
Harassment, Sexual Harassment and Bullying Policy

Turas Training

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1. Policy Statement

- 1.1. TURAS recognises that all employees are entitled to be treated with dignity and respect in the workplace and that the organisation has a duty of care to treat all employees with dignity and respect.
- 1.2. This policy should be read as part of TURAS commitment to 'Dignity at Work', which includes the Violence in the Workplace Policy.

2. Purpose

- 2.1. The policy outlines how employees will be protected from sexual harassment and harassment and bullying regardless of whether it is carried out by a work colleague or a person with whom employees come into contact during the course of their work e.g. patient/client, contractor, visitor, supplier.

3. Scope

- 3.1. This policy covers all staff members, locum workers and volunteers within the organisation. It also includes people from other agencies conducting in-reach services in TURAS for the time they are on the premises.

4. Glossary of Terms and Definitions

- 4.1. Harassment: This policy affirms the following definition of Harassment 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.*

Harassment may include actions such as, note that this list is not exhaustive:

- treating people less favourably or subjecting them to ridicule on any of the nine discriminatory grounds;
- production, display or circulation of offensive material;
- maliciously gossiping;
- offensive gestures;
- excluding or omitting a person within the workplace;
- Verbal threats.

- 4.2. Sexual Harassment: is defined as any form of 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. Harassment may include actions such as, but not limited to:

- Non-verbal: looks, gestures, whistling, suggestive symbols, display of sexually explicit material, etc.
- Verbal: lewd or suggestive comments, advances, propositions, jokes, innuendo, etc.
- Physical: unwanted inappropriate physical contact ranging from touching to assault.
- Sex-based conduct: conduct of a sexual nature that denigrates ridicules or intimidates the employee because of his or her sex.
- Visual: displaying pornographic material at the workplace physically or electronically.

- 4.3. Workplace Bullying: The definition of workplace bullying consistent with the Report by the Task Force on the Prevention of Workplace Bullying (ESRI Task Force Report, Government Publications, April 2001) is as follows: *'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 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.'*

- Examples of bullying behaviour can include:
- shouting or swearing at employees both publicly and in private

- aggression, usually over quite unimportant matters
- insulting someone's appearance or name-calling
- spreading malicious rumours, which have no basis in fact
- verbal or written harassment through jokes, offensive language or gossip
- freezing out, isolation, ignoring or excluding
- constantly cutting in on or across people in conversation
- physical contact ranging from unwanted touching to serious assault
- Staring, leering, aggressive gestures etc.

Less obvious forms of bullying may not be readily identified include:

- persistent negative attacks on personal or professional performance without good reason or legitimate authority
- unreasonable and unfounded refusal of annual leave, training or promotion opportunities
- abusing a position of power by unnecessarily undermining a colleague's work and/or placing unreasonable demands on a particular individual
- unreasonable or inappropriate monitoring of a colleague's performance
- persistently setting objectives with unreasonable or impossible deadlines or unachievable tasks
- removing areas of responsibility and imposing menial tasks on subordinates
- withholding work-related information
- over-monitoring an employee with malicious intent

The following does not constitute bullying:

- Bullying is distinct from conflicting views and interpersonal difficulties in the workplace, which should be raised with a manager or the appropriate person in order to have any grievances or difficulties resolved.
- The appropriate monitoring, review and evaluation of performance is an essential part of the management function. Bullying does not arise where feedback and comments are made in an honest and constructive manner, backed up by clear facts and imparted in a reasonable way.

5. Roles and Responsibilities

- 5.1. The Safety, Health and Welfare at Work Act 2005 states that organisations need to have a nominated person to respond to bullying and harassment. Within TURAS this role is that of the Project Manager, their responsibilities are to:
 - 5.1.1. Positively promote and exemplify all aspects of dignity at work.
 - 5.1.2. Ensure that the staff team is aware of the Sexual Harassment, Harassment and Bullying Policy.
 - 5.1.3. Address the actions of any team member who is behaving in an unacceptable manner.
 - 5.1.4. Take seriously any complaints which are brought to their attention.
 - 5.1.5. Monitor and follow up the situation after a complaint is made ensuring that an employee is not victimised for raising a complaint.
 - 5.1.6. Act as a point of contact for staff who feel they may have been harassed, sexually harassed or bullied and to follow through the process as outlined in 4.
- 5.2. It is the responsibility of the employee to:
 - 5.2.1. Be aware of and ensure that personal standards of behaviour are acceptable.
 - 5.2.2. Discourage unacceptable behaviour in the workplace.
 - 5.2.3. Report any incidents of harassment, sexual harassment or bullying to either their line manager or the nominated contact person.

6. Procedures

- 6.1. Principles for addressing harassment, sexual harassment or bullying:
 - 6.1.1. The complaint will be thoroughly investigated with due sensitivity to all involved parties.

- 6.1.2. In the interests of natural justice, the person against whom the complaint is made will be made aware of the nature of the complaint and will be given an opportunity to respond verbally or in writing.
 - 6.1.3. Complaints will be dealt at the earliest possibility; the response will be initiated within five working days from receipt of the initial complaint. All parties involved will be given a fair and impartial hearing.
 - 6.1.4. Both parties will have the right to be accompanied at any interviews held during the investigation.
 - 6.1.5. There will be a right of appeal for all involved.
- 6.2. Informal Procedures
- 6.2.1. If at all possible staff members would be encouraged to seek to resolve the situation by explaining to the person involved that their behaviour is unwanted or inappropriate. The person whose behaviour is causing concern may be unaware that their actions are inappropriate, or it may happen that his or her words or actions have been misinterpreted. In such cases every attempt should be made to clear up the misunderstanding quickly, on an informal basis.
 - 6.2.2. In circumstances where the complainant finds it difficult to approach the alleged respondent he or she should seek help on a confidential basis from their supervisor. In such an occasion the contact person/supervisor should listen patiently, be supportive and discuss the various options available.
 - 6.2.3. The employee may decide to raise a formal complaint, the named contact person, on receipt of a complaint, may initially try to resolve the matter informally on the condition that they have the consent of the parties involved.
 - 6.2.4. A complainant may decide to bypass the informal procedure.
- 6.3. Formal Procedures
- 6.3.1. If the situation continues or is serious, a formal (written) complaint should be made to the complainant's immediate supervisor, or to the named contact person within this policy. If the complaint is in regard to the supervisor or the named contact person, the complaint should be raised with the person who is next in a more senior role, i.e. the senior officer within the service of the chairperson of the (management committee / board).
 - 6.3.2. A written complaint should include:
 - 6.3.2.1. the name of the person/s against whom you are making the complaint;
 - 6.3.2.2. the nature of the alleged complaint;
 - 6.3.2.3. dates and times when the incidents occurred;
 - 6.3.2.4. names of witnesses to the incidents;
 - 6.3.2.5. a note of any action taken to stop the alleged sexual harassment/bullying/harassment.
 - 6.3.3. The person/s against whom the complaint is being made against will be notified in writing that an allegation has been made against him/her. He or she should be given a copy of the complaint and any supporting documentation and be advised that he or she shall be afforded a fair opportunity to respond to the allegation(s).
- 6.4. Investigation:
- 6.4.1. An investigation should be conducted by the Project Manager within the organisation. An investigation should be thorough, impartial and conducted with sensitivity, with due respect for both the complainant and perpetrator(s).
 - 6.4.2. The investigation should be conducted within a reasonable realistic timeframe agreed between the parties in advance.
 - 6.4.3. The investigator should meet the complainant and the perpetrator(s) and any witnesses or relevant parties on an individual confidential basis. Both the complainant and the respondent may be accompanied by a work colleague or employee/trade union representative.
 - 6.4.4. On completion of the investigation, the investigator will submit a written report to the management committee / board.

- 6.4.5. The complainant and alleged perpetrator(s) should be informed in writing of the findings of the investigation.
 - 6.4.6. Both parties should be given the opportunity to comment on any findings before an action is decided upon.
- 6.5. Outcome
- 6.5.1. Should management decide that the complaint is well founded; the respondent will be engaged in a formal disciplinary procedure. The outcomes of which may include counselling, and/or monitoring.
 - 6.5.2. If the organisation becomes aware that a complaint about harassment, sexual harassment or bullying is false or malicious in nature, the person making the allegations will be investigated and may face disciplinary action.
- 6.6. Appeals
- 6.6.1. The alleged respondent will be afforded the opportunity to appeal. This should be done in writing. The employee will then be invited to an appeal meeting, and the appeal will be heard by a member of the (management committee/board) not involved in producing the initial report. The employee has the right to representation by a trade union representative, a professional organisation, a staff association or a colleague/friend. After the meeting the organisation representative taking the appeal will give a decision normally within 10 days. The decision of the appeal is final within the organisation.
- 6.7. Protection against Intimidation
- 6.7.1. The organisation will protect employees and service users against intimidation, victimisation or discrimination if they file a complaint or assist in a bullying investigation. Employees or service users found retaliating against an employee for complaining about bullying will be subject to the disciplinary procedure.
- 6.8. False or Malicious Complaints
- 6.8.1. If the organisation becomes aware that a complaint about bullying is false or malicious in nature, again the disciplinary procedure will be used on the employee making the false complaint. If the false complaint has been made by a service user then services to that service user may cease immediately.