



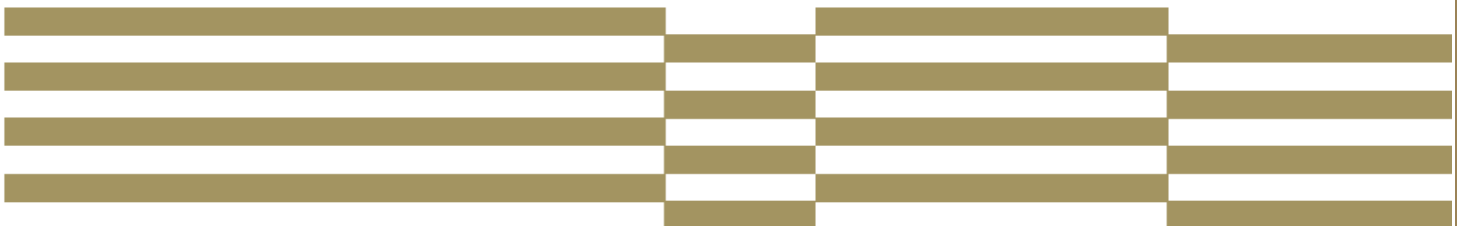
TUS

**Technological University of the Shannon:
Midlands Midwest**

Ollscoil Teicneolaíochta na Sionainne:
Lár Tíre Iarthar Láir

Dignity and Respect at Work Policy and Procedure

Human Resources Department





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1.0 Introduction

- 1.1 The Technological University of the Shannon: Midlands Midwest (TU) is committed to creating a positive culture which recognises and reflects the dignity of each member of the TU community, through the promotion of good and professional behaviour and attitudes, embracing diversity, encouraging each person to reach their potential, and fostering social inclusion and equality. The employees of the TU are its greatest assets and all members of the TU community should expect to be able to excel, and to be respected and valued for their unique perspectives, traditions, and contributions.
- 1.2 This policy is also designed to assure employees in the event they are subjected to bullying, cyberbullying, harassment or victimisation that action will be taken to end such abusive and offensive behaviour. The policy ensures that all reasonable efforts are made by line managers to prevent such behaviour arising and to deal with these types of complaints.
- 1.3 The TU promotes and is committed to supporting a collegiate environment for its employees and its community, which is free from inappropriate behaviour.
- 1.4 The TU is committed to taking positive measures to educate all employees on bullying, harassment, victimisation and the effects of this type of behaviour. The TU is committed to communicating the policy to all employees. This will be achieved by:
- Awareness training for employees.
 - Training line managers/supervisors on how best to promote a positive working environment and their responsibilities under this policy and how to deal with complaints.
 - Publishing the policy on the TU website.
- 1.5 All employees of the TU are required to develop and maintain a high degree of dignity and respect in our diverse community and to participate in creating a positive environment. This does not affect academic freedom, the values of free open enquiry and discussion of ideas.
- 1.6 The TU has developed this policy and its associated procedure for preventing bullying, harassment and victimisation in the workplace and for dealing with such complaints

which arise between employees of the TU as defined in section 10. There are a number of processes under the procedure to resolve dignity and respect issues. Complaints of inappropriate behaviour, bullying, harassment, or victimisation will be treated seriously and with due regard for the rights and sensitivities of the complainant and the respondent. Complaints will be dealt with promptly in a sympathetic and confidential manner.

- 1.7 The TU promotes and encourages the resolution of dignity and respect complaints through informal means in so far as possible.

2.0 Legislation

This policy is, in compliance with the recommendations of the Government Task Force Report on Bullying in the Workplace (2001) and is also underpinned by the following legislation and codes:

- Employment Equality Acts, 1998 to 2015
- Equal Status Acts, 2000 to 2018
- Disability Act, 2005
- Health and Safety Act, 2005
- Health and Safety Authority's Code of Practice on the Prevention of Workplace Bullying
- Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work
- Workplace Relations Commission's Code of Practice on Procedures for Addressing Bullying in the Workplace
- Code of Practice Applying to the Employment of People with Disabilities
- Procedural Agreements with the trade unions

3.0 Statutory Rights

Nothing in this policy seeks to limit any statutory rights of employees. An employee who is not satisfied with the outcome of an investigation may take alternative action as provided under relevant legislation. Strict time limits can apply for complaint mechanisms provided by statute.

4.0 Statement of Policy

- 4.1 Employees of the TU have a right to be treated with dignity and respect. The TU is committed to ensuring that employees can work in a positive and safe environment which is free from all forms of bullying, harassment and victimisation.
- 4.2 Bullying, harassment and victimisation in any form is not acceptable and will not be tolerated from any member of the TU community/the public.
- 4.3 Complaints by employees will be treated with fairness and sensitivity and in as confidential a manner as possible.
- 4.4 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 or victimisation may be subject to disciplinary action (Refer to the TU's disciplinary procedures).

5.0 Scope of the Policy

This policy applies to employees in the following circumstances which may include:

- At the workplace; TU campuses, buildings/centres in all locations
- Outside of the workplace during the course of employment, such as social events, conferences, sporting events, field trips or work assignments which are related to the TU, to a person's work, or at which a person is representing the TU.

6.0 Timelines

The timelines outlined within this policy should be treated as a guide to all parties involved in the complaints process. It is in the interests of all parties that complaints are progressed in a timely and efficient fashion, in compliance with the timelines in this policy. In the event of a particularly complex case or where other exceptional circumstances arise, following consultation with both parties and/or their representatives, an extension to a timeline may be granted.

7.0 Explanations/Definitions

7.1 Once off isolated incidents

Once off, isolated incidents, which are not covered under the definitions of bullying and harassment, may be dealt with under the TUS Grievance Policy as appropriate.

7.2 Bullying and Harassment

Bullying and harassment can be broadly characterised as behaviours which are unwanted, unwelcome, and intimidating or offensive to the recipient. The intention of the perpetrator is irrelevant.

7.3 Definition of Bullying

For the purpose of this policy the definition of bullying is as follows:

*Bullying is **repeated** inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others which could reasonably be regarded as undermining the individual's right to dignity. An isolated incident of the behaviour described in this definition may be an affront to a person's dignity but, as a one-off incident, is not considered to be bullying. (Report of the Task Force on the Prevention of Workplace Bullying, (2001))*

The following does not constitute unacceptable behaviour:

- The proper exercise of authority by TU employees.
- Constructive and fair criticism of an employees work performance or conduct provided in a reasonable manner or any appropriate action taken by line managers under any specified policy.

7.4 Examples of Bullying

Behaviour that constitutes bullying may be physical, non-physical, or verbal. In all forms of bullying, the determining factor is the repeated and persistent nature of the unwanted and offensive behaviour against an individual or group.

A non-exhaustive list of examples of bullying behaviour includes:

- Shoving, jostling
- Interfering with personal property or workstation
- Persistent unjustified criticism and sarcasm
- Verbal abuse including shouting, use of obscene language and spreading malicious rumours.
- Instantaneous rage, often over trivial issues
- Making it difficult for employees/ to have access to necessary information
- Deliberately and maliciously withholding work-related information in order to undermine a colleague
- Unfair delegation of duties and responsibilities including but not limited to setting unreasonable or impossible work deadlines or task
- Removing areas of responsibility and imposing menial tasks, unfair or unjust manipulation of a person's workload including timetable.
- Higher levels of scrutiny of an individual employee member work by comparison with others and/or persistently and inappropriately finding fault with a persons' work and using this as an excuse to humiliate the person.
- Private or public humiliation
- Deliberately ignoring or excluding an individual on a persistent basis
- Repeated use of offensive language directed at an individual or individuals
- Personal insults, such as name-calling, sneering, continued and deliberate staring
- Insulting or unnecessarily commenting on the appearance of another person
- Repeated put-downs, humiliation, offensive jokes, belittling efforts
- Repeated verbal abuse
- Making an individual, their beliefs or opinions the butt of jokes or uncomplimentary remarks which are likely to cause offence;
- Written insults, including electronic communication and publishing material that is defamatory, abusive, or offensive in relation to any staff/student member
- Inappropriate overruling or undermining of a person's authority

- Spreading malicious rumours
- Derogatory graffiti
- Threatening behaviour/unwanted behaviour or aggressive behaviour
- Other menacing behaviour

7.5 Definition of 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 another person. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some of the most common places where cyberbullying occurs are:

- Social Media
- Text messaging and messaging apps on mobile or tablet devices
- Instant messaging, direct messaging, and online chatting over the internet
- Online forums, chat rooms, message boards and online meetings.
- Email

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

7.6 Definition of Harassment

The definition of harassment as outlined in the Employment Equality Acts, 1998-2015 will apply as follows:

“Harassment is any form of unwanted conduct, related to any of the nine discriminatory grounds and being conduct 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 Equality Act, 2004 extended the definition of harassment to include discrimination which arises where one of the nine grounds is imputed to a person or where a person who is

associated with another person, and is treated by virtue of the association, less favourably than another person.

Discrimination is defined in the Equality Act, 2004 as the treatment of a person in a less favourable way than another person was, is or would be treated on nine distinct grounds:

- Gender
- Age
- Disability
- Family status
- Marital status
- Membership of the Travelling community
- Race, ethnic origin, or colour
- Religion
- Sexual Orientation

Harassment may consist of a single incident or **repeated** inappropriate behaviour.

Many forms of behaviour may constitute harassment including:

- Verbal harassment – jokes, comments, ridicule, or songs
- Written harassment – including electronic communication
- Physical harassment – jostling, shoving or any form of assault.
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems, or badges
- Isolation or exclusion from social activities
- Unfair treatment caused by membership or affiliation of an organisation
- Hate speech.
- Pressure to behave in a manner that the person thinks is inappropriate, for example, being required to dress in a manner unsuited to a person's ethnic or religious background.

Harassment may consist of a single incident or **repeated** inappropriate behaviour.

7.7 Definition of Victimisation

In the context of this policy, victimisation occurs when one is threatened, treated adversely, or dismissed/disciplined for the following reasons, including but not limited to:

- A TU employee is making a complaint under the Dignity and Respect Procedure.
- A TU member is involved in a discrimination/dignity and respect case.
- A TU employee has helped a co-worker/student to make a complaint of discrimination /bullying/harassment etc.
- A TU employee has been a witness in a dignity and respect related case.
- A TU employee has taken a dignity and respect related case or other complaint to court.
- A TU employee has informed the TU of an intention to do any of the things mentioned in this list.

8.0 Roles and Responsibilities

8.1 Employees

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 and anyone in the workplace.

8.2 Managers

Managers, as more senior members of the TU, play a pivotal role in creating a positive workplace culture. Managers must promote awareness of TU's policies and procedures. Should any matter of bullying, harassment or victimisation be brought to a manager's attention, managers should ensure that it is dealt with in a sensitive manner and in accordance with the policy.

8.3 Contact Person

Training will be provided for Contact Persons. They undertake this role on a voluntary basis. Contact Persons do not operate in a representative capacity and will not be interviewed or be involved in the formal investigation process.

The role of the Contact Person generally is a supportive one – to listen and offer guidance on options in line with the TU policy and procedures, all on a strictly confidential basis.

The Dignity and Respect Contact Persons are as follows:

- Designated HR officers
- Equality, Diversity & Inclusion Managers
- Trade Union Representatives

8.4 Complainant

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

8.5 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.

8.6 Role of Human Resources Manager (HRM)

The HRM will normally oversee the implementation of the policy.

This includes:

- Responsibility for raising awareness of the policy and procedures
- Providing referrals to appropriate support services e.g. the Employee Assistance Service (EAS), Occupational Health Service (employees)
- Arranging mediation for cases as required.
- Facilitating the appeals process should it arise.

The HRM will be specifically responsible for:

- Providing advice and organising appropriate training on handling dignity and respect matters.
- Advising on the operation of the policy and the processes available for the progression and resolution of dignity and respect matters.

9.0 Complaints Procedure

Complaints under dignity and respect may be dealt with using the following steps as appropriate:

1. The informal process
2. Mediation
3. Formal resolution process

10.0 Informal Procedure

- 10.1 As a first step, employees should attempt to address an allegation of bullying, harassment or victimisation as informally as possible by means of this initial informal procedure, where appropriate. This response is suitable for non-serious complaints, such as in scenarios where it is likely the respondent is not even aware that their behaviour is negatively impacting others. It is a very informal mechanism that is designed to be flexible in order to allow for minor complaints to be resolved quickly.

Ideally, this initial informal response would effectively address the unwanted behaviour without any recourse to any other action.

- (a) The complainant who believes that they are being bullied, harassed or victimised should explain clearly to the respondent that the behaviour in question is unacceptable.
- (b) In circumstances where the complainant finds it difficult to approach the respondent(s) directly, they should seek assistance from the HRM or another manager where appropriate.
- (c) The complainant may wish to seek the assistance from a Contact Person for confidential support or information.

Check reference – WRC etc.....

- 10.2 The objective of this approach is to resolve the complaint with the minimum of conflict and stress for the individuals involved. At the outset, complainants are encouraged to inform the person directly of the impact of their behaviour and that their behaviour is unwelcome and to ask them to stop.
- 10.3 The line manager may, with the agreement of the complainant, facilitate a meeting to help the parties talk about the issues between them and reach an agreement which is acceptable to both.
- 10.4 This stage of the informal process will normally be concluded within 15 working days. If an informal resolution cannot be realised at this point, the process of mediation is recommended.

11.0 Mediation

The TU advocates the use of mediation as a support to resolving complaints.

- Mediation is available at any point throughout the complaints process.
- This is a voluntary process that requires both parties to participate in mediation. If either party refuses mediation, they must notify in writing the HRM where appropriate on the relevant campus of their decision within 5 working days of mediation being offered/recommended.
- If mediation is acceptable to both parties the TU will appoint an independent Mediator
- Mediation is an informal and independent process through which a Mediator helps the parties in a dispute to talk about the issues between them, and if they wish, to reach an agreement which is acceptable to both sides.
- It is expected that both parties will reasonably consider mediation as an option to resolve the complaint.
- Mediation involves the Mediator bringing both parties together to fully explain the mediation process and to discuss all areas of concern.
- If mediation is unsuccessful, the Mediator will notify the HRM on the relevant campus.
- The complainant may then seek to have the matter resolved through the formal stage.
- Any information exchanged during the mediation process, whether the process is successful or not remains strictly confidential and cannot be disclosed as part of a formal investigation.

12.0 Formal Procedure

For serious complaints or where the problem is not resolved through any of the informal methods, the formal complaints process may be used.

12.1 Written Complaint

A complainant who has used the informal process (and mediation, if applicable) may access the formal process within 10 working days of the informal process or mediation being concluded, whichever later.

The complainant should make a formal complaint in writing to the HRM. The complaint should be confined to precise details of the allegation(s).

12.2 Rights of the respondent

The respondent(s) will be notified in writing that an allegation of bullying, harassment or victimisation has been made against them, within 10 working days of the receipt of the complaint. The complaint should be confined to precise details of the allegation(s). The respondent will be invited to submit a written response to the HRM within 10 working days of receipt of the complaint. A copy of this response will be sent by the HRM to the complainant within 10 working days. This written response will be included as part of the documentation if an investigation is to arise.

12.3 Initial Examination

The complaint will be subject to an initial examination by a designated member of management, 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, where the informal process or mediation has not already taken place. 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) and, in appropriate cases, the referral of the matter for further consideration in the context of a disciplinary hearing. This initial examination stage is normally expected to conclude within 15 working days.

12.4 Terms of Reference

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

12.5 Investigation

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

- What the formal procedure entails and the indicative time limits.
- That both parties have the right to be accompanied and/or supported, by a colleague or trade union representative, where appropriate.
- 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.
- That confidentiality will be maintained throughout any investigation to the greatest extent possible, consistent with the requirements of a fair investigation.
- That a written record will be kept of all meetings and investigations. A minute taker will be provided by the TU.
- That 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 its findings and the reasons for its final decision.
- If the complaint is upheld against a respondent who is not an employee of the TU the report will recommend appropriate next steps
- The investigation will be conducted at the discretion of the HRM by either a designated member or members of management or, if deemed appropriate, one or more third parties. The investigation will be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the respondent(s).

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 a work colleague or trade union representative if so desired.

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

Both parties should be given the opportunity to comment on the findings before any action is decided upon by management.

The complainant and the respondent(s) will be informed in writing of the findings of the investigation.

13.0 Outcome

Should the investigator find that there is a case to be answered, the employer may deal with the case under the disciplinary procedure. Alternatively, the investigator may recommend that other actions such as counselling, mediation or training would be appropriate. Should the investigator find that there is no case to answer, they should communicate this outcome to the parties.

While individuals are encouraged to avail of this procedure and provided with all the necessary support, it should only be invoked in the case of a legitimate complaint of alleged harassment or bullying. A complaint that is not upheld is not necessarily vexatious, malicious or mischievous. However, in cases where the complaint is not upheld and if, following investigation, the evidence shows that the complaint was vexatious, malicious, or mischievous, appropriate disciplinary action will be taken.

14.0 Appeal

If a complainant/respondent is not satisfied with the conduct of an investigation they may appeal in writing to the HRM stating the full grounds of appeal within 10 working days of the date on which the decision was sent or provided to the complainant. The appeal will be dealt with impartially by a member of management who has not

previously been involved in the case. Any appeal will focus on the conduct of the investigation in terms of fair process and adherence to procedure. It is not a re-hearing of the original issues.

15.0 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 the TU's disciplinary procedure.

16.0 Monitoring & Review

This policy will be reviewed periodically to ensure that it continues to affectively support and reinforce the TU's commitment to Dignity and Respect at Work unless legislation or other proposed changes require more immediate amendments.

17.0 Records

All investigation material, and where applicable, disciplinary material will be retained on a strictly confidential basis, by the HRM with responsibility for the relevant campus in compliance with the Records Retention policy of the TU and also in accordance with the Data Protection Act 2018 and will be available only to those directly involved, within the confines of the obligations and duties of the Act.

The HRM will securely retain material relating to Dignity and Respect at Work which may be anonymised to be used for statistical and management information purposes. This material may also be used to monitor the operation of this policy and any modifications which may be required.

18.0 Queries

For enquiries on this policy please contact the relevant HR Department:

TUS Midlands: hr.midlands@tus.ie

TUS Midwest: hr.midwest@tus.ie