

## Dignity & Respect at Work Policy

### Purpose

The purpose of this policy is to convey the Company's commitment to implementing and promoting measures to protect the dignity of employees and to encourage respect for others at work. This policy prohibits any discrimination, harassment, sexual harassment or bullying and outlines procedures to address any incidences of such behaviour.

The Company will not tolerate behaviour which may have the effect of belittling another person. Examples of such behaviour include bullying, harassment, sexual harassment, derogatory comments, uninvited physical contact, and any other act which creates an intimidating work environment. Employees must be able to carry out their work duties without fear of any unfair treatment.

Employees will face disciplinary action up to and including dismissal if it is established, following a full and proper investigation in line with this policy, that they have engaged in conduct that meets the definitions of bullying, sexual harassment or harassment under this policy.

The Company has implemented a reporting procedure to promote a workplace free from discrimination, bullying, harassment and/or sexual harassment.

### Applicability and Scope

This policy applies to all employees whether permanent or fixed-term, full-time or part-time, and irrespective of length of service together as well as to contractors/temporary workers, customers, clients or vendors, as appropriate. The prohibition of harassment, sexual harassment and/or bullying applies in all work-related settings and activities, whether on or off the Company's premises and whether during or outside of work hours. Cases of bullying, sexual harassment or harassment by non-employees including clients and customers and business contacts will not be tolerated and may result in sanctions such as suspension of contracts, exclusion orders from the Company premises or any other such sanctions that the Company deems fit.

The Company emphasises that it is individuals themselves that decide what behaviour constitutes unwanted or unwelcome behaviour irrespective of the attitude of others to any matters that arise under this policy.

The Company will deal with any allegations of bullying, harassment or sexual harassment in a confidential manner and will do its utmost to protect employees who make a complaint (or become involved in a complaint) from victimisation.

The Company aims to provide a workplace in which no employee feels threatened or fearful of raising a complaint.

### Policy Statement

All employees have the right to be treated with dignity and respect. We are committed to protecting the dignity and respect of all those who work within our Company. In particular, we are committed to ensuring that our Company is free from any form of bullying or harassment and that our workplace is conducive to a productive environment with an atmosphere of respect, safety and equality.

No bullying or harassment within the Company or in connection with the work of the Company will be tolerated.

Complaints of bullying or harassment may be dealt with either in a formal or an informal way, or by alternative means, as described below.

Complaints by employees or other persons in the workplace of bullying or harassment at work will be treated with fairness, sensitivity, respect and (as far as possible) confidentiality for all parties concerned. Any person accused of bullying and/or harassment will be afforded natural justice and treated with fairness and sensitivity.

This policy will be monitored in line with any complaints made and the outcome of them. The Company is committed to ensuring that the workplace remains free of discrimination, harassment, bullying and sexual harassment. The Company reserves the right to make any amendments or to depart from the strict requirements of this policy that it considers necessary at its sole discretion.

## **Definitions**

### **Bullying**

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 one-off is not considered to be bullying.

Examples of bullying are set out in this non-exhaustive list:

- Being treated less favourably than colleagues
- Verbal abuse, insults
- Humiliation
- Intimidation, aggression or threatening behaviour
- Isolation or exclusion with negative consequences
- Intrusion by pestering, spying and stalking
- Repeatedly manipulating a person's job content and/or targets
- Withholding work-related information
- Unfair and excessive criticism
- Undermining behaviour
- Excessive monitoring of work
- Persistent inappropriate behaviour that happens online
- Continuously refusing reasonable requests without good reasons

### **Bullying does not include:**

- Expressing differences of opinion strongly;
- Offering constructive feedback, guidance, or advice about work related behaviour which is not of itself welcome;
- Ordinary performance management;
- 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); or
- Workplace conflict where people disagree or disregard the others' point of view.

This list is not exhaustive.

## 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 the Company'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 the Company's IT security policy, this will help protect an individual against any unwanted/unauthorised activity on their online accounts/profiles.

## Harassment

Harassment is any form of unwanted conduct related to any of the discriminatory grounds set out in the Employment Equality Acts 1998 to 2015 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.

The nine discriminatory grounds under the EEA Acts are gender, marital/civil status, family status, sexual orientation, religion, disability, age, race and membership of the Traveller Community.

Such unwanted conduct may consist of acts, requests, spoken words, pictures or other material. A single incident may constitute harassment.

Unwanted conduct based on the discriminatory ground, even if the person does not have that relevant characteristic, may also be deemed to be harassment e.g. if the individual believes that the employee has the characteristic, but the employee does not. The intention of the individual is irrelevant - it is the effect of the behaviour on the recipient which is relevant. It is for an employee to decide what behaviour is unwelcome irrespective of the attitude of others.

Examples of conduct amounting to bullying or harassment include but are not limited to:

- verbal harassment such as jokes, comments or ridicule
- written harassment such as graffiti, text messages, emails, notices or social media comments
- physical harassment such as jostling, shoving or any form of assault
- intimidatory harassment such as gestures, posturing or threatening poses
- visual displays such as posters, emblems or badges

- excessive monitoring of work
- isolation or exclusion from social activities
- unreasonably changing an employee's job description or targets
- pressure to behave in a manner that the employee thinks is inappropriate.

The above list is not exhaustive and only serves as a guideline to employees. Each case will be taken in isolation and dealt with in the appropriate manner.

## Sexual Harassment

The Equality Acts 1998 - 2015 also provide a definition for sexual harassment as “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, being conduct 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”.

Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

While it is not possible to list all circumstances which would be considered sexual harassment, some examples include:

- physical conduct of a sexual nature such as unnecessary touching, patting or pinching or brushing against another employee's body
- assault and coercive sexual intercourse
- verbal conduct of a sexual nature such as unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments,
- non-verbal conduct of a sexual nature such as the display of pornographic or sexually suggestive pictures, objects, graffiti, written materials, emails, text messages, or faxes. It may also include leering, whistling, or making sexually suggestive gestures
- gender based conduct such as conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex such as derogatory or degrading abuse or insults which are gender related.
- Denying, directly or indirectly, an employee an employment-related opportunity if the employee refuses to comply with a sexually orientated request.

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.

Employees are expected to conduct themselves in a proper professional manner at all times. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be considered harassment.

The conduct at issue may not be specifically directed at a particular employee but nevertheless has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Sexual harassment can involve males or females being harassed by member of either sex.

Although sexual harassment typically involves a person in a greater position or authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

Consensual intimate or romantic relationships between employees can be unwise particularly if one has supervisory authority over the other employee which are strongly discouraged. Such relationships should be disclosed, in confidence, to a member of the HR Team.

It is important to stress that something one employee regards as harmless, another employee might consider as highly offensive. Employees should never assume that others share their views. An individual's own personal standards may be no defence if someone else feels that they have been harassed.

It is up to each employee to decide irrespective of the attitudes of others (a) what behaviour is unwelcome and (b) from whom, if anybody, such behaviour is welcome or unwelcome. The intention of the alleged perpetrator is irrelevant. The fact that an individual has previously acceded to the behaviour does not stop him/her from deciding that it has become unwelcome. This is applicable to both harassment and sexual harassment.

### **Intent**

It is the effect of the treatment on the individual and not the intent of the alleged perpetrator that will be taken into consideration when determining whether or not the treatment constitutes discrimination, harassment, sexual harassment and/or bullying. The fact that the alleged perpetrator had no intention of bullying, harassing or discriminating against the victim may not be a defence.

### **Performance management**

The reasonable and essential discipline arising from the good management of the performance of an employee at work does not amount to bullying. Similarly, an action taken which can be justified as regards the safety, health and welfare of employees does not amount to bullying.

### **Responsibilities**

Both the Company's management team and its employees have responsibility for creating and contributing to the maintenance of a work environment free from bullying and/or harassment. Bullying and harassment by employees may constitute misconduct/ gross misconduct and may lead to disciplinary action.

All employees have a role in promoting an organisational culture that is free from 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.

Employees also have an obligation to cooperate with the investigation of complaints of bullying and/or harassment in the company. Employees who make or participate in the investigation of a complaint will not be subject to victimisation of any kind for doing so.

Nothing in this policy limits the right of the Company to investigate any matter which may relate to bullying, harassment and/or sexual harassment in circumstances other than where a complaint has been made. All employees continue to have an obligation to cooperate with any such investigation.

There is a responsibility on management to ensure the prevention of incidents of bullying and/or harassment, and to take action should any incidents be brought to their attention.

In particular, the Company's management team will:

- provide a good example by treating all in the workplace with courtesy and respect
- promote awareness of the Company's policy and complaints procedures
- be vigilant for signs of harassment and take action before a problem escalates
- respond sensitively to an employee who makes a complaint of harassment
- explain the procedures to be followed if a complaint of bullying, sexual harassment or harassment is made

- ensure that an alleged perpetrator is treated fairly
- ensure that an employee making a complaint is not victimised for doing so
- monitor and follow up the situation after a complaint is made so that bullying, harassment or sexual harassment does not reoccur.

## **Human Resources**

The Human Resources Team is responsible for the following:

- communicating this policy to Line Managers and Supervisors
- If a complaint is made - explaining the procedures to be followed
- conducting or assisting in prompt and thorough investigations of complaints. An investigation will include interviews with the person making the complaint and may include the person accused of the alleged incident, and any appropriate witnesses.
- obtaining assistance from the Line Managers, and other HR colleagues in investigations, as necessary.
- ensuring that both the individual raising the complaint, and the employee accused of the alleged behaviour are aware of the seriousness of the complaint and the confidentiality is maintained until the investigation has been completed.
- ensuring the alleged perpetrator is treated fairly
- referring the person making the complaint or the alleged harasser to the Employee Assistance Programme for counselling and onward referral, if appropriate.

## **Contact Persons (for an allegation of bullying)**

Contact Persons are available to provide any information to anyone who may have a query in relation to the operation of this policy or if an employee requires support or guidance in relation to a matter where they would welcome some information or assistance. Should an employee initiate a complaint under this policy, the Contact Persons will not be involved in any investigation that may be conducted.

## **Competent persons (for an allegation of harassment and/or sexual harassment)**

The HR team are the Competent Persons who are available to provide any information to anyone, whether an employee or not, who may have a query in relation to the operation of this policy or if they require support or guidance in relation to a matter where they would welcome some information or assistance. The Competent persons may assist in the resolution of matters informally.

## **Complainant**

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

## **Respondent**

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

## **External Assistance**

The Company reserves the right to engage an independent third party to assist at any stage of the procedure.

## **Monitoring**

The Company is committed to monitoring all incidents of bullying, harassment and sexual harassment, and incidents pertaining to the 9 discriminatory grounds: gender, marital/civil status, family status, sexual orientation, religion, disability, age, race and membership of the Traveller Community. The Company will be vigilant for signs of inappropriate behaviour at work and take action before a problem escalates. The Company will compile and review all such relevant information at regular intervals and will make any appropriate changes which are recommended from the reviews.

## **Communication of Policy**

The policy and all updates will be communicated to all those potentially affected by it. The policy is communicated to new hires during the induction process and will be available in the employee handbook which can be viewed on the company Intranet. The Company will also use a variety of other means in communicating the policy including Company newsletters, training courses, printed materials and toolbox talks.

## **Training**

The Company will provide appropriate training to managers, supervisors and all employees to minimise the risk of bullying, harassment or sexual harassment occurring.

## **Contact persons**

Named Persons have been designated as the contact persons in respect of this policy. In the event that any employee has any question or query about the operation of this policy, or requires any clarification about it, they may approach one of the support contact persons for advice, which will be given in strictest confidence. Please note that speaking to a contact person is not the same as making a formal or informal complaint.

Contact Persons have volunteered and received training in order to be able to provide support and information on the Dignity & Respect at Work Policy, to colleagues who may feel they are experiencing bullying, harassment or sexual harassment, or to those who may have an accusation of bullying, harassment or sexual harassment made against them.

## **Complaints procedure**

The Company operates two methods of resolving complaints in relation to bullying, harassment or sexual harassment.

Any such complaints will be handled with fairness, sensitivity and with due respect to both the complainant and the alleged perpetrator.

At any stage, the employee may wish to speak to one of the contact persons, who, whilst having no role in the investigation of any complaints nor any involvement in the details or right and wrongs of a complaint, can provide them with practical help in the operation of the policy itself.

## **Informal procedure**

While the Company will investigate all allegations received in accordance with this procedure, employees are encouraged to attempt to resolve such issues informally at the outset, where possible. It may be appropriate to adopt an informal approach which might resolve the difficulty that has arisen with the minimum of conflict. The employee should explain to the person who is engaging in the conduct that what they are doing is inappropriate, unwelcome, improper or offensive depending on the issue.

In circumstances where the employee finds it difficult to approach the alleged perpetrator(s) directly, he or she should seek help and advice, on a strictly confidential basis, from a colleague, their Line Manager or a member of the HR Team. The role of the Line Manager/ HR Team member is not to judge but rather to provide advice and assistance about the organisation's policy and available options to resolve the concern.

The Company will designate a person to handle the complaint. If the complaint was verbal, a written note of what is complained of will be taken by the designated person and a copy given to the complainant.

This designated person will establish the facts, the context of the complaint and the next course of action in dealing with the matter under the informal procedure. The designated person will also discuss other possible courses of action available to the complainant including mediation.

*Where specific examples are given*

If the complaint concerns bullying and includes specific examples of the behaviour complained of, the person complained against will be presented with the complaint and given a chance to respond.

After the response is received (or a reasonable period of time has elapsed without a response having been received), a method will be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying being a factor.

If the behaviour complained of does not concern bullying as defined, an alternative approach will be put in place and a rationale recorded.

*Where no specific examples are given*

If no specific examples are provided, there is no complaint to be answered under this policy, though other means of protecting and repairing workplace relationships may be considered by the designated person.

The designated person will keep a record of all stages of the process, the complaint, the first meeting, action agreed and signed records of the final meeting. The purpose of the records, which will not include detail of discussions, is to provide evidence that the complaint was dealt with in an appropriate manner.

All parties will maintain, insofar as possible, the confidentiality of the informal process. Breaches of confidentiality will be treated as a serious disciplinary matter.

The employee with the support of the designated person should explain clearly to the person engaging in the unwanted conduct that the behaviour is not welcome. The designated person may be present in order to provide the employee with support, during this informal conversation. In many cases, an informal approach will prove sufficient to allow the party whose behaviour is unwanted to recognise that their conduct is unacceptable. In those circumstances certain complainants will be satisfied that this resolves the matter.

### **Informal process – secondary informal procedure**

If the above process is unsuccessful or deemed inappropriate for the seriousness of the issues, this more protracted, yet still informal system can be put in place.

The Company will nominate a separate person who has had appropriate training and experience and who is familiar with the procedures involved to deal with the complaint on behalf of the organisation.

The complaint may be verbal or written. If verbal, a written note of what is complained of should be taken by the nominated person and a copy given to the complainant.

This nominated person managing the complaint, will seek to establish the facts, the context and then the next course of action in dealing with the matter under the informal procedure.

If the complaint concerns alleged bullying as defined and includes concrete examples of inappropriate behaviour, the person complained against will be presented with the complaint and their response established.

Thereafter a method will be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying being a factor.

If the behaviour complained of does not concern alleged bullying, an alternative approach will be put in place and a rationale recorded. If there are no concrete examples given, it must be deemed that there is no complaint to be answered by the person complained of as they have no recourse to repudiating an accusation that doesn't give any specific facts.

Line managers will be kept informed, as appropriate, about the process.

Steps to stop the bullying behaviour, where it has been partly or fully identified, and monitor the situation along specified lines will be implemented with the input of both parties. This may involve a direct or indirect approach and possible resolution through a programme to change behaviour. It may also involve mediation by an agreed mediator who is practised in dealing with alleged bullying at work.

Adequate time will be allowed for the mediation or on-going monitoring process to be successful, and behaviour change to be realistically achieved over the longer term.

It may be necessary to consider if other working arrangements are required or feasible during this short-term phase. A proposal should be made, considered, and an action and time frame established, signed and dated, preferably by both parties.

The nominated person who was responsible for managing the complaint should keep a nominal record of all stages; the complaint, the first meeting, action agreed and signed records of the final meeting.

The purpose of the records, which do not include detail of discussions, is to provide evidence of the complaint having been met with an organisational response and attempt at resolution.

Records will be kept in accordance with relevant Data Protection Legislation by the HR department.

Information disclosed in the course of mediation must remain within the mediation process and must not be given by the mediator to anyone or to an investigator if there is a subsequent investigation at formal stage.

Confidentiality is crucial for this stage to be effective and breaches of confidentiality, where exposed, and will be met with disciplinary sanctions.

An employee may choose to bypass both the initial and secondary informal procedures.

Choosing not to use the informal procedures should not reflect negativity on a complainant in the formal procedure. However, on an initial examination under the Formal Procedure, management may direct that an attempt may be made to resolve the matter under either the initial or secondary Informal Procedure.

## **Resolution**

When resolution is found through the informal procedure, both parties will be given support or periodical reviews, as appropriate. These may include counselling or other appropriate interventions.

Where a complaint is found not to have been made in good faith, the complainant will be the subject of disciplinary action.

## Mediation

Mediation is an alternative method of resolving issues relating to bullying. Mediation involves the parties seeking to arrive at a solution through mutual agreement, rather than through an investigation and decision.

Mediation provides a confidential opportunity for the person who feels that they have been bullied, and the person accused of carrying out this inappropriate behaviour, to discuss the matter and to reach an agreement on their continuing working relationship.

Mediation is conducted in private, and is directly between the parties concerned, with the support of a mediator, who will act as an independent facilitator. Either party may withdraw from the process at any time by notifying the mediator, in writing, that they wish to do so.

If both parties agree to resolve the issue by mediation, a member of the HR team will arrange the mediation process.

An appropriate person agreed upon by both parties, from within the Company will be assigned as mediator.

If the mediation process results in an agreement acceptable to both parties, the mediator will draw up a written record of the terms of the settlement for signature by both parties.

If the matter is resolved by mediation, no disciplinary action will be taken.

If mediation breaks down or fails to achieve its goal, the only other option is to have the matter resolved by investigation. A person involved in the mediation process will not be involved in the investigation process. Resolving the matter by investigation may also be considered if the employee concerned feels that it is inappropriate to resolve the matter by mediation.

## Formal procedure

It is good practice that all informal resolution avenues - as set out above - should be contemplated and where appropriate, exhausted before a formal process is invoked.

Proceeding to a formal process should not be viewed as automatic and escalating a complaint to a formal process should only be done following a review of all aspects of the circumstances surrounding matters complained of.

The formal procedure is appropriate where:

- the complainant wants the complaint to be treated formally
- the alleged conduct is too serious to be treated under the informal procedure
- the informal procedure has been unsuccessful
- the unwanted conduct continues after the informal procedure has concluded

## Initiating the complaint

The formal complaint should be made in writing to the employee's Line Manager or a member of the HR Team and outline the precise details of the unwanted behaviour such as times, dates, witnesses or any other specific information and signed. Where this is not possible, a record of the complaint will be taken, signed by the complainant and dated. The complaint should be confined to precise details of the allegation(s), including the dates and names of witnesses, where possible. The manager must immediately inform the appropriate HR team member. The complaint will be acknowledged within five working days during which time the Company will consider the steps necessary to instigate a formal investigation.

In all cases, the respondent(s) will be notified in writing that an allegation of bullying, harassment or sexual harassment has been made against them.

The complainant and the respondent(s) will be informed of the aims and objectives of the formal

process, the procedures and approximate ideal timeframe involved, and the possible outcomes. Both parties will be assured of support as required throughout the process.

The complaint will be subject to an initial examination by a designated person, who can be considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or seeking to resolve the issue informally. Should either of these approaches be deemed inappropriate or inconclusive, 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).

## Investigation

The investigation will be governed by terms of reference, determined by management following consultation with the complainant and the respondent(s).

The investigation will be conducted at the discretion of the HR team by either a suitable HR team member and/or a member of the management team or, if deemed appropriate, one or more third parties. Those carrying out the investigation will not be connected with the allegation. The investigation will be based on the written complaint and any other matters relevant to the complaint. Where a formal complaint is made but the complainant declines to submit a written statement, then a written record will be made of the complaint by the appointed investigator(s). The complainant will be asked to sign this record. All witnesses or other parties required to conduct the investigation will be obliged to cooperate with the investigator's directions.

The investigation will be conducted within the following terms of reference:

- consideration of all relevant documentation submitted in connection with the complaint
- copies will also be provided to the complainant and the respondent(s)
- an indicative timescale for its completion
- all parties have the right to be accompanied by a colleague
- written records of all meetings and investigations will be kept
- the investigation having considered all of the evidence before it and the representations made to it will produce a written report to both parties outlining whether, on the balance of probabilities, the behaviours complained of may have occurred and the investigation will conclude if that respondent has a case to answer or not. Both parties will be given the opportunity to comment on the findings before any action is decided upon by management
- if the complaint is upheld the investigator(s) will recommend whether or not the Company's disciplinary process should be invoked
- if the complaint is upheld against a non-employee the report will recommend appropriate sanctions.

## During the investigation

All parties will continue to work normally during the investigation, unless directed otherwise. Where necessary, parties to the complaint will be suspended with full pay to allow for a fair and thorough investigation. Such a suspension is not a disciplinary sanction and this will be made clear to the relevant parties.

The Company's management will make every effort to ensure the protection of all involved in the investigation.

The parties to the complaint should not communicate regarding the complaint.

Any effort by any party to intimidate or otherwise influence any complainant, respondent or witness during the course of an investigation will be regarded as a disciplinary matter of the utmost gravity.

Employees must comply with the Irish Human Rights and Equality Authority's Code of Practice which states that a harassment complaint (whether formal or informal) must be made within six months of the most recent incidence of the alleged behaviour. This timeframe may be extended to 12 months with reasonable cause. Using the Company procedures pending this investigation will not affect this timeline.

Where the perpetrator is a third party to the organisation, the Company will take the appropriate steps to ensure that there is no possibility of a recurrence of the behaviour. This may include termination of a contract for services or restricting the need for both parties to work together.

### **Confidentiality**

Confidentiality will be maintained to the greatest extent possible throughout the investigation process.

### **Appeals**

If any of the parties to the investigation are dissatisfied with the outcome of the investigation, an appeal panel will be assembled to consider an appeal. They may appeal in writing stating the full grounds of appeal within 5 working days of the date on which the decision was sent or provided to them. The appeal panel will have had no prior involvement in the initial investigation and if necessary new panel members will be appointed. The appeal will consider all the information considered by the investigator(s). It is not a re-hearing of the original issues.

### **Preservation of rights and prevention of victimisation**

Making a complaint under this policy will not affect an employee's statutory rights. No-one will be victimised for making a complaint in good faith or for acting in good faith as a witness in an investigation.

### **Vexatious complaints**

Any employees found to have made malicious or vexatious complaints will be subject to disciplinary action.

### **Victimisation**

Victimisation of complainants or witnesses to a complaint is deemed to be a serious disciplinary offence which will lead to disciplinary action up to and including dismissal.

### **Post investigation**

Should the investigator decide that the respondent has a case to answer; the matter may be referred to disciplinary hearing for further consideration. Alternatively, the investigator may find that other actions such as counselling, mediation or training would be appropriate. Should the investigator find that the respondent does not have a case to answer, they should communicate this outcome to the parties.

An employee will not be victimised or penalised for having brought a complaint or for having taken part in an investigation. Any such victimisation or penalisation will be subject to

disciplinary action up to and including dismissal in accordance with the company's disciplinary procedure.

Where no disciplinary action is recommended the Company will explore whether counselling would be appropriate either for the person accused or the complainant.

## **Complaints procedure for an allegation of harassment and/or sexual harassment.**

### **Informal procedure**

As a first step, where appropriate, employees should attempt to address an allegation of harassment informally by means of this initial informal procedure. An employee may equally seek assistance from a competent person in raising the issue with the respondent.

An employee who believes that they are being harassed should explain clearly to the other employee that the behaviour is not welcome, that it offends them and/or makes them feel uncomfortable. This can lead to a greater understanding and an agreement that the behaviour will stop. If the employee finds it difficult to approach the other employee directly then if they wish they can seek support from or for an initial approach to be made by a designated person or member of the HR Team.

This response is particularly suitable for scenarios where it is likely the respondent is not even aware of that their behaviour is negatively impacting others. It is an informal mechanism that is designed to be flexible in order to allow for issues to be quickly dealt with and ensure that employees can continue to work together.

Employees may, at any stage, avail of the support of a Competent Person for guidance and support, and to obtain a copy of the Dignity and Respect at Work Policy.

An appropriate course of action could also be exploring a mediated solution.

### **Formal procedure**

The formal procedure may be invoked where:

- the employee making the complaint wishes it to be treated formally;
- the alleged sexual harassment or harassment is too serious to be treated under the informal procedure;
- informal attempts at resolution have failed; or
- the sexual harassment or harassment continues after the informal procedure has been followed.

The investigation of any complaint will be treated with sensitivity, fairness and with due respect for the rights of both the complainant and the respondent. The investigation will be independent and objective and will adhere to all the principles of natural justice. Confidentiality will be maintained throughout any investigation to the greatest extent possible, consistent with the requirements of a fair investigation.

### **Investigation**

The investigation will be governed by terms of reference.

The investigation will be conducted at the discretion of the HR team by either a suitable HR team member and/or a member of the management team or, if deemed appropriate, one or more third parties. Those carrying out the investigation will not be connected with the allegation. The investigation will be based on the written complaint and any other matters relevant to the complaint. Where a formal complaint is made but the complainant declines to submit a written statement, then a written record will be made of the complaint by the appointed investigator(s).

The complainant will be asked to sign this record. All witnesses or other parties required to conduct the investigation will be obliged to cooperate with the investigator's directions.

The investigation will be conducted within the following terms of reference:

- consideration of all relevant documentation submitted in connection with the complaint
- copies will also be provided to the complainant and the respondent(s)
- an indicative timescale for its completion
- all parties have the right to be accompanied by a colleague
- written records of all meetings and investigations will be kept
- the investigation having considered all of the evidence before it and the representations made to it will produce a written report to both parties outlining whether, on the balance of probabilities, the behaviours complained of may have occurred and the investigation will conclude if that respondent has a case to answer or not. Both parties will be given the opportunity to comment on the findings before any action is decided upon by management
- if the complaint is upheld the investigator(s) will recommend whether or not the Company's disciplinary process should be invoked
- if the complaint is upheld against a non-employee the report will recommend appropriate sanctions.

### **During the investigation**

All parties will continue to work normally during the investigation, unless directed otherwise. Where necessary, parties to the complaint will be suspended with full pay to allow for a fair and thorough investigation. Such a suspension is not a disciplinary sanction and this will be made clear to the relevant parties.

The Company's management will make every effort to ensure the protection of all involved in the investigation.

The parties to the complaint should not communicate regarding the complaint.

Any effort by any party to intimidate or otherwise influence any complainant, respondent or witness during the course of an investigation will be regarded as a disciplinary matter of the utmost gravity.

Employees must comply with the Irish Human Rights and Equality Authority's Code of Practice which states that a harassment complaint (whether formal or informal) must be made within six months of the most recent incidence of the alleged behaviour. This timeframe may be extended to 12 months with reasonable cause. Using the Company procedures pending this investigation will not affect this timeline.

Where the perpetrator is a third party to the organisation, the Company will take the appropriate steps to ensure that there is no possibility of a recurrence of the behaviour. This may include termination of a contract for services or restricting the need for both parties to work together.

### **Appeal**

If any of the parties to the investigation are dissatisfied with the outcome of the investigation, an appeal panel will be assembled to consider an appeal. They may appeal in writing stating the full grounds of appeal within 5 working days of the date on which the decision was sent or provided to them. The appeal panel will have had no prior involvement in the initial investigation and if necessary new panel members will be appointed. The appeal will consider all the information considered investigator(s). It is not a re-hearing of the original issues

### **Confidentiality**

All individuals involved in the procedures referred to above must maintain absolute confidentiality on the subject. Any breaches of confidentiality will be dealt with in accordance with company's disciplinary procedure.

## Review

This policy will be reviewed regularly and will be updated to reflect changes in law and best practice.

## Employee Assistance Programme

The organisation acknowledges that employees have access to our Employee Assistance Programme which promotes the health and well-being of all employees. Employees are encouraged to access EAP services where they feel they may be of benefit to them.

## Relevant Acts and Regulations

### [Safety, Health and Welfare at Work Act 2005](#)

The [HSA/WRC Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2020](#). See S.I. No. 674/2020 - Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020

### [Employment Equality Acts 1998 to 2015](#)

The [IHREC Code of Practice on Sexual Harassment and Harassment at Work 2022](#). See S.I. No. 106/2022 - Irish Human Rights and Equality Commission Act 2014 (Code of Practice on Sexual Harassment and Harassment at Work) Order 2022

<b>Version History</b>			
<b>Version</b>	<b>Reason for change</b>	<b>Author</b>	<b>Date</b>
Version 1.0	Policy Approval	HR	18/09/2024