

Dignity in the Workplace



Policies & Procedures of

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Recruitment

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Preface

We view the publication of this Policy as the first major step in an ongoing process to promote dignity in the workplace and pledge our commitment on behalf of our Permanent, Temporary & Contract Employees / Service Providers to ensuring that the implementation of the Policy by the agency and by our clients will be done in a spirit of partnership.

Introduction

O'Reilly Recruitment have produced a Dignity at Work Policy Document for Permanent, Temporary & Contract employees and contractors of service. The Policy provides that all employees / contractors are entitled to be treated with dignity and respect in the workplace and have a duty of care to treat others with dignity and respect. The Policy protects employees / contractors from bullying, sexual harassment and harassment regardless of whether it is carried out by a work colleague or a person with whom employees come into contact during the course of their work. e.g. client, contractor, visitor, supplier.

Workplace bullying and harassment adversely affects the quality of client care and production by resulting in poor staff morale, increased absenteeism, stress-related illnesses, reduced efficiency and higher turnover of staff. Bullying and harassment can have a devastating effect on the health, confidence, morale and performance of those subjected to it and may result in the person taking sick leave due to stress, being less efficient and motivated at work or even leaving the job. Bullying and harassment may also have a damaging impact on employees not directly subjected to inappropriate behaviour but who witness it or have knowledge of it.

Under this Policy all employees and contractors, regardless of their position, have a responsibility to treat their colleagues with dignity and respect and to maintain a working environment where bullying and harassment is not tolerated. Managers and supervisors have a particular responsibility to promote dignity in the workplace by being alert to inappropriate behaviour and dealing promptly with incidents or complaints of bullying and harassment.

Statutory Redress

Nothing in this policy is designed to prevent a person from exercising his or her statutory entitlements under the Employment Equality Act, 1998 and the Industrial Relations Acts, 1946-2001. Complaints under the Employment Equality Act must be brought within 6 months of the last act of discrimination.

Before deciding what course of action, if any, to take, you may wish to discuss the matter on a confidential basis with a Support Contact Person, supervisor / manager, or staff representative. If you are a Temporary Worker contracted through O'Reilly Recruitment, you may also contact the agency and discuss the matter with The Manager, O'Reilly Recruitment.

Role of Support Contact Person

- A Support Contact Person is available to listen, be supportive and outline the options open to you and explain the procedure for dealing with allegations of bullying / harassment. If, having consulted with the Support Contact Person or other appropriate person, you decide to pursue the matter you may do one of the following:



- Approach the person concerned directly
- If you are not confident about approaching the person or where a direct approach has not resolved the matter, you should request the intervention of an appropriate supervisor / manager who will make every effort to resolve the matter.

Mediation

Where the matter cannot be resolved locally, both parties may be invited to engage in mediation as an alternative to a formal investigation. Mediation is a

strictly confidential process and requires the voluntary participation and co-operation of both parties.

How do I know if I am being bullied or harassed?

The definitions of bullying, harassment and sexual harassment are clearly explained below. Remember that complaints relating to any aspects of your terms and conditions of employment or an instruction issued to you by your supervisor / manager should be processed under the normal grievance procedure.

What is Workplace 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 a once off incident is not considered to be bullying.

A key characteristic of bullying is that it usually takes place over a period of time. It is regular and persistent inappropriate behaviour which is specifically targeted at one employee or a group of employees. It may be perpetrated by someone in a position of authority, by staff against a supervisor / manager or by staff in the same grade as the recipient.

What Bullying is Not

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. an occasional bout of anger or a conflict of views.

Fair and constructive criticism of an employee's performance, conduct or attendance does not constitute bullying.

Complaints relating to instructions issued by a supervisor / manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure do not constitute bullying.

Complaints that are appropriate for referral under the normal grievance procedure are usually relatively straightforward to formulate as they refer to a specific issue or incident. Bullying on the other hand is repeated inappropriate behaviour which is specifically targeted at the recipient in order to undermine his / her dignity. Complaints of bullying are sometimes difficult to articulate as it may involve a series of small, seemingly innocuous incidents which culminate to create an intimidating and hostile working environment. Legitimate management responses to crisis situations which require immediate action or which arise from staff shortages, increased workload, etc.

WHAT IS BULLYING, HARASSMENT & SEXUAL HARASSMENT?

Examples of Bullying

The following are some examples of the type of behaviour which may constitute bullying. These examples are illustrative but not exhaustive:

- Constant humiliation, ridicule, belittling efforts – often in front of others.
- Verbal abuse, including shouting, use of obscene language and spreading malicious rumours.
- Showing hostility through sustained unfriendly contact or exclusion.
- Inappropriate overruling of a person's authority, reducing a job to routine tasks well below the person's skills and capabilities without prior discussion or explanation.
- Persistently and inappropriately finding fault with a person's work and using this as an excuse to humiliate the person rather than trying to improve performance.
- Constantly picking on a person when things go wrong even when he / she is not responsible.

What is Harassment?

Harassment is a form of discrimination in relation to conditions of employment on any of the eight grounds (other than gender) covered by the Employment Equality Act. These grounds are:

- marital status
- family status
- sexual orientation
- religious belief (or none)
- age
- disability
- race
- colour

- nationality or ethnic or national origin or membership of the Traveller community.

Harassment is defined in the Act as follows:

Any act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating.

Harassment is inappropriate behaviour based on the relevant characteristic of the employee such as race, religion, age or any of the other grounds covered by the Act. Inappropriate behaviour that is not linked to one of the eight discriminatory grounds is not covered by this definition. It may be targeted at one employee or a group of employees.

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

The following are examples of inappropriate behaviour which may constitute harassment. These examples of harassment are illustrative but not exhaustive:

- Verbal harassment, e.g. jokes, derogatory comments, ridicule or song.
- Written harassment, e.g. faxes, text messages, e-mails or notices.
- Physical harassment, e.g. jostling or shoving.
- Intimidatory harassment, e.g. gestures or threatening poses.
- Visual displays, e.g. posters, emblems or badges.
- Persistent negative body language.
- Ostracising a person.

An act of harassment may occur outside the work premises or normal working hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference or work related social event.

What is Sexual Harassment?

Sexual harassment is a form of discrimination on the gender ground in relation to conditions of employment and is defined by the Employment Equality Act 1998 as follows:

Any act of physical intimacy, request for sexual favours, 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.

Sexual harassment may consist of a single incident or repeated inappropriate behaviour.

It may be targeted at one employee or a group of employees. The following are some examples of inappropriate behaviour which may constitute sexual harassment. These examples are illustrative but not exhaustive:

- Physical conduct of a sexual nature, e.g. unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body.
- Verbal conduct of a sexual nature, e.g. 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 and offensive flirtations, suggestive remarks, innuendos or lewd comments.
- Non-verbal conduct of a sexual nature, e.g. the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes.
- Unwanted or derogatory comments about dress or appearance.
- Leering and suggestive gestures.

An act of sexual harassment may occur outside the work premises or normal working hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference or work related social event.

How does Sexual Harassment and Harassment differ from Friendly Workplace Banter?

It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is mutual and welcome. It is up to each employee to decide what behaviour is unwelcome, irrespective of the attitude of others, and from whom such behaviour is unwelcome. The fact that the employee has previously tolerated the behaviour does not stop him/her from deciding that it has now become unwelcome and objecting to it.

What should I do if I feel I am being bullied / harassed?

If you feel that you have been subjected to inappropriate behaviour which undermines your dignity at work you may:

Approach the person concerned directly and make him / her aware that the behaviour in question is unwelcome or you may request a supervisor / manager to approach the person on your behalf. Sometimes the person concerned is genuinely unaware that his or her behaviour is unwelcome and causing distress. An informal discussion is often sufficient to alert the person to the effects of his or her behaviour and can lead to greater understanding and an agreement that the behaviour will stop.

The Employer's Responsibilities

The Agency will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of bullying and harassment. This

policy and procedure will be communicated throughout the organisation and to all clients of the Agency and all employees will be made aware of their responsibilities to create a working environment which is free from bullying and harassment. The Policy will form part of the induction process for all employees. Support Contact Persons will be appointed to provide confidential advice and support to employees or contractors who feel that they are being subjected to bullying or harassment. Progress on the implementation and effectiveness of the Policy will be regularly monitored and reviewed at local level within the agency or by the agency's clients.

Your responsibility as an employee

- You have a responsibility to help maintain a working environment in which the dignity of all individuals is respected.
- You must comply with the Dignity at Work Policy and ensure that your behaviour does not cause offense to fellow workers or any person with whom you come into contact during the course of your work.
- You should discourage bullying and harassment by objecting to inappropriate behaviour.
- You should inform a manager or supervisor if you are concerned that a colleague is being bullied or harassed.

This Policy is also designed to ensure compliance with the following Codes of Practice which issued under the Safety, Health and Welfare at Work Act, 1989; the Industrial Relations Act, 1990; and the Employment Equality Act, 1998 respectively:

- The Health and Safety Authority's Code of Practice on the Prevention of Workplace Bullying
- The Labour Relations Commission's (LRC) Code of Practice Detailing Procedures for Addressing Bullying in the Workplace
- Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work.

What should you do now?

In the first instance of bullying or harassment you should immediately inform your Support Contact Person.

For the duration of this contract your Support Contact Person is:

Name: _____

Organisation: _____

Telephone No.: _____





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