

	<b>Dignity At Work Policy (Bullying &amp; Harassment)</b>	BP 01	Rev. 03
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## **DIGNITY AT WORK POLICY (BULLYING & HARRASSMENT)**

### **POLICY STATEMENT**

The Elliott Group recognises the right of all employees and others who work at our premises to be treated with dignity and respect.

Bullying or harassment in any form whether perpetrated by our employees or by non-employees is unacceptable and will not be tolerated. Bullying and/or harassment of our employees by non-employees such as clients, customers or other business contacts may lead to the imposition on the non-employee of appropriate sanctions. Bullying or harassment by our employees, whether of co-employee(s) or of any other person with whom an employee deals in the course of employment will be treated as a disciplinary matter subject to sanctions up to and including dismissal.

This policy applies to conduct which takes place in our premises or elsewhere in connection with employment with us. For example, conduct at work-related social events or business trips are covered by this policy. This policy applies to conduct occurring during and/or outside normal working hours.

We will deal with complaints of bullying or harassment in line with this policy. All complaints of bullying/harassment will be taken seriously and will be followed through to resolution. Complaints will be treated confidentially, fairly, sensitively and with respect for all parties concerned.

This policy will be updated from time to time to reflect changes in the law, best practice and other relevant factors. The views and suggestions of staff on how this policy and the Company's practice can be improved to better prevent and deal with bullying and harassment are very welcome. Suggestions/comments should be made to the General Manager or to your Manager.

### **WHAT IS BULLYING?**

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 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 is not considered bullying. Unlike in the context of harassment (discussed below) whether behaviour is bullying does not depend on the person being bullied being a member of any distinct group within society.

Many types of conduct and actions can constitute bullying with some being less obvious than others. By way of example only, a pattern of any of the following (non-exhaustive) types of conduct would amount to bullying:

- Exclusion
- Intimidation
- Aggression
- Physical abuse

- Being treated less favourably than colleagues
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Verbal abuse/insults
- Excessive monitoring of work
- Humiliation
- Manipulating a person’s job content and targets
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unjustified criticism and sarcasm

The following are examples of behaviour, which does not amount to bullying:

- Legitimate instructions to perform a task(s)
- Reasonable and essential action arising from the good management of the performance of employees
- Actions taken in furtherance of the safety, health and welfare of employees. Bullying can occur within different organisational and reporting structures. It can be confined within a given employee level (i.e. within a team); likewise, it can cross workplace reporting structures. For example:
  - Manager to employee
  - Employee to Manager
  - One employee to another (or group to group)
  - Customer or business contact to employee
  - Employee/Manager to customer/business contact

### **WHAT IS HARASSMENT?**

Harassment is closely associated with, but is not the same as, bullying. Harassment is defined by reference to the Employment Equality Acts 1998 to 2015. This legislation describes harassment as unwanted conduct on any of the following grounds which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for any person:

- Gender
- Sexual orientation
- Race, nationality or ethnic origin
- Marital status
- Disability
- Religious Belief
- Family status
- Age
- Membership of the Traveller Community

Harassment can include words, jokes, gestures or the production, display or circulation of words, pictures or other material including by e-mail or by text or mobile phone messages.

Sexual harassment is 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 (Employment Equality Acts 1998 to 2015). Sexual Harassment is also a form of discrimination on the grounds of gender in relation to conditions of employment.

**WHAT IS VICTIMISATION?**

Victimisation occurs where a person is treated less favourably than another because he/she has in good faith made a complaint to his/her employer in relation to harassment or bullying behaviour or has sought to exercise any of his/her rights under the Employment Equality Acts 1998 to 2015. Victimisation is prohibited by the Employment Equality Acts 1998 to 2015. Victimisation by Company staff may result in disciplinary action (up to and including dismissal) for the person(s) responsible for the victimisation.

**COMMITMENT TO THE PREVENTION OF AND DEALING WITH BULLYING AND HARASSMENT**

Bullying and harassment can seriously affect the health and wellbeing of an individual. Bullying or harassment may not be explained or excused on the basis that it was carried on in good humour or as a joke. It is also important to remember that a person, though upset or offended by another's actions or comments, might not object or express his/her discomfort, out of politeness, embarrassment or insecurity in his or her position.

The Company is committed to ensuring that our workplace is free from bullying and harassment and that our work environment facilitates the provision of a high-quality service in an atmosphere of respect, openness, safety and equality. HR policies and practices will strive to prevent bullying and harassment. Management in general will be vigilant for signs of bullying and harassment with a view to taking action before a problem escalates and will promote awareness of this policy and the complaints procedure available.

All employees can and are obliged to contribute to the creation and maintenance of a work environment free from bullying and harassment. In particular, all employees should afford dignity, respect and courtesy towards co- employees and others they come into contact within the course of employment.

**REPORTING PROCEDURE**

If an employee believes that s/he is being/has been bullied, harassed or victimised by a fellow employee, client or business contact, the matter should be reported as soon as possible and, in any case, no later than 6 months after the occurrence of the first incident or behaviour on which the belief is based. This timeframe applies to complaints made under the formal and informal procedure (see below).

It is important that (unless there are compelling circumstances to justify otherwise) this timeframe is respected. This is in the interests of both the employee making the complaint and the person against whom the complaint is made. The timeframe is intended to ensure that problems are dealt with swiftly. Also, having a timeframe ensures that the matter can be fully investigated while matters are still clear in the minds of all affected.

There are no set timeframes for processing a complaint under the informal/formal procedures. This is because each situation will be unique and may require different timescales for the completion of the process. However, we are committed to ensuring that, in each case, sufficient attention and resources will be made available to deal with complaints effectively and in good time.

**CONTACT PERSON**

An employee who believes that s/he has a bullying or harassment complaint may contact the Manager who will identify the Contact Person for the purposes of this policy.

The Contact Person has a listening brief and can explain how the policy works and the options open to an employee who wishes to make a complaint. The Contact Person may assist in considering options, but will avoid directing an employee to one option above any other.

The Contact Person will not get involved in any other way in the complaints procedure and is not an advocate for either party.

**CONFIDENTIALITY**

It is extremely important that at all stages of a bullying or harassment complaint (whether by way of informal/formal procedure) confidentiality is maintained. Consequently, any employee who is involved in the processing of a complaint whether as the person making the complaint, the person complained of, Contact Person, investigator or witness must keep all details relating to the complaint confidential. A breach of this requirement may be treated as a disciplinary matter.

It is not possible to guarantee confidentiality and/or anonymity to anyone involved in a complaint. Moreover, there may be occasions when the Contact Person or investigator(s) may believe they have a duty to disclose information to the Company, particularly where s/he has a serious concern regarding the risk to the health and safety of an employee or to another person.

**INFORMAL PROCEDURE**

Best practice suggests that where possible, a complaint of bullying or harassment should be resolved through an informal procedure if this is acceptable to both parties.

The objective of the informal procedure is to allow scope for resolving problems quickly with minimum stress and conflict. Unlike the formal procedure, the informal process does not involve a full investigation to determine whether bullying or harassment occurred.

**Informal Procedure – Stage One**

An employee who believes that s/he is being bullied or harassed should, where possible, explain directly to the person complained of that the behaviour at issue is unacceptable and must stop. Where an employee would find it difficult to confront the person(s) complained of directly, s/he should seek support and assistance from a colleague or the Contact Person.

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### **Informal Procedure – Stage Two**

If the employee is not satisfied with the outcome of this approach, or if s/he feels unable to take this approach, s/he should notify his/her Manager of the situation or, where the Manager is the person complained of, the General Manager should be notified.

An appropriately trained and experienced person will be designated to deal with each complaint (the 'Designated Person').

The Designated Person will establish the facts, the context and decide how best to proceed in dealing with the matter. A complaint may be made verbally or in writing. If the complaint is made verbally, a written note will be taken, which will be copied to the person whose behaviour is complained of and their response sought.

A choice not to adopt the informal procedure will not reflect negatively on either party to the process.

A method aimed at resolving the issue, which may include mediation, counselling, training, or other measures will be agreed so that both parties can return to a harmonious working environment.

In proceeding with the informal approach, measures to stop the behaviour and monitor the situation will be agreed with both parties.

### **FOLLOW UP**

On-going support and/or review will be made available to both parties following the informal process. Regular checks will be made by the Designated Person to ensure that the behaviour complained of has ceased.

In many situations, with everyone's co-operation, the matter can rest here.

### **FORMAL PROCEDURE**

The formal procedure will apply if the matter is not resolved informally, if either party does not wish to have it dealt with informally or if in the opinion of the Designated Person it is not appropriate to investigate the matter under the informal procedure. The formal procedure involves a full investigation of the complaint by an experienced and appropriate Investigator (external or internal as we believe appropriate in a particular case). The objective of the investigation is to establish whether, on the balance of probabilities, the behaviour complained of occurred.

An employee who wishes to invoke the formal process must make a formal complaint in writing, signed and dated. The employee making the complaint (the complainant) should make the complaint to his/her Manager, or where the Manager is the person complained of, the complaint should be made to the General Manager. The complaint should be confined to precise details of alleged incidents of bullying and/or harassment, including dates, actions constituting the alleged bullying or harassment and names of witnesses where possible.

While the Investigator may wish to clarify aspects of the complaint, the complaint as set out in the written statement can generally not later be widened in its scope unless good reason can be shown for such an amendment.

If the Company considers that the behaviour complained of could constitute a criminal offence the complaint may be referred to An Garda Siochana. An Garda Siochana will then advise whether an internal investigation may proceed.

At the earliest opportunity both the complainant and the respondent will be advised of the aims and objectives of the formal process, the procedure to be followed, the likely time frame and the possible outcomes.

The Manager will acknowledge receipt of the complaint and arrange to meet the Complainant within 5 working days. Where this is not possible for either party, a date will be agreed as soon as practical and all parties will be informed of the revised timescale.

The Manager will meet with the Complainant to:

1. Clarify and formally record the nature of the complaint.
2. Ensure that the Complainant is aware of the next stage of the procedure.
3. Advise the Complainant that they have the right to be accompanied to any meeting by a trade union representative, a work colleague or if under 18 years of age, by a parent or guardian.
4. Consider how the Complainant and the Accused may avoid or minimise contact until the issue can be resolved. This may involve paid suspension of one or both parties as detailed in the Company Disciplinary Procedures.
5. Advise both parties that there should be no communication between them, directly or indirectly, in relation to the complaint.

The Manager will then meet with the Accused (if internal) and:

1. Outline the nature of the complaint and confirm in writing.
2. Confirm that it is being handled under the formal procedure.
3. Ensure that the individual is aware of the next stages of the procedure.
4. Advise the Accused that there should be no communication directly or indirectly between him/her and the Complainant.
5. If appropriate, suspend the Accused on full basic pay until the investigation hearing can be arranged.
6. Write to the Accused outlining the nature of the complaint and setting a date for a formal investigatory meeting to be held at the earliest opportunity following receipt of the complaint, depending on the meeting with the Complainant.

## **CONDUCT OF FORMAL INVESTIGATION**

The investigation will be undertaken impartially as thoroughly, sensitively and confidentially as possible, with due regard to the rights of both parties. The time it takes to investigate a matter will depend on the particular circumstances and the number and availability of any witnesses.

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The investigation will be governed by terms of reference, which will be set out before the investigation commences. The investigation Process will be conducted as per the below:-

1. The Complainant will provide written statements setting out the allegations and will also furnish whatever supporting documentation they may wish to rely on to support their complaints.
2. The Respondents will provide a written response to the complaints.
3. On completion of the exchange of the written complaint and written responses, the Investigation Team will exchange this documentation with the parties.
4. The Investigation Team will then meet with Complainant and any of their witnesses or relevant persons as deemed appropriate by the Investigation Team.
5. The Investigation Team will then meet with the Respondent and any of their witnesses or relevant persons as deemed appropriate by the Investigation Team.
6. All meetings will take place on a one-to-one confidential basis. The meetings will not be audio recorded. All participants will be provided with a written record of their meeting and will be given an opportunity to verify and sign-off on its content prior to it being made available to other relevant parties to the Investigation. Failure by any party to sign off on the Investigation Team's written Record of a meeting within the specified timeframe, which will be a maximum of five (5) working days from the date of receipt, shall not in any way invalidate the record, prevent the record being exchanged with the other party, or delay the Investigation in any way.
7. The Parties or any witnesses may be accompanied at the investigative meetings by a person of their choice, such as a work colleague. The identity and status of any representative must be provided to the Investigation Team in advance of the meeting. The representative cannot be a person who may also be called as a witness to the investigation.
8. The Parties will be provided with a written record of all meetings, any documentation or material in relation to the allegation and with all other information upon which the Investigation Team may rely on in arriving at a decision. The parties will be given an opportunity to respond in writing, or if necessary, in person, to this material before the Investigation Team considers the evidence. In the course of the Investigation, The Parties will be furnished with all other information upon which the Investigation Team may rely on in arriving at a decision.
9. On completion of the investigation, having duly considered all the evidence submitted and representations made, the Investigation Team will produce a written Investigation Report to the nominated liaison person containing the findings/conclusions of the Investigation.

10. The Report findings will cite the details of the complaint, the response of the Respondent and the results of the Investigation which may conclude that: a.) That, on the balance of probability, the complaint is upheld for reasons which are stated, or b.) That, on the balance of probability, the complaint is not upheld for reasons which are stated or where there was insufficient evidence to decide on the complaint.
11. The Investigation Team will furnish the report as quickly as practicable with an expected time frame of five (5) working days after the Investigation Team confirms that the investigative stage of the process has concluded.

**REPORT**

The Investigator(s) will provide to the General Manager a written report of the investigation which shall include the Investigator's findings. Both the complainant and respondent will be given a copy of the report.

The General Manager or such other senior member of the Company's management as appropriate will decide in light of the investigator's report what action if any is to be taken including the referral of the matter to be dealt with under the Company's Disciplinary Procedure. The right to appeal is preserved for the disciplinary procedure only.

**PROTECTION AGAINST VICTIMISATION**

Victimisation or retaliation of any kind against an employee for making a complaint or taking part in an investigation of bullying or harassment at work will be considered a serious matter and will be investigated, and if upheld will be dealt with under the Disciplinary Procedure.

**STATUTORY RIGHTS PROTECTED**

Use of the above procedures will not affect an employee's right to make a complaint under the Employment Equality Acts 1998-2015 in relation to harassment or victimisation. Such complaint must be made within 6 months (or 12 months in certain circumstances) of the date of occurrence of the alleged act of harassment or victimisation or, as the case may be, the date of its most recent occurrence.

**REDEPLOYMENT TO ANOTHER AREA**

Where a complaint has been upheld, the complainant may wish to avoid any further contact with the Harasser. Should the Harasser remain in employment with the Company and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to relocate the Harasser in the first instance and where transfer of the Complainant occurs, it should not lead to any disadvantage to them.

Even where a complaint is not upheld, or, for example, where the evidence is inconclusive, consideration may still be given, where practicable, to the voluntary transfer of one of the employee's concerned.

**MALICIOUS OR VEXATIOUS COMPLAINTS**

Where a complaint is not upheld it will not be assumed that the complaint was malicious or vexatious. However, in the interests of natural justice, where the Designated Person under the informal procedure, or the Investigator(s) under the formal procedure forms the view that a

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complaint was made maliciously or vexatiously, it will be treated as misconduct and may lead to disciplinary action under the Disciplinary Procedure.

**REVIEW OF POLICY**

This policy will be reviewed regularly and will be updated to reflect our experiences in implementing it, any relevant changes in our workplace and any external factors that we consider relevant. Management will be responsible for ensuring that such reviews take place.

We will monitor and record any incidents of bullying at work to assist in taking corrective action and the continuous improvement of these policies and procedures.

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Employees will be provided with appropriate training and supervision on issues related to bullying and harassment at work including the provision of training for Managers, supervisors, and for all staff, at induction or through appropriate awareness-raising initiatives.

Signed: Darragh Elliott,

Dated: 03/06/2021

Managing Director  
Elliott Group