



Dignity at Work Policy

Earagail Arts Festival recognises the right of all employees to be treated with dignity and respect and is committed to ensuring that all employees are provided with a safe working environment which is free from all forms of bullying, sexual harassment and harassment.

Statement of Policy

Earagail Arts Festival has zero tolerance to bullying, sexual harassment and harassment which can have a devastating effect on the health, confidence, morale and performances of those subjected to it. Bullying, sexual harassment and harassment may also have a damaging impact on employees not directly subjected to inappropriate behaviour who witness it or have knowledge of it.

This policy is aimed at preventing bullying, sexual harassment and harassment in the workplace.

Harassment (as defined below) is governed by the Employment Equality Acts 1988-2015 ('The Equality Acts') and relates to one of the nine discriminate groups specified within the Equality Acts.

Bullying (which is defined below) is legally distinct from harassment as the alleged bullying behaviour does not have to relate to one of the nine discriminatory grounds specified in the Equality Acts.

Under the Safety, Health and Welfare at Work Act 2005 ('The 2005 Act'), employers have a duty to prevent any improper conduct or behaviour which is likely to put the health and safety of employees at risk. This requires employers to take reasonable steps to ensure a work environment which is free of bullying, harassment and sexual harassment and includes developing an anti-bullying policy to deal with any complaint of bullying.

Definitions

Bullying at work has been 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.

What Bullying is not?

- An isolated incident which may be an affront to a person's dignity, but as a once-off incident, is not considered to be bullying.
- Fair and constructive criticism of an employee's performance, conduct or attendance.
- Reasonable and essential discipline arising from the good 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 instructions issued by a manager, assignment of duties, terms and conditions of employment or other matters which are appropriated for referral under the normal grievance procedure.

Bullying puts at risk the safety, health and welfare of people at work. Patterns of the following behaviour are examples of types of bullying.

- Exclusion with negative consequences
- Verbal abuse/insults
- Physical abuse

- Being treated less favourably than colleagues
- Intrusion - pestering, spying or stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive monitoring of work
- Humiliation
- Withholding of work-related information
- Repeatedly manipulating a person's job content and targets
- Blame for things beyond the person's control

Bullying at work can involve people in many different work situations and at all levels:

- Manager to employee
- Employee to manager
- One employee to another (or group to group)
- Client or service provider to employee/manager
- Employee/manager, client or service provider

Bullying can be carried out by internal and external stakeholders such as bar members, managers, colleagues, service provider, suppliers, or members of the public and can take place at any location where the individual is working on behalf of Earagail Arts Festival, for example, at the office (Unit 2 C, Neil T. Blaney Road, Letterkenny, Co Donegal), at home (if remote working) and at external meetings, social settings and events.

Harassment (other than sexual harassment) is defined as any unwanted 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 and which relates to one of the following nine protected grounds (as specified in The Equality Acts): gender, civil status, family status, sexual orientation, religious belief, age, disability, race, or membership of the Traveller Community.

The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material. Inappropriate behaviour that is not linked to one of the nine grounds above is not covered by this definition.

Examples of harassment include:

- Verbal harassment including jokes, derogatory comment etc
- Written harassment including e-mails, text messages, notices etc
- Physical harassment including shoving or jostling
- Intimidatory harassment including gestures or threatening poses.
- Persistent negative body language

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

Sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature 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. This includes same-sex sexual harassment. The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display of written words, pictures or other material.

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

Examples of sexual harassment include:

- Sexual gestures
- Unwelcome sexual advances
- Offering employment benefits in exchange of sexual favours
- Displaying sexually suggestive objectives, pictures, calendars
- Sending suggestive and pornographic correspondence including e-mails or multimedia messages
- Unwelcome verbal conduct such as sexual comments and jokes
- Unwelcome physical conduct, such as pinching, unnecessary touching, etc
- Unwanted or derogatory comments about dress or appearance

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

The examples stated in this policy are not an exhaustive list and Earagail Arts Festival reserves the right to taken action against these and other inappropriate behaviour.

Prevention

Role of Earagail Arts Festival

Earagail Arts Festival has a duty to manage and conduct work activities in such a way as to prevent any improper conduct or behaviour likely to put at risk employee's safety, health or welfare at work.

Role of Managers

All managers have a responsibility to implement this policy and to make every effort to ensure that bullying, harassment or sexual harassment does not occur, particularly in work areas which they are responsible for. All managers have an obligation to deal promptly and effectively with any incidents of bullying, harassment or sexual harassment of which they are aware of, or out to be aware of.

Role of Employees

All employees have a right and duty with regard to safety, health and welfare at work under The 2005 Act. All employees have a right to be treated with dignity and respect at work and not have their safety, health or welfare put at risk through bullying, sexual harassment or harassment by the employer, by other employees or other persons. Employees have a right to complain to the employer if they feel they have been bullied, harassed or sexually harassed and will not be victimised or penalised for doing so.

Employees also have a duty to behave and conduct themselves so as to respect the right of others to dignity, courtesy and respect at work and the right of others not to be place at risk as regards to their safety, health and welfare from bullying, harassment or sexual harassment at work.

Employees are expected to cooperate by providing any relevant information when an allegation or complaint made under this policy is being investigated, whether at a forma; or informal stage.

Prevention Policy

Earagail Arts Festival has put in place this Dignity at Work policy and will ensure:

- Appropriate training and development is provided to employees at all levels
- Employees have access to relevant internal and external support structures, such as the Employee Assistance Service Programme, mediation and HR support
- Clarity on the individual's role and responsibilities/role profile
- A working environment that provides a high quality service in an atmosphere of respect, collaboration, openness, safety and equality
- That an employee making a complaint under this policy will be treated with fairness, sensitivity, respect and will not be penalised or victimised for doing so
- That confidentiality for all parties concerned will be maintained in so far as is practicable and having regard to the rights of the person complained of due process and fair procedures
- That the person is alleged to be the bully or harasser is treated with fairness, sensitivity and respect and is given a full opportunity to respond to the allegations made against them
- That bullying, harassment or sexual harassment at work by management, by employees and by non-employees, such as clients, sub-contractors and members of the public, will not be tolerated and could lead to disciplinary procedures being applied.
- That a complaint of bullying, harassment or sexual harassment which, following investigation, is found to be vexatious will be dealt with through the disciplinary procedure
- That human resource management policies and practices will strive to prevent bullying, harassment or sexual harassment at work
- That this policy will be updated to reflect internal and/or external factors where relevant

Resolution Procedure

There are both formal and informal procedures to deal with the issue of bullying, harassment or sexual harassment at work. While Earagail Arts Festival would be hopeful that issues could be addressed through the informal procedure in the first instance, it is acknowledged that this is not always suitable. Therefore there is no requirement to exhaust the informal procedure before progressing an issue or complaint through the formal process.

As a first point of contact, a person who feels they are or have been bullied, harassed or sexually harassed should contact their line manager or any other manager who can discuss this issue with them and explain the resolution process(es).

Informal Procedure

It is preferable for all concerned that complaints are dealt with and resolved informally, whenever possible. This is likely to produce solutions which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality, while also protecting the working relationship. The aim of the informal approach is to stop the alleged bullying, harassment or sexual harassment with the minimum conflict and stress for the individuals concerned.

The informal process provides options for resolving complaints/disputes and may include the monitoring of the situation by a more senior manager or as agreed by both parties and/or mediation, where appropriate and where both parties agree. Where a complaint is deemed to be as vexatious, following investigation, the matter will be progressed through the disciplinary procedures.

Formal Procedure

It may not always be practice to use the informal procedure to resolve an issue or where the informal process has failed to resolve an issue, the formal procedure set out in this policy should be followed.

In order to make a formal complaint an initial approach may be made to [any manager] regarding the issue. Although the initial complaint may be provided verbally, it is a requirement that the complaint is lodged in writing to ensure that a fair process may be followed. Where assistance is required to put the complaint in writing, the employee should consult the designated manager to arrange this. The complaint should include the following information:

- The name of the person(s) complained of (alleged bully or harasser)
- The nature of the offending behaviour/conduct complained of, giving examples
- Dates/times and locations of where and when the alleged offending behaviour/conduct occurred
- Names of witnesses to any alleged incidents
- Details of any action already taken in an attempt to resolve the issue(s)
- Confirmation that you consent to your identity and the facts of the allegation being discussed to the alleged bully/harasser. This is required in order to allow Earagail Arts Festival to properly address/investigate the allegation under this policy.

If the behaviour complained of does not concern bullying, sexual harassment and harassment as defined, an alternative approach/procedure may be used and a rationale recorded.

If there are no concrete examples given, it may be deemed that there is no complaint to be answered by the person(s) complained of as they have no recourse to repudiating an accusation that doesn't give any specifics.

Where an allegation of bullying, harassment or sexual harassment is made under this **Dignity at Work** Policy, the person(s) complained of will be notified in writing that a complaint has been made against him/her, and provided with a copy of the complaint and a copy of this policy.

In all cases there will be no inference of guilt against the person(s) complained of, and s/he will be afforded a fair opportunity to respond to the allegation(s) made against him/her.

All individuals involved in an investigation under this policy are required to respect the need for confidentiality - failure to do so may be considered a serious disciplinary offence and result in the disciplinary procedure being applied. Confidentiality is assured in so far as it is reasonably practicable.

Where deemed appropriate, either or both parties may be suspended with pay, without any negative inference, pending the outcome of an investigation. However, where this is not possible, the parties to the complaint will be expected to maintain a positive working relationship.

Investigation Procedure

An investigation into an allegation of bullying, harassment or sexual harassment will be conducted in line with this policy.

The purpose of the investigation will generally be to establish whether or not the behaviours complained of occurred. Evidence and witness statements may be relied on for this purpose.

The investigation will be conducted by an independent member of management or suitably skilled external assistance (where appropriate). The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected in so far as it is reasonably practicable.

Once appointed, the investigator will indicate a timeframe for the resolution of the complaint to both parties. The timeframe may be extended, where necessary and both parties will be notified of any such extension.

Due respect will be had for the rights of the complainant, the person(s) complained of and any witnesses involved in the process. The following process will be undertaken:

- The investigator(s) will meet with the complainant, the person complained of and any witnesses or relevant person(s) on an individual confidential basis with a view to establishing the facts
- As many interviews as are necessary will be conducted until the investigator(s) is satisfied that all evidence has been collected and all parties have had a fair opportunity to state their case
- Statements from the complainant, the person(s) complained of and any witnesses will be recorded in writing
- All parties required to attend investigation meetings are entitled to be accompanied by a work colleague or union representative, if desired
- Every effort will be made to carry out and complete the investigation as quickly as possible within an agreed timeframe
- On completion of the investigation, the investigator(s) will submit a written report to the relevant manager, containing the findings of the investigation
- The complainant and the person(s) complained of will be informed in writing of the findings of the investigation, i.e. whether the complaint is upheld, not upheld, or whether the complaint is deemed to be malicious or vexatious
- Both parties will be given the opportunity to comment on the findings before any action is decided upon by management

Investigation Outcomes

Where a complaint is upheld, both parties will be informed of this outcome, and the relevant level of management will also be advised.

Management will take appropriate action based on the outcome of the investigation. This may include formal disciplinary action in line with Earagail Arts Festival procedure, or training, or another intervention deemed necessary to prevent a recurrence of the behaviour.

Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with Earagail Arts Festival's procedure. It is important that employees are aware, in line with our Employee Handbook that certain acts of bullying, harassment or sexual harassment may be deemed to be gross misconduct and may result in sanctions up to and dismissal.

Where a complaint is found by the investigation(s) to be inconclusive, and therefore not upheld, there will be no negative inference against any party to the complaint.

All parties to the complaint will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

When it is found that the complaint was malicious or vexatious, then a disciplinary hearing will be held with the complainant to explore this further. Lodging a malicious or vexatious complaint is a serious disciplinary offence, and, depending on the seriousness of the issue, may be deemed gross misconduct by and may result in a disciplinary sanction up to and including dismissal.

In all cases, whether the complaint is upheld or otherwise, the workplace will be monitored to ensure that the parties to the complaint conduct themselves in an appropriate manner and do not engage in any improper conduct. Appropriate support will be made available to both parties. Required action will be taken to eliminate the risk of that behaviour recurring or continuing and records will be kept of interventions used for this purpose.

Appeal

Either party may appeal the decision, within five working days of receiving the decision, outlining in writing, the reasons for the appeal. Such appeals will be heard by a manager not previously involved in the investigation and independent advice and support may be sought if required.

Victimisation

No person engaging in the procedures outlined here will be subject to unfavourable treatment for their role in the process, whether they are making a complaint in good faith, supporting a complainant, giving evidence in the proceedings or giving notice of intention to do any of the foregoing.

Third Party Bullying

The procedure outlined in this policy also apply to allegations of bullying, harassment or sexual harassment by a third party. Sanctions which may ultimately be imposed on a third party include exclusion from the premises, termination of a contract, or other measures to prevent the recurrence of the inappropriate behaviour.

Responsibilities

All management will endeavour to ensure that this policy is communicated to all staff and will ensure that the policy is maintained and update in line with legislative changes and any amendments to the relevant Codes of Practice. Management will act appropriately and in line with this policy in order to eliminate workplace bullying, harassment or sexual harassment.

All management has a particular responsibility to prevent workplace bullying, harassment and sexual harassment and is expected to lead by example, promote awareness of this policy, be vigilant for signs of bullying, harassment or sexual harassment of this policy, tackle problems before they escalate, deal sensitively with individuals involved in a complaint and monitor the situation in the workplace so that bullying, harassment or sexual harassment does not occur or reoccur.

Employees are expected to comply with this policy and to raise issues of concern through the procedures outlined in the policy.

Adopted as agreed on behalf of the Earagail Arts Festival Management Company Board of Directors:



Signed:

Date: 22nd April 2021

