

 nibr <small>National Institute for Bioprocessing Research and Training</small>	Policy and Procedure
	Dignity at Work
Owner: Human Resources Department Number of Policy	006

Revision History and Schedule

Version	Date	Revision Author	Summary of Changes
0	01.04.2018	G Grimes	
1	08.10.2020	E O'Farrelly	<ul style="list-style-type: none"> Reference to Irish Human Rights and Equality Commission Additional examples of unacceptable behaviour included Equality Policy reflecting Civil Status instead of marital status
2	07.07.2021	E O'Farrelly	<ul style="list-style-type: none"> Update of Policy to include examples from Statutory Instrument 674 of 2020, Industrial Relations Act 1990; Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work Order 2020 Reference to and definition of Cyberbullying
3	27.03.2023	K Conrad	<ul style="list-style-type: none"> Added paragraph in regards to monitoring and recording of complaints

Approval

Name	Position	Signature	Date

Dignity and Respect at Work

The Company is committed to implementing and promoting measures to protect the dignity of employees and to encourage respect for others at work. This is achieved by creating a culture and work environment free from harassment, sexual harassment, bullying, racism and disrespectful behaviour, by dealing effectively with any complaints of such conduct, and also by welcoming diversity and promoting employment equality.

The Company consistently strives to maintain a healthy work environment where all employees are treated with respect and dignity. The combined and consistent effort, standards and values of those employed throughout the Company contribute significantly to a positive employee relations climate which in turn allows the business to thrive and individuals to prosper. For these reasons, attitudes and behaviours that do not contribute to a positive environment are detrimental to everyone and therefore will not be tolerated.

The Company is committed to providing a work environment, which is free of any form of harassment, including sexual harassment and bullying. References to bullying in this policy shall include cyberbullying. This policy is applicable to all employees of the Company who are obliged to be aware of the effect their own behaviour may have on others. It extends to work related events including training, conferences and social events whether on the premises or off-site. It is also applicable to all clients, service providers, contractors, students and suppliers of the Company.

An individual will decide what behaviour is acceptable - not what the perpetrator, employer or another colleague finds acceptable. Any individual who experiences sexual harassment, harassment or bullying will be supported by the Company in bringing such unlawful behaviour to a close.

Keys aims of the Policy:

- Promote a work environment where dignity and respect are at the forefront of the Company's culture
- To create an environment where Harassment, Sexual Harassment and Bullying are not in any way tolerated
- Ensure each employee is aware of their responsibility to act in a way that fosters a culture of dignity and respect in the workplace
- Outline the options open to any employee who feels their dignity at work has been compromised

1.1 Harassment, Sexual Harassment and Workplace Bullying

This policy incorporates definitions of Harassment, Sexual Harassment and Workplace Bullying as prescribed in the following codes of practice:

- a) IHREC formerly Equality Authority's Code of Practice on Harassment and Sexual Harassment at work (the Equality Authority and the Irish Human Rights Commission were dissolved and their functions transferred to the Irish Human Rights and Equality Commission IHREC).
- b) The Health and Safety Authority's Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at work
- c) S.I. 674 of 2020: Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work under the Industrial Relations Act 1990 aimed at preventing and dealing with bullying where it happens in Irish workplaces. It is a code for both employers and employees.

1.1.1 Harassment

Harassment 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 thus creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Further, harassment can be 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.

The nine discriminatory grounds are:

- Family Status
- Gender
- Civil Status
- Sexual orientation
- Religion
- Age
- Disability
- Race (includes race, colour, nationality or ethnic or national origins)
- Members of the travelling community

Harassment can be a one-off event or persistent and repeated behaviour.

Examples of Harassment include but are not limited to:

- Verbal harassment – Jokes, comments, ridicule, songs, spoken words, shouting, unfair and excessive criticism
- Non-verbal - Looks, gestures, isolation, exclusion, refusing to listen to a point of view
- Written harassment – Including faxes, text messages, emails, notices or comments on social media
- Physical - Abusive behaviour, production, displaying or circulation of words, pictures, materials, jostling, shoving or any form of assault
- Intimidation – Gesturing, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- 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.
- Isolation or exclusion from social activities
- Obstructing a person
- Negative body language

These examples are not exhaustive, and offences of a similar nature are also prohibited and will be dealt with appropriately.

An act of Harassment may occur outside the workplace or normal working hours if the perpetrator was acting in the course of employment.

1.1.2 Sexual Harassment

What is Sexual Harassment?

Sexual Harassment is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, being conduct which in either case has a purpose or effect of violating a person's dignity in creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Sexual harassment may occur between men and women or between persons of the same gender. A single incident may constitute 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 include but are not limited to:

- Sexual jokes, stories, comments, use of technology including email etc. for inappropriate suggestive comments
- Display of offensive pictures, slogans, graffiti, written suggestive materials through technology or otherwise (including a display of pornographic or sexually suggestive pictures or objects)
- Telling lies or spreading rumours about a colleague's sex life
- Non-verbal - looks, gestures, whistling, suggestive symbols, pictures
- Verbal - Advances, propositions, suggestions, jokes, comments, innuendo

- Unwanted Physical contact - Groping, kissing, fondling, unnecessary touching, assault or rape
- Sex-based conduct - Conduct that denigrates, ridicules or is intimidating or physically abusive of the employee because of their sex
- Persisting in unwelcome attempts to form a relationship, or continue a relationship to which one party has not consented, or for which one has withdrawn their consent.

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

1.1.3 How does Harassment and Sexual Harassment differ from friendly work place banter?

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 individual member of staff to decide themselves what behaviour is unwelcome and the fact that the employee has previously tolerated the behaviour before does not stop them from objecting to it now.

The intention of the person engaging in the unwelcome behaviour is irrelevant; the effect on the employee concerned is what is important.

1.1.4 Workplace Bullying

Bullying in the workplace can severely impact upon the health, safety, and welfare of staff.

What is Workplace Bullying?

Workplace Bullying is defined as 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.

Bullying is more than a single occasion and can include conduct offensive to a reasonable person, for example oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emblems, graffiti or other material that state/imply prejudicial attitudes that are offensive to fellow employees.

Any form of Bullying is prohibited by the Company.

Bullying is distinct from conflicting views and interpersonal difficulties in the workplace, which should be raised with the appropriate Manager in order to have any grievances or difficulties resolved.

Examples of Bullying include but is not limited to:

- Unwanted physical contact
- Verbal and non-verbal abuse, including shouting, use of obscene language and spreading malicious rumours.
- Implied threats
- Jokes, offensive language, gossip, slander, offensive songs.
- Posters, photocopied cartoons, graffiti, obscene gestures, flags, bunting and emblems.
- Isolation or non-co-operation or exclusion from social activities.
- Intrusion by pestering, spying and stalking
- Repeated impossible deadlines or impossible tasks.
- Repeated unreasonable assignments to duties, which are obviously unfavourable to one individual.
- Vandalism of personal property.
- Constant humiliation, ridicule, belittling efforts – often in front of others.
- Showing hostility through sustained unfriendly contact or exclusion.

These examples are not exhaustive, and offences of a similar nature are also prohibited and will be dealt with appropriately.

What Workplace Bullying is not:-

- An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off, is not considered to be bullying.
- Actions taken which can be justified as regards the welfare, health and safety of the employees.
- 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.
- Legitimate management responses to crisis situations which require immediate action.
- Ordinary performance management; Managers respectfully using the performance management or disciplinary procedures in the course of your employment
- Reasonable corrective action taken by an employer relating to the management and direction of employees (for example managing an employee's performance, taking reasonable disciplinary actions, or assigning work);
- Offering constructive feedback, guidance, or advice about work related behaviour which is not of itself welcome;
- Expressing differences of opinion strongly;
- Workplace conflict where people disagree or disregard the others' point of view.

Cyberbullying

Any references to bullying throughout this policy shall also include cyberbullying. Cyberbullying or Cyber-harassment is a form of bullying or harassment using electronic means, such as computers, tablets, 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. Some cyberbullying crosses the line into unlawful or criminal behaviour.

The most common places where cyberbullying occurs are:

- Social Media, such as Facebook, Instagram, Snapchat, and Tik Tok
- Text messaging and messaging apps on mobile or tablet devices
- Instant messaging, direct messaging, and online chatting over the internet
- Online forums, chat rooms, and message boards
- Email
- Online gaming communities

Cyberbullying will be treated with the same seriousness as any other form of bullying and will be dealt with in accordance with this policy.

How to avoid cyberbullying?

Employees should familiarise themselves with NIBRT's IT Security Policy. Employees should ensure that passwords and pin numbers are always kept private and to log out of all online accounts and devices where devices are unattended. As well as being in compliance with NIBRT's IT Security Policy, this will help protect an individual against any unwanted/unauthorised activity on their online accounts/profiles.

1.1.5 Harassment and Bullying by Non-Employees

This policy also protects employees from Harassment, Sexual Harassment and Bullying committed by a client, supplier, student, visitor or any other person with whom the employee may come into contact during the course of their work.

Harassment /Bullying by a non-employee may result in the termination /non-renewal of their business contract, the suspensions of services, exclusion from the premises or the imposition of other appropriate sanctions.

If an employee feels that they have been subject to inappropriate behaviour by a non-employee, they should bring the matter to the attention of their Manager as soon as possible so they can investigate and take appropriate action if required.

Rights and Responsibilities

Everyone in the Company has the responsibility to endeavour to prevent Harassment, Sexual Harassment or Bullying and to report any instances that they are party or witness to. Anyone engaging in any improper behaviour or sexual harassment on Company premises, or anywhere else while on Company business, will be subject to disciplinary action, up to and including dismissal.

The Employer

The employer will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of Workplace Bullying and Harassment.

The Manager

There is a particular responsibility on Managers to ensure the prevention of incidents of harassment and to take action should any incidents be brought to their attention.

Specifically, Managers should:

- Lead by example and treat colleagues and direct reports in a dignified and respectful manner
- Be prepared to explain this policy to all employees and ensure that they understand their roles and responsibilities and how the complaints procedure is carried out
- Promote awareness and responsibility for dignity and respect at work
- Monitor the behaviour of new employees during probation to ensure that their behaviour is in keeping with our commitment to a dignified work place
- Be vigilant for signs of Harassment , Sexual Harassment or Workplace Bullying before a problem arises
- Ensure an employee is not being victimised for making a complaint
- Deal promptly and effectively with any incidents of Bullying or Harassment of which they are witness to or made aware of. They are required to act if they suspect any form of Harassment or Workplace Bullying, even if no complaint has been made.

Managers may also be responsible for dealing with complaints in the first instance. If a complaint is made to a Manager they should be understanding and sympathetic. The complaint will be taken seriously and ideally recorded in writing. Confidentiality will be assured as far as is reasonably practicable. Support and advice will be offered to an employee, as appropriate.

The Employee

All employees must comply with this policy and ensure that their behaviour does not compromise the dignity of fellow employees or any person with whom they come into contact during the course of their work.

Employees who feel that they are being harassed in any way in the workplace are encouraged to approach their own immediate Manager, or another Manager. All complaints will be taken seriously, and are to be held in strict confidence as far as is reasonably practicable, and will be investigated promptly and in an impartial manner. Only if these instances are reported can the company take action to correct the situation.

Making a Complaint

Any employee is free to make a complaint. They will not be victimised for making a complaint. However, if a complaint is found to be unwarranted or malicious, disciplinary action may be taken. Both the person who feels they have been bullied or harassed and the person who is alleged to have done the harassing or bullying, have rights. All parties are entitled to representation, a fair and impartial hearing, and the right to challenge the claim. An allegation of harassment or bullying remains an allegation until an investigation is completed. Disciplinary action may be taken against an employee if, after an investigation, the allegation is upheld.

Complaints Procedure

All employees have a right to make a complaint if they feel they have been harassed, sexually harassed or bullied.

Anyone who believes that they have become subject to harassment directly or, who observes or has knowledge of harassment or bullying towards another employee or, group of employees, is advised to take the appropriate action.

Before deciding what course of action, if any, to take, the employee may wish to discuss the matter, confidentially with an external support contact person e.g. Employee Assistance Programme or alternatively, the employee may ask for information or advice regarding the policy and procedure from an internal source i.e. Manager/HR Department.

Option A - Informal Procedure

The purpose of the informal procedure is to ensure that the majority of cases of this nature will be handled effectively and efficiently, in a confidential and sensitive manner, and at local level.

The informal procedure involves a recipient of Bullying, Harassment or Sexual Harassment approaching the perpetrator(s) and ask them to stop. The employee should inform the individual(s) of the Company's policy on Sexual Harassment and Harassment or Bullying and advise them that continuance of this behaviour will result in the employee making a formal complaint.

The employee may approach their Manager or another Manager for support in approaching the perpetrator(s) or for advice if in doubt about whether the behaviour constitutes Harassment, Bullying or Sexual Harassment.

Option B – Formal Procedure

In the event that the informal complaint has failed or is inappropriate in the circumstances, the formal procedure should be used as follows:

The employee should make a complaint to their Manager or Manager's Manager, in writing setting out details of the allegation i.e. context, dates, times, witnesses etc.

A person will be nominated by management to examine the complaint. They may also set up an investigation as necessary, and as described below.

It is important to note, the alleged perpetrator(s) will be notified in writing of the details of the complaint by the investigating manager and it is not possible to provide this to them anonymously. In other words, the alleged perpetrator will be made aware of the identity of the complainant.

Investigation

An investigation will be carried out into the alleged offence by the nominated investigation team members.

Should the gravity of the complaint warrant it, the investigation may be conducted by an external independent professional.

The investigation will be conducted thoroughly, objectively, with sensitivity, confidentially and with due respect to the rights of all parties concerned.

All parties concerned will be interviewed including any witnesses and each party will be informed of their right to be represented by a trusted colleague. Employees are expected to cooperate fully with the investigation.

A written record will be kept of all meetings and treated in the strictest confidence and following the investigation the employee and alleged perpetrator(s) will be provided with a written copy of the findings.

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.

Confidentiality will be maintained throughout the process. However, it will not be possible to guarantee the anonymity of any person who participates in the investigation.

Both parties may be expected to continue their normal duties and maintain a professional working relationship throughout the process.

Management will have due regard at all times to safeguarding the health, safety and welfare of all parties.

The investigation concludes when the investigator examines all of the evidence gathered and determines whether the initial allegation has been substantiated or not.

Outcome

Following the above, the Company will implement the following course of action:

Both parties will be notified of the outcome of the investigation in writing. Witnesses will not be provided with the full case outcome but can receive copies of their own statements only if requested.

Should the results of a thorough investigation of an alleged incident reveal that an employee has engaged in actions or conduct which constitute Harassment or Bullying, appropriate disciplinary action will be taken, up to and including termination of the employment relationship, depending on the seriousness of the violation. Decisions on the appropriate disciplinary action warranted will be made through a disciplinary hearing conducted by a separate previously unrelated manager.

The claimant will be notified in writing that a thorough hearing has been conducted and assured that appropriate corrective action has been taken.

If the results of a thorough investigation of an alleged incident reveal that an employee has not engaged in actions or conduct constituting Harassment or Bullying, the claimant and the alleged harasser will be immediately notified that a thorough investigation has been conducted and the results indicate that there are no grounds to substantiate the Harassment or Bullying allegation. However, both employees involved will be informed and advised on the other available options for dealing with the matter e.g. mediation and supported to rebuild a professional working relationship with each other.

Mediation

Mediation is a process entered in jointly and voluntarily by both parties with an independent mediator appointed by NIBRT. Mediation is based on the principle of joint problem solving with a focus on the future and rebuilding relationships rather than apportioning blame. It gives the participants a chance to step back and look at how a situation can be put right, looking at their own actions as well as those of the other party. The mediator will assist the participants to find a solution to their problem that is satisfactory to both. The mediator can be an internal or external appointment dependent on the individual circumstances.

Mediation as a means of addressing concerns can be used for complaints submitted both informally and formally. Your manager, in conjunction with HR, will decide whether mediation is an appropriate option to exercise given all the circumstances.

Retaliation

Retaliation of any kind against an employee for complaining or taking part in any investigation in the context of this policy, or any adverse action taken against an employee because the employee has lodged a complaint, or participated in the Company investigation of a complaint, will give rise to appropriate corrective action, up to and including dismissal.

False Accusations

Deliberately making false accusations, if proven, will result in the imposition of the appropriate disciplinary action.

Monitoring and Training

The Company agrees to monitor the implementation of its Equal Opportunity and Dignity and Respect policies and provide training as necessary.

General Disputes

It is acknowledged that occasionally there may be disputes or disagreements between colleagues which may trigger strong feelings and may result in a difficult environment for the parties involved. However, this behaviour may not constitute Harassment, Sexual Harassment or Bullying as outlined in this policy.

Employees are encouraged to try and resolve the situation in an appropriate and amicable way availing of existing supports and procedures.

Equal Opportunities Policy

The Company is committed to policies and practices that provide equality of opportunity for all protect the dignity of employees and promote respect for others at work Employees are required to take personal and individual responsibility to comply with these policies and behave in a non-discriminatory way and not to participate in any acts of inappropriate behaviour, harassment or bullying.

The Company is committed to a policy of equal opportunities in employment. Employment decisions are based on merit, abilities, suitability, and qualifications, and governing regulations. The Company will not tolerate discrimination, bullying, harassment or sexual harassment by one employee or group of employees against another or others for any reason. Discrimination is defined as the treatment of a person in a less favourably manner than another person is, has or would have been treated, on any of the nine grounds listed below. Discrimination can also be taken to have occurred, when a person is treated less favourably by virtue of their association with a person who is a member of one of these nine groups. No employment practices, treatment or decisions will be influenced or affected by an employee's:

- Gender
- Civil Status
- Family Status
- Sexual Orientation
- Religious belief or lack of religious belief
- Age
- Disability or the nature of disability
- Race, colour, nationality or ethnic or national origin
- Membership of the Traveller community

The Company is committed to promoting a good and harmonious working environment where every employee is treated with respect and dignity, and in which no employee feels threatened or intimidated. Implied in all the Company contracts of employment is a commitment to equal pay for equal work. In addition the Company fosters an environment of equality.

Training and promotion are open to all employees of the Company as appropriate. Decisions are based on the existing skills, knowledge and behaviour required to perform a job to Company standards, and those required in the future.

Any employees with questions or concerns about any type of discrimination in the workplace are requested to bring these issues to the attention of their immediate Manager or any other Manager for resolution. Employees can raise concerns and make reports without fear of reprisal. All complaints will be treated confidentially as far as practicable.

All employees are required to take personal and individual responsibility to comply with this and related policies, and behave in a non-discriminatory way and any employee contravening this policy and unlawfully discriminating against another employee or potential employee will render himself or herself liable for disciplinary action, up to and including termination of employment.

Undertaking by NIBRT to develop policy and awareness NIBRT monitors, and records appropriately, all commentary and complaints to identify any trends or gaps in awareness of Policy. NIBRT undertakes to instigate suitable corrective activity either through Policy development, further training or other identified applicable activity once a trend or gap is evident. This is a primary responsibility of the NIBRT Human Resources team.