community.

- (b) Many forms of behaviour may constitute harassment including:
 - (i) Verbal harassment - jokes, comments, ridicule or songs;
 - (ii) Written harassment - including faxes, text messages, emails or notices;
 - (iii) Physical harassment - jostling, shoving or any form of assault;
 - (iv) Intimidatory harassment - gestures, posturing or threatening poses;
 - (v) Visual displays such as posters, emblems or badges;
 - (vi) Persistent negative body language;
 - (vi) Isolation or exclusion from social activities;
 - (vii) 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.

5.4 It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is mutual and welcome. It is up to each employee to decide what types of behaviour are unwelcome, irrespective of the attitude of others, and from whom such types of behaviour are unwelcome. The fact that the employee has previously tolerated the behaviour does not stop him/her from objecting to it now. The intention of the person engaging in the unwelcome behaviour is irrelevant – the effect of the behaviour on the employee concerned is what is important.

5.5 **Victimisation**

Victimisation occurs where a person is treated less favourably than another because she/he has brought proceedings or assisted with an allegation.

6.0 Complaints

6.1 An employee who believes that they are or have been bullied, harassed or sexually harassed may seek to address such matters either informally or through the formal procedures set out in this document. Employees are encouraged to use the informal process described in this policy in the first instance as this may resolve issues without recourse to a formal investigation. However, the College recognises that informal processes may not be appropriate in every circumstance and employees may make a formal complaint without having exhausted informal processes.

6.2 Before deciding what course of action, if any, to take, an employee may wish to discuss the matter on a confidential basis with a Support Contact Person, manager, or union representative. The employee may also seek advice and support through the Employee Assistance Programme, details of which are available from the HR Office.

6.3 Either party to a complaint may access the Colleges EAP and the HR Office will formally inform both parties to a complaint of the availability of EAP to them.

7.0 Complaints: Informal Procedure

- 7.1 A staff member who believes that he/she is the subject of harassment or bullying should ask the person responsible to stop the offensive behaviour.
- 7.2 If the staff member finds it difficult to make a direct approach to the person against whom the allegation is being made, or the direct approach has not resolved the issue, then the staff member may request a manager or senior member of staff to approach the person on his/her behalf.
- 7.3 An employee may request the initiation of a mediation process or mediation may be recommended by a manager. Mediation is a voluntary and confidential process usually facilitated by an external mediator. Mediation aims to facilitate a common understanding and agreement on acceptable future behavior and interaction. Mediation may be initiated with the agreement of both parties at any point in the informal or formal procedures to try to resolve matters.

8.0 Complaints: Formal Procedure

- 8.1 An employee may make a formal complaint of bullying, harassment or sexual harassment to the Director of Human Resources or in his/her absence a Deputy Director of Human Resources. Formal complaints must be in writing, setting out details of the complaint including incidents, events, dates and the identity of witnesses or potential witnesses.
- 8.2 The Director of Human Resources, or in his/her absence a Deputy Director of Human Resources, will conduct a preliminary screening of the complaint to decide if the alleged behavior which is the subject of the complaint falls within the scope of the Dignity at Work Policy. This assessment will be based exclusively on the information contained in the written complaint and the content of the policy. In the event that a sexual harassment complaint is received from a person who is under 18 or who is a vulnerable adult the complaint may be referred for consideration under the Safeguarding Policy

- 8.3 The employee will be notified of the outcome of the initial screening as soon as possible but not later than 7 working days following receipt of the complaint. If the complaint does not fall within the scope of the Dignity at Work Policy, the employee will be advised of the appropriate procedure, e.g. grievance procedure, for dealing with the matter. If the complaint falls within the scope of the Dignity at Work Policy the Director of Human Resources, or in his absence a Deputy Director of Human Resources, will forward a copy of the complaint to the relevant Vice President in the employees reporting line.
- 8.4 On receipt of a complaint from the HR Office, the Vice President will establish an Investigation Team comprising a minimum of two staff members both of whom will be senior to both parties to the complaint.
- 8.5 The Investigation Team will be provided with terms of reference. The terms of reference will specify that: the investigation will be conducted in accordance with the Dignity at Work Policy. The investigator(s) will determine: (i) whether the complaint can be upheld where the offending action clearly amounts to inappropriate behaviour, bullying, harassment or sexual harassment; (ii) where appropriate the investigator(s) may make recommendations (excluding disciplinary sanction).
- 8.6 Depending on the seriousness of the allegations and/or to facilitate an investigation, the person against whom the complaint has been made may be placed on modified duties, transferred to another department within the College, or placed on administrative leave pending the outcome of a formal investigation. Any decision made in this regard is subject to risk assessment and the approval of a Vice President or higher authority.

9.0 Principles Governing the Investigation Process

- 9.1 The investigation will be conducted thoroughly and objectively and with due respect for the rights of both the complainant and the alleged perpetrator.

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, as well as the rights of individuals under Freedom of Information Acts and Data Protection legislation. It is not possible, however, to guarantee the anonymity of the complainant or any person who participates in the investigation. Where criminal investigation by external authorities is warranted, no guarantee of confidentiality can be given by the College.

While the circumstances may be difficult, both the complainant and the alleged perpetrator may be expected to continue with their normal duties, and to maintain a professional working relationship during the course of the investigation. Management will however have due regard at all times for its obligations to safeguard the health, safety and welfare of employees and students.

A written record will be kept of all meetings and treated in the strictest confidence, subject to Freedom of Information and Data Protection legislation, as well as due exemptions where the matter is the subject of a criminal investigation by external authorities.

The Investigation Team may interview anyone who they feel can assist with the investigation. Employees 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. Failure to maintain due confidentiality may be considered a breach of Data Protection legislation and may be held to constitute a disciplinary offence upon due investigation.

It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

10.0 Formal Investigation Process

- 10.1 The Investigation Team is empowered to set its own timeframes for the carrying out of the various stages of the investigation and to vary same from time-to-time. However, it is recommended that an investigation is conducted as promptly as possible in order to ensure equity to both parties.
- 10.2 The Investigation Team will meet with the complainant to seek any necessary clarifications or details. A written record of the meeting will be taken and, if possible, agreed with all persons present. The complainant may be accompanied by either a work colleague or a Trade Union representative at this or any other related meetings.
- 10.3 The person against whom the allegation is made will be informed by the Investigation Team that an allegation has been made against them, and will be provided with a copy of the allegation and the record of the meeting with the complainant.
- 10.4 The person against whom the allegation is made will be invited by the Investigation Team to respond in writing to the allegations.
- 10.5 On receipt of their response, the person against whom the allegation is made may be invited to attend an investigative meeting with the Investigation Team. A written record of the meeting will be taken and, if possible, agreed with all persons present. The person against whom the allegation is made may be accompanied by either a work colleague or a Trade Union representative at this or any other related meetings.
- 10.6 A copy of the written response from the person against whom the allegation is made along with the record of the meeting with him/her will be provided to the complainant.
- 10.7 The Investigation Team may interview any witnesses identified by either party to the complaint, and will take signed statements from them. All witness statements will be circulated to both parties to the complaint.

- 10.8 Both parties to the complaint may seek clarification of any document related to the investigation, including the complaint, the response to the complaint and witness statements. Persons may be required to attend further meetings to respond to new evidence or provide clarification on any of the issues raised
- 10.9 The Investigation Team will present a preliminary report based on the evidence gathered in the course of the investigation and will invite any person affected by these conclusions to provide additional information or challenge any aspect of the evidence.
- 10.10 On completion of the investigation, the Investigation Team will submit a written report to the Vice President.
- 10.11 Both parties to the complaint will be given a copy of the investigation report and will be advised in writing that they may submit any comments on the report within a set timeframe.
- 10.12 Following the investigation, the Investigation Team will recommend what course(s) of action to be taken but in doing so must ensure that the recommended action(s) are a proportionate response to its findings.
- 10.13 These actions may include any of the following:
- Recommendations as to how the matter can be resolved;
 - Recommendations towards development of procedures to ensure that similar acts do not occur;
 - Recommendations that the issue be referred to College management for action under the College Disciplinary Policy;
 - Recommendations in regard to provision of appropriate training for the person making the allegation and/or the person against whom the allegation is made, or both.
- 10.14 Retaliations of any kind against a staff member for making an allegation or taking part in an investigation concerning bullying or harassment at work is a serious

disciplinary offence.

- 10.15 Employees will be protected by the College, insofar as is reasonably possible, against intimidation, victimisation or discrimination for making an allegation under this policy, for being the subject of an investigation under this policy, or for assisting in an investigation under this policy.

11.0 Malicious Allegations

- 11.1 Following an investigation, if it is found that the allegation was made falsely or maliciously, Mary Immaculate College will initiate disciplinary procedures against the person who made the allegation.

12.0 Appeals Procedure

- 12.1 Either party to a complaint may appeal the outcome of an investigation under the Dignity at Work Policy. The appeal must be made in writing to the relevant Vice President within 5 working days of the staff member receiving the Investigating Team's final report. The appeal is not intended to repeat the investigation process, but rather to address specific issues which the employee feels have received insufficient consideration.
- 12.2 The Vice President will nominate a person to consider the appeal who is of sufficient seniority and has not have been involved in an earlier stage of the process.
- 12.3 The person considering the appeal will issue their decision within 10 working days of receipt of the appeal.

13.0 Conflicts of Interest

- 13.1 In the event that any member of staff assigned a specific responsibility under this Policy is party to or witness to a complaint, then the function assigned to them by this Policy will be discharged by a staff member at the next most senior level of authority

who is not a party to or witness to the complaint. In the event that there is no more senior member of staff in the reporting line who is not a party to or witness to the complaint then the President or, if necessary, the Chairman of *An tÚdarás Rialaithe* may appoint another member of staff of appropriate seniority or a person external to the College to discharge the function.

14.0 Audit and Evaluation

- 14.1 This policy will be reviewed on a five-yearly basis. The Director of Human Resources will initiate the review.