



Banc Ceannais na hÉireann
Central Bank of Ireland
Eurosystem



Human
Resources

Dignity at Work Policy

Anti-Bullying, Harassment & Sexual Harassment Policy

Policy Owner:



Human
Resources

Human Resources Division – July 2014

Policy Statement by the Board

The Central Bank of Ireland is committed to creating an environment that proactively promotes dignity at work. Our employees have the right to work in an environment that is free from any form of bullying, harassment, sexual harassment or any other inappropriate behaviour that could be reasonably regarded as an affront to a person's dignity at work.

Any employee who experiences bullying, harassment or sexual harassment will be fully supported by the Bank in bringing such unacceptable behaviour to a close.

In this regard, local management and supervisors have a particular responsibility to ensure that such behaviour is not tolerated in their area of responsibility.

It is vital to remember that it is the *impact* of the conduct on the recipient and not the intent of the offender that determines whether the behaviour is unacceptable.

This policy document sets out to clearly define bullying, harassment and sexual harassment and ensure that there is a clear road map for staff to follow in the event they feel their dignity at work has been compromised while at work.

1. Introduction

The policy is compliant with the relevant legislation and Codes of Practice and the Central Bank (hereafter referred to as “the Bank”) is fully committed to the principles espoused in our **Dignity at Work Charter**¹ (Appendix 2), which is displayed throughout the workplace on our Health and Safety Noticeboards.

2. Purpose of this policy

The Bank is committed to creating and maintaining a work environment where employees are valued, and consider themselves free to perform work in an environment that is free from all forms of bullying/inappropriate behaviour, harassment and sexual harassment. In accordance with our organisational values, the Bank expects that all employees will conduct themselves with normal standards of courtesy and consideration in the workplace, at work related events, and when doing business on behalf of the organisation.

Bullying, harassment and sexual harassment are behaviours that contravene this expectation and they will not be tolerated at any level in this organisation. It is the responsibility of all our employees to ensure that the workplace is free from any such incidents and to report any related behaviours, if they occur.

The Bank undertakes that any allegations of bullying/inappropriate behaviour, harassment or sexual harassment will be dealt with seriously and that the organisation will do its utmost to ensure that employees will be protected against victimisation for making or being involved in a complaint. The Bank is committed to ensuring that all employees are aware of the procedures for bringing complaints under this policy and that no employee should feel threatened or fearful of raising such issues in their work environment.

3. Scope of this Policy

This policy applies to employees both in the workplace and at work associated events such as meetings, conferences and work related social occasions, whether on the Bank premises or off site.

The policy applies to bullying/inappropriate behaviour, harassment or sexual harassment not only by fellow employees but also by a client, customer, supplier or other business contact with whom an employee might reasonably expect to come into contact with, in the course of their employment with The Bank.

¹ Published by the **Health and Safety Authority** and endorsed by IBEC, ICTU and CIF

4. Definitions of Bullying, Harassment and Sexual Harassment

A. Bullying

“Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could 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”²

Therefore the key characteristics of what may constitute bullying behaviour are that is *regular* and *persistent inappropriate behaviour* which is specifically *targeted* at *one employee* or a *group* of *employees*. Behaviour that is not regular/persistent and that falls short of the definition of ‘bullying’ may, nevertheless, be investigated and found to be ‘inappropriate behaviour’.

B. Harassment

Harassment is defined as “any form of conduct or behaviour(s)³, which is unwanted, unwelcome, and is intimidating, offensive, hostile or degrading to the recipient and which has the purpose or effect of violating a person’s dignity on any one of the following nine grounds⁴:

Gender
Civil Status
Family Status
Sexual Orientation
Religion
Disability
Age
Race
Membership of the Travelling Community

² Source: Task Force Report on the Prevention of Bullying and the Safety, Health and Welfare at Work Act

³ An *isolated incident* can amount to harassment

⁴ Source: Employment Equality Acts

Examples of Bullying/Inappropriate Behaviour/Harassment may include (but are not limited to):

Physical:

- Unwanted physical contact;
- Assault;
- Interference with personal property or work area
- Shoving jostling

Verbal:

- Insults and name calling;
- Shouting and aggressive behaviour;
- Using a person as a constant butt of jokes;
- Derogatory or offensive nicknames;
- Sneering or public humiliation;
- Slandering or maligning a fellow employee by the manipulation of their reputation by gossip, rumour and ridicule;
- Persistent unwarranted criticism;
- Inappropriately finding fault with a person's work and using this as an excuse to Humiliate them instead of trying to improve performance
- Limiting or preventing communication
- Use of obscene language

Non Verbal:

- Social exclusion, isolation or non-co-operation at work;
- Unreasonable scrutiny or surveillance;
- Deliberate withholding of recognition for work done well;
- Deliberately blocking another colleague's development;
- Showing hostility through sustained unfriendly contact or exclusion;
- Unfair delegation of duties;
- Reducing a job to routine tasks well below the person's skills and capabilities without prior discussion or explanation.
- Offensive gestures;
- Staring or aggressive facial expressions.

C. Sexual Harassment

Any act of physical intimacy, request for sexual favours or other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.⁵

Many forms of behaviour can constitute sexual harassment. Examples include:

- **Physical conduct of a sexual nature** – such as unwanted physical contact, unnecessary touching, patting or pinching or brushing against another employee's body and sexual assault.
- **Verbal conduct of a sexual nature** - includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the work place 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** - This may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.
- **Sex-based conduct** - This would include 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.

⁵ Employment Equality Act

Key points:

Investigations into bullying/inappropriate behaviour, harassment and sexual harassment will take due account of the impact of the behaviours on the recipient.

Behaviours that constitute bullying/harassment may be physical, non-physical or verbal.

In non-physical forms of bullying, the determining factor is the **repeated and persistent** nature of the unwanted and offensive behaviour against an individual or group.

It is important when making a complaint that employees distinguish bullying/harassment from (a) the normal management function of managing performance and behaviour (including supervision of work and performance related discussions) and (b) normal acceptable interaction in the workplace.

Examples of what is not Bullying or Harassment:

- An isolated incident of inappropriate behaviour may be an affront to dignity at work but, as a once-off incident, is not considered to be bullying, e.g., a once off bout of anger or a conflict of views.
- Fair and constructive criticism of an employee's performance, conduct or attendance.
- Reasonable and essential discipline arising from the appropriate management of the performance of an employee at work.
- Actions taken which can be justified as regards the safety, health and welfare of the employees.
- Legitimate management responses to crisis situations which require immediate action.
- Complaints relating to reasonable instructions issued by a manager, assignment of normal duties or relating to terms and conditions of employment.

Supports Available

The following support structures/persons are available to staff who wish to discuss a potential case of Bullying/Inappropriate Behaviour, Harassment or Sexual Harassment to seek support as to what options are available to them to seek resolution to a potential issue in this regard.

A. Contact Officers

Contact Officers are employees of the Bank who have been trained (via HRD) to be the “point of first response” for our staff who need assistance in resolving an issue in the workplace relating to alleged affronts to personal dignity.

The role of the Contact Officer is to:

- Help staff in circumstances where they need information, support, and clarification about the policy.
- Provide the appropriate ‘next step’ information to the staff member seeking support.
- Help the employee to clarify what s/he is experiencing and to empower the employee to decide what course of action, if any, s/he may wish to take.
- Treat discussions with staff as completely confidential and will not disclose information to a third party. (However, where the Contact Officer believes that there is a potential risk to an employee, for example, a threat to their health and/or safety, s/he may contact the Employee Assistance Officer so that the appropriate professional assistance may be sought.)
- Do not deal with any other forms of workplace grievances or personal problems.
- May not approach the alleged respondent/complainant on behalf of the person s/he is supporting.
- May not act as an advocate or representative on behalf of the person s/he is supporting nor can s/he direct the person as to the best course of action to take.

The up-to-date list of Contact Officers is available on each **Health and Safety Noticeboard and on Plaza.**

B. Union Officials

Union representatives play an important role in providing information, advice and support to employees who feel that they are being bullied or harassed or against whom complaints have been made. It is expected that the union representatives will co-operate with efforts by supervisors/managers to resolve complaints at local level, where possible.

Union representatives may provide representation to employees if the complaint is referred for formal investigation. In this regard, they co-operate fully with attempts to conduct the investigation fairly and without undue delay.

C. The Employee Assistance Officer

The Employee Assistance Officer (EAO) is the coordinator for the Contact Officers and is also available to assist staff in cases of allegations of bullying, harassment and sexual harassment. The EAO is available as a support to both parties, the claimant and the respondent, in any given case.

The Employee Assistance Officer as a professional counsellors will, on request, provide support to help staff deal with the emotions arising as a result of alleged bullying, harassment or sexual harassment. In addition, **Employee Assistance Programme** (EAP) is available to all parties throughout the process.

D: Human Resources Department

The employee may seek information, support and advice regarding the policy and procedure on a confidential basis at any time from any of the following the Human Resources Department.

Complaints Process

The Bank supports **two core approaches** to resolving complaints regarding **Bullying, Harassment and Sexual harassment** namely:

1. An Informal Approach using either:

- A. Self-initiated** attempt at informal resolution;
- B. Assisted attempt** at informal resolution;
- C. Mediation**

A staff member must attend an information session in order to understand the options available to them (including the option of Mediation) before they invoke a formal complaint.

2. A Formal Procedure

It is the decision of the complainant, which approach to adopt in a situation. Before deciding on which approach to adopt, the employee may seek help and advice, on a strictly confidential basis, from one of the nominated Contact officers in the company, through HRD or their Union Representative who should listen to the complaint and discuss with the complainant the various options available to them to resolve the matter.

Timeframe of complaint

In line with the Equality Authority's Code of Practice, a complaint (informal or formal) must be made within **six months** of the latest incident of alleged behaviour.

1. Informal Procedure

While in no way diminishing the issue or the effects on individuals, an **informal approach** can often resolve matters satisfactorily and speedily.

A. Self-Initiated

An employee who feels that he/she has been subjected to bullying, harassment or sexual harassment should approach the alleged perpetrator(s) and explain clearly that the behaviour in question is unacceptable and request that it stops immediately. The employee should explain that the behaviour is not welcome, that it offends them and that it interferes with their work. In many instances, such an approach has proved sufficient to enable the respondent to recognise their offending behaviour and the impact this behaviour has had on the complainant. See *Appendix 1* for a guide to this process.

B. Assisted

In circumstances where the employee finds it difficult to personally raise the issue with the alleged perpetrator(s), they may wish to discuss the matter confidentially with the Employee Assistance Officer or a Contact Officer prior to proceeding with third party assistance to resolve the issue. A third party person, for the purposes of informal resolution, cannot be the Contact Officer or the Employee Assistance Officer, but may include a mediator, supervisor, manager, HR staff member or a Union Representative. These third party people can assist in an informal approach to the alleged offender on a confidential and non-confrontational basis in order to discuss the matter with a view towards resolving the issue. The third party, in this instance, could facilitate resolution by getting the parties together or alternatively, just speak to the alleged offender. Consideration should be given to the needs of the complainant when determining how this process is to be conducted.

C. Mediation

Mediation is a voluntary, confidential process that allows two or more disputing parties to resolve their conflict in a mutually agreeable way with the help of a trained mediator. The objective of mediation, which is accessible without making a formal complaint, is to resolve matters speedily and confidentially without recourse to a formal investigation. It is intended that it therefore will involve the minimum of conflict and stress for the individuals involved. Staff wishing to avail of mediation should contact the Employee Assistance Officer.

(For more, see the Bank's Mediation Policy)

The role of the mediator is to:

- * Create a climate in which neither party dominates but which both parties participate fully and in good faith
- * Create and maintain an atmosphere of co-operation and responsibility.
- * Help the individuals deal with difficult emotional issues that can prevent them reaching an agreement

* Help the parties reach an agreement that they believe to be fair, equitable and workable.

2. Formal Procedure

The formal procedure may be used when:

- The complainant does not wish to use the informal procedure.
- The alleged bullying, harassment or sexual harassment is too serious to be treated informally.
- Informal attempts at resolution/mediation have been unsuccessful.
- The behaviour has continued after the informal approach has been exhausted.

New Entrants on Probation

A separate, condensed complaint procedure will apply for “new entrant” employees on probation (See **Probation Policy**).

Formal Complaints Process

Formal complaints should be made to the complainant’s **immediate line manager** or, if preferred, to **local management** or the **Employee Relations Manager**. The formal complaint should be **in writing** outlining **precise details of the alleged incidents** e.g. specific allegations, details of behaviour, times, dates and names of any witnesses. Where necessary, the **Contact Officer** can provide detailed information about the requirements for a written complaint.

Local management should forward all complaints to the Employee Relations Manager upon receipt. Formal complaints will be acknowledged within **5 working days**. The Employee Relations Manager may, in progressing the complaint, seek to ascertain whether a full and confidential investigation is the only way forward or, whether some other method might be recommended prior to initiating a full investigation of the complaint. In order for the complaint to be addressed in a way other than full investigation, the Employee Relations Manager will consult with both/all parties to the complaint.

In all cases of a formal complaint the alleged offender(s), i.e. respondent, will be notified in writing that an allegation of bullying, harassment or sexual harassment has been made against him/her. If the matter proceeds to a formal investigation a copy of the complainant’s statement, along with any other relevant information, will be issued to the respondent and he/she will be advised that they will be afforded a fair opportunity to respond to the allegation(s).

The Investigation Process

The Bank is committed to investigate all complaints promptly and objectively. The investigation will be conducted thoroughly with due respect to the rights of both the complainant and the respondent in accordance with the principles of natural justice and fair procedures. The Employee Relations Manager will appoint a panel to conduct an investigation of the complaint. The investigation will be governed by clear terms of reference based on the written complaint and any other matters relevant to the complaint. All parties, and any witnesses identified, are obliged to co-operate fully with the investigation. The investigation will include separate interviews with the complainant, the respondent(s) and other staff identified as witnesses to the inappropriate behaviour.

Parties to the complaint will be given copies of all relevant documentation prior to and during the investigation process, i.e. complaint, written response from the alleged respondent, meeting notes, minutes, etc., and signed witness statements (if any).

Cross examination and direct questioning of witnesses, complainant or alleged offender, may be facilitated in consultation with the Employee Relations Manager as determined appropriate by the investigation panel.

All parties i.e. the complainant(s), the respondent(s) and witnesses, have a right to be accompanied during their attendance at the investigation. The accompanying person will be a staff/union representative or a colleague of their choice. All parties also have the opportunity to avail of in-house or external support through the **Employee Assistance Officer** and/or the **Employee Assistance Programme**.

The investigator will:

- Interview the complainant.
- Invite the alleged perpetrator to respond orally and in writing to the allegations.
- Meet with the complainant and put the alleged perpetrator's response to them.
- Decide at this stage if it appropriate to (a) resolve the issues, (b) carry out further investigations or (c) reach a conclusion.
- If further investigation is necessary, the investigator shall meet with both parties again and any witnesses involved.
- During the process all information gathered will be forwarded to all parties involved and they will be entitled to respond before the investigation is concluded.

Confidentiality of Process

Confidentiality will be maintained throughout the investigation to the greatest extent possible and consistent with the requirements of a fair investigation. It is not possible, however, to guarantee the anonymity of the complainant or any person who participates in the investigation. Notwithstanding the difficult circumstances, both the complainant and the respondent may be expected to continue with their normal duties and maintain as professional working relationship as possible during the course of the investigation. Management will, however, have due regard at all times for its obligations to safeguard the health, safety and welfare of staff.

A written record will be kept of all meetings which will be treated in the strictest confidence. The investigators may interview anyone who they consider can assist with the investigation. All parties to an investigation are expected to co-operate fully with the investigation and will be fully supported throughout the process. Anyone who is required to participate in the investigation process will be obliged to respect the privacy of the parties involved and are not at liberty to discuss the matter with other work colleagues or persons outside the organisation other than their representatives. It will be considered a disciplinary offence to discuss any details, disclose information, intimidate or exert pressure on any person who might be required to attend as a witness (whether manager, staff or other interested party).

Investigation Report Outcomes

At the completion of the investigation, a report determining whether an allegation of bullying, harassment or sexual harassment has been substantiated or not will be prepared.

This report will include:

- the **nature and details** of the complaint.
- the **response of the alleged** offender.
- the **conclusions** of the investigation.

The report will be forwarded to the Employee Relations Manager. Divisional management, the complainant, alleged offender and, if applicable, their nominated staff/union representative will then be notified of the outcome of the investigation.

The report's recommendations and observations will include a **post-investigation follow-up**. The result will not be seen as a victory for either party but the beginning of another process. Recommendations will be made to the business to monitor the situation and implement changes should any be required. The report, therefore, is not necessarily the conclusion of the process.

If a complaint is upheld, any action taken will mirror the offence. In some cases an apology and assurance of non-recurrence may suffice. In others, options such as training, counselling, a period of monitoring and appraisal, demotion, or transfer may be considered, as might disciplinary action, up to and including dismissal. This list is not exhaustive.

Vexatious or Malicious Complaints

In the interests of all employees, any malicious or vexatious complaints will be treated very seriously and may lead to disciplinary action against the complainant. Victimisation or retaliation against a complainant, witnesses or any other party will constitute a serious disciplinary offence which may include disciplinary action up to and including dismissal following due process.

Non-Employees

Where complaints against non-employees (contractors, clients, visitors etc.) are the subject of a formal investigation the alleged respondent will be expected to co-operate fully with the process and will be afforded fair procedures and an opportunity to respond fully to the complaint. If the complaint is upheld, appropriate sanctions will apply which may include:

- Exclusion of the individual from the premises
- Suspension or termination of provision service or other contract to the Bank.

Appeal Process

If any of the parties are dissatisfied with the decision of the investigation team, they may notify the Employee Relations Manager of their intention to appeal within **five working days** of receipt of the Investigation Outcomes Report, setting out full details of the basis for the appeal.

The Employee Relations Manager will appoint an appeal person or panel (who had no prior involvement in the matter) who will review the findings of the investigation panel and will then hold an appeal hearing with the staff member. This Appeal person may be an external suitably qualified expert in this area. The Appeal person/panel will then issue a decision based on the review of information and meeting with the appellant.

Use of the Disciplinary Procedure

Where the Employee Relations Manager considers that the matter should proceed to disciplinary procedures and a sanction is being imposed on a staff member, such discipline will be carried out in accordance with established disciplinary procedures as set out in the Bank **Disciplinary Procedure**. Cases of harassment, sexual harassment or bullying may constitute gross misconduct and, as such, may result in termination of employment of any staff found to have behaved in such a manner. Verbal or written warnings and suspension are examples of other forms of disciplinary penalties that might be imposed in a proven case.

Counselling

The Employee Assistance Officer or the Employee Assistance Programme can provide a counselling service to both the complainant and the respondent(s) who wish to seek support or who may wish to explore the impact of the hurt caused. Counselling can also be particularly useful where an investigation shows no cause for disciplinary action or where doubt is cast on the validity of the complaint. Counselling may clarify the issues involved or help support the person accused as well as the complainant.

Training, Awareness and Communication

The Bank is committed to providing staff with such information, instruction, training and supervision as is necessary to ensure the prevention of workplace bullying, harassment or sexual harassment.

This will include:

- Making staff aware of the **Dignity at Work** policy;
- Providing **information** on the appropriate behaviour to comply with the terms of the policy;
- Providing **training**, to key stakeholders, in order to comply with the Policy;
- Providing assistance, if necessary, to overcome an incident, as well as adequate and informed supervision of the work environment;

Associated Policies

- Disciplinary Procedure
- Grievance Procedure
- Probation Policy
- Mediation Policy

Appendix 1

Guidance to any complainant who wishes to do an **informal resolution** process:

1. Tell someone else that you are going to challenge the alleged offender (see **support persons** section).
2. Pre-arrange and agree, with the respondent, a mutually suitable time and place to meet.
3. Describe **specifically** the behaviour to which you are objecting, and the effects that behaviour has on you
4. Don't label the person, just the **behaviour**.
5. Identify the way you would like the **behaviour to be different**.
6. State clearly what you will do **next** if the behaviour continues.
7. Don't make empty statements; mean what you are saying.
8. At the end of the meeting, restate what has been **discussed and agreed**.
9. **Write up this meeting** in detail and add to your diary of incidents.
10. If necessary, take the matter further (if there is no change in the behaviour identified).

Appendix 2

Dignity at Work Charter

This Charter, to which the Central Bank is committed and which is on display in our workplace, is reproduced below and incorporated into this document as part of our bullying and harassment prevention policy.

“We at the Central Bank commit ourselves to working together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work here are expected to respect the right of each individual to dignity in their working life. All will be treated equally and respected for their individuality and diversity. Bullying and harassment in any form are not accepted by us and will not be tolerated. Our policies and procedures will underpin the principles and objectives of this Charter. All individuals, whether directly employed or contracted by us, have a duty and a responsibility to uphold this Dignity at Work Charter. Managers, supervisors and staff representatives where applicable in the workplace have a specific responsibility to promote its provisions.”

Further information on raising a complaint under this charter is available under our

Dignity at Work Policy (Anti-Bullying, Harassment & Sexual Harassment Policy).

A copy of this policy is available on the Plaza system or directly through HRD.