



Galway Community Circus

Workplace Bullying and Harassment Policy

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Drafted by: Claire Carroll	Approved by Board on: 1/5/17
Responsible person: Fiona Hession	Scheduled review date: 1/5/20

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

This Policy relates to bullying, sexual harassment and harassment regardless of whether it is carried out by a work colleague, client, member of the public, sub-contractor, business contact or any other person with whom employees might come into contact during the course of their work. The policy applies to employees both in the workplace and at work associated events such as meetings, conferences, staff parties and work related social events, whether on the premises or off-site.

PROCEDURE

All questions relating to this policy should be referred to the Designated Contact Person named below. The role of the Designated Contact Person is to provide advice and assistance on the company’s policy only, and he/she does not get involved in any other way in the complaints procedure and is not an advocate for either party.

Designated Contact Person: Fiona Hession/ General Manager

All employees will be expected to comply with this policy, and management will take appropriate measures to ensure that harassment does not occur. Appropriate disciplinary action, up to and including dismissal, will be taken against any employee who violates this policy. Bullying/Harassment by non-employees will not be tolerated and may lead to termination of contracts or suspension of services, or to exclusion from a premises or the imposition of other sanctions as appropriate.

Bullying - Definition

Workplace bullying 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. 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”.

Bullying at work does not include reasonable and essential discipline arising from the good management of the employee’s performance or actions taken which can be justified as regards the safety, health and welfare of the employees, e.g. an employee whose performance is continuously signalled at a level below required targets may feel threatened and insecure in their work, but this in itself does not indicate bullying.

The bullying can include conduct offensive to a reasonable person, e.g. oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emblems, graffiti or other material which state or imply prejudicial attitudes, which are offensive to fellow employees.

Other examples of bullying behaviour include but are not limited to:

- Personal insults and name calling
- Persistent unjustified criticism and sarcasm
- Public or private humiliation
- Shouting at staff in public and or/private
- Sneering
- Instantaneous rage, and often over trivial issues
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unnecessary work interference
- Making it difficult for staff to have access to necessary information
- Aggression
- Not giving credit for work contribution
- Continuously refusing reasonable requests without good reason
- Intimidation and threats in general
- Exclusion with negative consequences
- Excessive monitoring of work
- Intrusion – pestering, spying or stalking

Harassment - Definition

Harassment on the grounds of **gender, marital status, family status, race, age, religious belief, sexual orientation, disability or membership of the traveller community** is defined as “any unwanted 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 unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Sexual Harassment - Definition

Sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature 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 unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. Examples of sexual harassment include:-

- Sexual gestures
- Displaying sexually suggestive objects, pictures or calendars
- Sending suggestive and pornographic correspondence including faxes, text messages or e-mails
- Unwelcome sexual comments and jokes.
- Unwelcome physical conduct such as pinching, unnecessary touching, etc.
- Same sex sexual harassment

COMPLAINTS PROCEDURE

There is both an informal and formal procedure to deal with the issue of bullying/harassment at work. Any issue arising will be dealt with as quickly as possible and respecting the need for confidentiality with all parties concerned. A person or persons alleged to have bullied/harassed will be afforded natural justice and treated with fairness and sensitivity.

Step 1: Informal Procedure

Complaints of bullying or harassment will be dealt with informally whenever possible in order to resolve the issue as quickly as possible and minimise the risk of breaching confidentiality.

A person who believes that they are the subject of bullying/harassment should firstly ask the person responsible to stop the offensive behaviour. If this action does not result in a cessation of the behaviour, or if the complainant finds it difficult to approach the alleged perpetrator directly, then she/he may request the assistance of the Designated Contact Person or their Manager. The issue will then be raised with the alleged perpetrator by way of a confidential, non-confrontational discussion in an attempt to resolve the issue in an informal manner.

If Step 1 (Informal Procedure) does not resolve the issue, or if the complainant does not wish to start with the Informal Procedure, the complainant should proceed to Step 2. An independent third party may be agreed to take part in any step of the formal procedure.

Step 2: Formal Procedure

Where a formal complaint is being made, the complainant should initially contact the Designated Contact Person as a first point of contact as soon as possible. The role of the Designated Contact Person is to provide advice and assistance on the company's policy only, and he/she does not get involved in any other way in the complaints procedure and is not an advocate for either party. The Designated Contact Person will provide the complainant with a copy of the policy, outline the routes available and explain the roles of the personnel involved.

In the interests of procedural fairness and the principles of natural justice, the alleged bully / harasser will be advised in writing of the nature of the complaint and a copy of the allegation, informed of his/her right to representation and given an opportunity to respond to the allegations.

Step 3:

The complaint will be subject to an initial examination by an impartial designated member of Management, who will then decide whether it is more appropriate to explore a mediated / informal solution or to commence a formal investigation.

Step 4:

When the investigation has been completed both parties will be given a copy, in writing, of the conclusions reached by the investigation team and will be given the opportunity to comment on the findings before any action is taken by management.

Step 5:

Both parties will have the right to appeal the decision of the investigation team in writing within 5 working days, and the appeal will be heard by another party of at least the same level of seniority as the original investigator, or an independent third party as agreed.

Step 6:

If full utilisation of the internal procedures has not resolved the complaint, it may on be necessary to refer the matter to an outside mediator or to an external agency.

Investigation Procedure

- All complaints received will be treated seriously and with sensitivity and will be dealt with as soon as is practicable.
- Strict confidentiality and discretion will be maintained at all times as far as is possible.
- If it becomes necessary to interview other staff, the importance of maintaining utmost confidentiality should be stressed to them.
- Any statements taken from witnesses will be circulated to the complainant and the alleged bully/harasser for their comments before any conclusion is reached in the investigation.
- A record of all relevant discussion which takes place during the course of the investigation will be maintained by management.

Following the Investigation

Where a complaint is upheld a disciplinary hearing will take place and the company will take appropriate disciplinary action in line with the company's disciplinary policy, including a warning, transfer, demotion or other appropriate action up to and including dismissal. Records of any warnings for bullying/harassment will remain in the employee's file and will be used in determining disciplinary action to be taken if any further offences of the same or similar nature occur in the future.

Regular checks will be made by one of the investigators to ensure that the bullying/harassment has stopped and that there has been no victimisation for referring a complaint. Retaliation of any kind against an employee for complaining or taking part in an investigation concerning bullying/harassment at work is a serious disciplinary offence.

Malicious Complaints

A complaint of bullying/harassment which is found, following investigation, to be vexatious / malicious will be dealt with through the disciplinary procedure.