



### **Introduction:**

- Many people in our society are victimised and harassed as a result of their gender, marital/civil/status, family status, sexual orientation, religion, age, disability, race or membership of the traveller community.
- Bullying in the workplace 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 be regarded as undermining the individual's right to dignity at work.
- Personal Harassment, unlike bullying, can consist of one single act in certain circumstances. Harassment is defined as 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 and has the purpose or effect of violating that employee's dignity.
- Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always serious and is totally unacceptable.
- Sexual harassment covers acts, requests or conduct which could reasonably be regarded as being offensive, humiliating or intimidating, has the purpose or effect of violating that employee's dignity and are in fact unwelcome to a particular employee.
- We recognise that personal or sexual harassment can exist in the workplace as well as outside and that this can affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

### **Policy:**

- We deplore all forms of personal or sexual harassment and bullying and seek to ensure that the working environment is sympathetic to all our employees. The workplace environment is not confined to the business premises or normal working day and extends to conferences, external training, and work related social events.
- We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment or bullying with a means of redress. For the sake of simplicity, the word "harassment" has been used in the remainder of this policy. However, it should be understood that, for the purpose of this policy, the examples given and the procedures to be used apply equally to the more general concept of bullying.

- We recognise that we have a duty to implement this policy and all employees are expected to comply with it.
- If you are experiencing difficulties in accessing or understanding our documentation in its current format please speak to CIL management immediately.

### **Examples of Personal Harassment:**

Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- insensitive jokes and pranks
- lewd or abusive comments about appearance
- deliberate exclusion from conversations
- displaying abusive or offensive writing or material
- unwelcome touching
- abusive, threatening or insulting words or behaviour
- the use of a mobile phone to harass, bully or intimidate.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

### **Examples of Sexual Harassment:**

You have a right to work in an environment which is free from sexual harassment. Sexual harassment can be persistent unwanted attention which continues after the person receiving it makes it clear that they want it to stop. Sexual harassment can also be a serious one-off incident. In general, you are free to determine what behaviour is acceptable to you and other employees should respect your standards. Examples of behaviour which can constitute sexual harassment include:

- Acts of physical intimacy (such as unnecessary touching, patting or pinching or brushing against another employee's body);
- Requests for sexual favours
- Gestures
- Spoken words (such as propositions or pressure for sexual activity, continued suggestions for social activity outside the work place after it has been made clear that this is unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendoes or lewd comments)
- The production, display or circulation of inappropriate written words, pictures or other material (for e.g. videos, etc.)
- Any conduct that is degrading, derogatory or intimidating towards another employee because of his/her gender.
- The use of email to circulate jokes, pictures, and so on, can constitute sexual harassment and CIL may occasionally monitor emails in accordance with the our Communications Policy.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of sexual harassment.

### **Complaining about Personal or Sexual Harassment:**

#### **Informal complaint:**

We recognise that complaints of personal harassment and particularly of sexual harassment can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior person of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the person, who

will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

### **Formal complaint:**

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the CEO as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:-

1. the name of the alleged harasser
2. the nature of the alleged harassment
3. the dates and times when the alleged harassment occurred
4. the names of any witnesses
5. any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. We are committed to providing a full and fair investigation, which gives due sensitivity and respect to the rights of both the complainant and the alleged harasser. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will carry out a thorough investigation in accordance with our disciplinary procedure. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

When the investigation has been concluded, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser.

You will not be penalised or victimised in any way as a result of making a complaint unless following investigation it becomes clear that the complaint is malicious or vexatious by its nature.

### **General Notes:**

If the report concludes that the allegation is well founded, the harasser will be subject to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal against the disciplinary action by using our disciplinary appeal procedure.

If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

Similarly, if an employee supports a colleague in bringing a complaint of harassment or if an employee gives evidence in respect of such a complaint of harassment then that employee will not be victimised for doing so. However, where it is concluded that an employee supported a colleague's harassment claim which they knew to be false or malicious, or if the supporting employee deliberately gave factually inaccurate evidence to substantiate a colleague's harassment claim, then disciplinary action may be taken against that supporting employee, up to and including dismissal.

Every effort shall be made to carry out and complete the investigation as quickly and efficiently as possible, having due regard for all circumstances.

We reserve the right to allow third parties to chair any formal meeting. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing

**Dignity at work charter/Bullying**

We at Sligo Centre for Independent Living commit ourselves to working together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work here are expected to respect the right of each individual to dignity in their working life. All will be treated equally and respected for their individuality and diversity. Bullying in any form is not accepted by us and will not be tolerated. All individuals whether employed by us or contracted by us have a duty and a responsibility to uphold this dignity at work charter.

Approved by:

Maria Mulligan, CEO, SCIL

Date: April 2021