**Dignity at Work Policy**

**Purpose**

COMPANY NAME is committed to providing a working environment free from bullying, harassment and sexual harassment and ensuring all staff are treated, and treat others, with dignity and respect at all times. All employees are expected to comply fully with this policy and management will take appropriate measures to ensure that bullying/harassment does not occur. Complaints by employees will be treated with sensitivity and fairness in as confidential a manner as possible. Employees who make a complaint in good faith or who participate in any investigation process etc. will not be victimised. Those who make false allegations of bullying, harassment and/or sexual harassment may be subject to disciplinary action up to and including dismissal.

The policy applies to bullying/harassment and sexual harassment not only by fellow

employees but also by consultants, clients, customers, contractors and other business

contacts at the workplace, outside of the workplace during the course of employment (for

example on business trips, at conferences, work-related events or social functions) and to

different treatment of an employee because he/she rejected or accepted the bullying,

harassment or sexual harassment.

**Workplace 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 be reasonably 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.

Bullying is an on-going series of an accumulation of seriously negative targeted behaviours against a

person or persons to undermine their esteem and standing in a harmful, sustained way.

COMPANY NAME takes all complaints of bullying seriously and we commit to follow through to resolution.

Bullying 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. Some examples of bullying are set out below.

* + Verbal abuse/insults
  + Exclusion with negative consequences
  + Being treated less favourably than colleagues in similar roles
  + Belittling a person’s opinion
  + Disseminating malicious rumours, gossip or innuendo
  + Socially excluding or isolating a person within the work sphere
  + Intrusion – pestering, spying or stalking
  + Intimidation/aggressive interactions
  + Excessive monitoring of work
  + Withholding information necessary for proper performance of a person’s job
  + Repeatedly manipulating a person’s job content and targets
  + Blaming a person for things beyond their control
  + Use of aggressive and obscene language
  + Other menacing behaviour

The examples stated in this policy are not an exhaustive list and [COMPANY NAME] reserves the right to take action against these and other inappropriate behaviours.

The below are examples of what is **not** considered Bullying

* Expressing differences of opinion;
  + - Offering constructive feedback, advise or guidance about work related behaviour which is not of itself welcome;
    - Ordinary performance management;
    - Workplace conflict where people disagree or disregard the others’ point of view.
    - Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees (for example managing an employee’s performance, taking reasonable disciplinary actions, or assigning work).

The examples stated in this policy are not an exhaustive list and [Company name] reserves the right to take action against these and other inappropriate behaviours.

**Cyberbullying**

Any references to bullying throughout this company policy will also include cyberbullying. Cyberbullying or Cyber- harassment is a form of bullying or harassment using electronic means, such as computers, mobile phones etc. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It 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. Some cyberbullying crosses the line into unlawful or criminal behaviour.

The most common places where cyberbullying occurs are:

* Social Media, such as Facebook, Instagram, Twitter and Tik Tok
* Text messaging and messaging apps on computer devices
* Instant messaging, direct messaging, and online chatting
* Online forums, chat rooms, and message boards
* Email
* Online gaming communities

The examples stated in this policy are not an exhaustive list and [COMPANY NAME] reserves the right to take action against these and other inappropriate behaviours.

Employees will be trained in [COMPANY NAME]’s [IT security policy /insert relevant policy name here]. Employees should keep all passwords and pin numbers private and ensure to log out of all online accounts and devices when unattended. As well as being in compliance with the company’s [insert relevant policy name here], this will protect an employee against any unwanted or unauthorized activity on their online accounts and/or profiles.

**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. A single incident may constitute harassment.

Unwanted behaviour based on one of the discriminatory ground, even if the person does not have that relevant characteristic, may also be considered harassment e.g. if the perpetrator believes that the employee has the characteristic.  The intention of the alleged harasser is irrelevant – under this policy it is the effect of the behaviour on the recipient which is significant.

Examples of Harassment are set out below:

* Verbal harassment - jokes, comments, ridicule or songs;
* Written harassment - including graffiti, text messages,
* emails, social media or internet posts;
* Physical harassment - jostling, shoving or any form of assault;
* Intimidatory harassment - gestures, posturing or threatening poses;
* Visual displays such as posters, emblems or badges;
* Excessive monitoring of work;
* Isolation or exclusion from social activities; and
* Unreasonably changing a person’s job content or targets.

The examples stated in this policy are not an exhaustive list and [COMPANY NAME] reserves the right to take action against these and other inappropriate behaviours.

**Sexual harassment**

Sexual Harassment is any form of 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 the person. This includes same-sex 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 are set out below:

* sexual gestures;
* displaying sexually suggestive objectives, pictures, calendars;
* sending suggestive and pornographic correspondence, including e-mails or text messages;
* unwelcome sexual comments and jokes;
* unwelcome physical conduct, such as pinching, unnecessary touching, etc.

The examples stated in this policy are not an exhaustive list and [COMPANY NAME] reserves the right to take action against these and other inappropriate behaviours.

COMPANY NAME has designated a ‘champion’ (or more than one whom must be at senior level who is outside the HR structure) INSERT NAME who will be the independent voice advocating for a diverse workplace culture free of harassment where all employees feel respected (The person selected must be trained to carry out this role effectively)

**Responsibilities**

This section outlines the responsibilities of all potential parties involved in this process.

Complainant

If an employee raises a complaint under the complaint's procedure outlined below they will be referred to as the complainant.

Respondent

If an employee raises a complaint under the complaint's procedure outlined below the individual regarding whom the allegation is made will be referred to as the respondent.

Employees

All employees have a role in encouraging a positive organisational culture that that does not tolerate any form of bullying and harassment. All employees have a responsibility to behave with dignity and respect towards one another in the workplace. This applies both in individual interactions and interactions in a group with other employees, contractors, customers, clients and anyone in the workplace.

Line Managers

Managers, also play a pivotal role in creating a workplace culture that is free from any form of bullying and harassment. Managers must promote awareness of [COMPANY NAME]’s policies and procedures. Should any matter of bullying, sexual harassment or harassment be brought to a manager’s attention, managers will ensure that it is dealt with in a sensitive manner and follow the company policy thoroughly. Managers will explain the procedure that will be followed if a complaint of Bullying is made.

Human Resource

Ensure that prompt and appropriate action is taken when discrimination, bullying or harassment complaints are raised. Coordinate and facilitate the provision of adequate and appropriate instruction and training on the implementation of this policy. Ensure that employees involved in a complaint are fully supported before, during and after the investigation

Contact Person

The Contact Person who has been nominated in [COMPANY NAME] is [name]. The Contact Person will be the first point of contact for any employee engaging the policy. The contact person will provide a supportive role, listening and offering guidance and information in line with the organisation’s policy on a strictly confidential basis. The Contact Person will be fully trained and will not have a role or any involvement in the investigation of any complaints.

**Complaints Procedure**

If a complaint has been raised, employees should follow the steps as detailed below.

**Informal Procedure**

It is preferable for all concerned that complaints of discrimination, bullying or harassment are dealt with informally where appropriate. It is an informal mechanism that is designed to be flexible in order to allow for minor complaints to be quickly dealt with. Therefore, initially, employees should try to address an allegation of bullying, harassment or sexual harassment as informally as possible by following this initial informal procedure (where it is appropriate). This stage is suitable for minor complaints, such as in scenarios where it is likely the respondent is not even aware of that their behaviour is negatively impacting others.

Ideally, this initial informal response would effectively address the unwanted behaviour without any recourse to any other action. The below outlines the steps that can be taken in this instance:

* The complainant who believes that he or she is being bullied, sexually harassed or harassed should explain clearly to the respondent that the behaviour in question is unacceptable.
* If it is more suitable, the complainant should put their concerns in writing.
* If the complainant finds it difficult to approach the alleged perpetrator directly then a person should seek help and advice from a Supervisor/Manager, whose role is not to judge but rather to provide advice and assistance about what the Company’s policy says. In this situation the approach of the Manager/ Supervisor should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.
* The complainant may wish to avail of the Contact Person for confidential support or information at this point.
* A brief written record, in line with GDPR, should be kept of the matter and agreed outcomes and dates noted by the relevant person responsible for managing the complaint.

A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure. The Company recognises that it may not always be practical to use the informal procedure particularly where the discrimination, bullying or harassment is serious or where the people involved are at different levels in the organisation.

Depending on the nature of the complaint, the Company reserves the right to investigate the matter and, if appropriate, take disciplinary action.

**Mediation**

Mediation should be consideration for resolving issues at this stage of the process. It is an informal voluntary process where a suitably qualified mediator will try to enable employees to work through conflict or disagreement, with a view to improving their relationship. This is a valuable tool and will be offered and considered at any stage in a procedure.

**Secondary Informal Procedure**

This process is still informal and may be used if the above procedure is ineffective or unsuitable for the seriousness of the issue. This process is more protracted than the initial informal procedure.

The Nominated Person with the appropriate training will be assigned to handle the complaint. (The Nominated Person should not be the Contact Person)

* The complainant should submit a written complaint, but where this does not occur, the Nominated Person will write up the complaint and provide the complainant with a copy.
* The Nominated Person will then try to establish the facts of the complaint prior to deciding on the next steps. It is vital that the complainant provide concrete examples of inappropriate behaviour to ensure the company can progress the matter.
* When the Nominated Person has determined the detail and facts of the case and if they believe at this point the respondent has a case to answer, they will address the allegations with the respondent and allow them the chance to respond. The Nominated Person should arrange a meeting with the respondent and take notes of the responses.
* The next step would be to agree to progress the matter to resolution so that both parties can return to a harmonious working environment.
* If the findings confirm that there has been inappropriate behaviour, actions should be put in place to ensure this behaviour stops immediately stop the behaviour. This will also be monitored going forward to prevent a reoccurrence.
* The Nominated Person will keep record of all stages and ensure these are kept in line with GDPR.

A complainant may choose to bypass the secondary informal procedures. Choosing not to use the informal procedures will not reflect negativity on a complainant in the formal procedure.

Under this policy, on an initial examination under the Formal Procedure, management may direct that an attempt be made to resolve the matter under one of the above Informal 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:

* The complainant should make a formal complaint in writing to his/her immediate manager, or if preferred, a member of the HR Team that should be signed and dated. Where this is not possible, a written record should be taken of the complaint by the assigned person and signed by the complainant and dated. The complaint should be confined to precise details of alleged incidents of bullying, including their dates, and names of witnesses, where possible. The manager must immediately inform the HR team/CEO.
* An initial meeting will be organised with the complainant and conducted by a designated impartial member of management, with a view to determine the next steps to follow. Should an informal approach be deemed inappropriate or inconclusive at this stage, 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.
* In the interests of natural justice, the respondent will be advised of the complaint made against them. They will be provided with a copy of the complaint. An outline of the aims and objectives of the formal process, the procedures and approximate ideal timeframe involved will be provided to the respondent, and the possible outcomes explained. Both parties will be assured of support as required throughout the process and the respondent will be advised that they will be afforded a fair opportunity to respond to the allegation(s).
* Whilst it is desirable to maintain utmost confidentiality, once an investigation of an issue begins, it may be necessary to interview other employees. If this is so, the importance of confidentiality will be stressed to them. Any statements taken from witnesses will be circulated to the complainant and the alleged perpetrator for their comments before any conclusion is reached in the investigation.

Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to management containing the findings of the investigation.

Both the complainant and respondent will be informed in writing of the following:

* What the formal procedure entails
* Proposed timescale for the completion of the investigation
* That both parties have the right to be accompanied and/or supported, by a representative (colleague or trade union representative).
* 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. That the respondent will be given time to consider the documentation and an opportunity to respond to such documents.
* The investigator(s) will meet with the complainant and respondent(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegations(s). Both the complainant and respondent(s) may be accompanied (by work colleague or trade union representative), where appropriate.
* That a written record will be kept of all meetings and investigations.
* That the investigation will consider all material and evidence before it and a decision will be made on balance of probability, as to whether the complaint is valid. Both parties will be given the opportunity to comment on the findings before any action is decided upon by management.
* The investigator will provide a written report to both parties outlining the findings and decision.

If the investigator concludes that the accused employee has a case to answer, on the balance of probability, then the investigator may recommend whether or not the employer should invoke the Disciplinary process. Otherwise, the investigator may find that other actions such as counselling, mediation or training would be suitable.

**Appeal**

If either the complainant or respondent are not satisfied with the outcome of an investigation, they may appeal the decision in writing outlining the full grounds for the appeal to [insert position] within [Timeframe] of the date on which the decision was sent or provided to them. The appeal will be dealt with impartially by a [Insert name - this should be heard by another party, of at least the same level of seniority as, but preferably more senior than, the original investigator] who has not previously been involved in the investigation. Any appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure. The appeal is not a re-hearing of the original issues.

(Very small organisations will need to consider at the outset of the formal process how they would manage a request for appeal and how this may require outside independent support.)

**Victimisation**

Employees will not be penalised, victimised, treated less favourably or subject to other adverse treatment because of pursuing a complaint under this policy.

**Malicious Complaints**

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.

If a complaint is found to be malicious, then appropriate disciplinary action up to and including dismissal may be imposed, after due process.

**End Note for Business Owners/Managers**

This policy should include a commitment to effective communication of the policy. It should be communicated effectively to all those potentially affected by it, including management, employees, customers, clients and other business contacts, such as those who supply and receive goods and services. Effective means of communicating a policy could include newsletters, training manuals, training courses, leaflets, websites, emails, toolbox talks and notice boards.

New employees, including those in management and all other positions of responsibility, should be made aware of the policy as part of any formal induction process to familiarise them with their job and their working environment and any rules and regulations that apply. Where a staff handbook is distributed to employees as part of the induction process, the Anti-Bullying Policy should be included. Existing employees should receive updated and regular communication on the policy

Employees should be provided with such information, training, development and supervision as is necessary to ensure the prevention of bullying. Such training is especially important for those members of staff responsible for supervision and for implementing the policy and responding to complaints. Best practice would ensure that records are kept by the employer of all such training.

Employees should note that the Dignity at Work Policy is subject to change, amendment or update by [COMPANY NAME] from time to time, or as required by amendments to employment law.