

# ABBEY THEATRE AMHARCLANN NA MAINISTREACH

## Abbey Theatre Bullying & Harassment Policy

The Abbey Theatre is committed to providing all of its employees with an environment free from bullying/harassment. All employees will be expected to comply with this policy and management will take appropriate measures to ensure that bullying/harassment does not occur. The company is committed to dealing with complaints of bullying and/or harassment in a fair and sensitive manner, and endeavouring to ensure confidentiality with respect to any complaints. Appropriate disciplinary action, including dismissal for serious offences, will be taken where bullying/harassment allegations are upheld against an employee. In the case of non-employees, appropriate sanctions, including for example suspension of contracts or exclusion of contracts, will be taken.



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

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

### **Definition of 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.”

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/imply prejudicial attitudes which are offensive to fellow employees.

Other examples of bullying behaviour include:

- 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, 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 reasons

- Intimidation and threats in general.

### **Definition of Harassment**

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 objectives, pictures, 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.

Harassment on the grounds of gender, marital status, family status, race, age, religion, 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

### **Effects of Bullying & Harassment on the victim**

Bullying can have a physiological, psychological and behavioural impact on an individual's character. Victims can lose their self-confidence and self-esteem and are at increased risk of suffering stress-related conditions that can trigger further trauma.

Apart from the direct impact on a victim's health, long-term exposure to bullying may also have consequences for the victim's livelihood, through absenteeism and even resignation from work in order to avoid contact with the bully.

### **Responsibilities**

All employees have a responsibility for ensuring dignity and respect of their colleagues and contacts in the workplace and to creating and contributing to the maintenance of a work environment free from bullying/harassment or from conduct likely to contribute to bullying or harassment.

Management and others in positions of authority have a particular responsibility to ensure that bullying, sexual harassment and harassment does not occur and that complaints are addressed speedily through the appropriate procedures. In particular management should:

- provide good example by treating all in the workplace with courtesy and respect

- promote awareness of the organisation's policy and complaints procedures
- be vigilant for signs of harassment and take action before a problem escalates
- respond sensitively to an employee who makes a complaint of bullying or harassment
- explain the procedures to be followed if a complaint of bullying, sexual harassment or harassment is made
- endeavour to ensure that an employee making a complaint is not victimised for doing so
- monitor and follow up the situation after a complaint is made so that the sexual harassment or harassment does not recur

## **Complaints Procedure**

There is both an informal and formal procedure to deal with the issue of bullying/harassment at work. Any investigation will be completed as quickly as possible.

### **Informal Procedure**

It is often preferable for all concerned that complaints of bullying or harassment are dealt with informally whenever possible. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality. Thus, in the first instance a person who believes that they are the subject of bullying/harassment should ask the person responsible to stop the offensive behaviour.

If a person finds it difficult to approach the alleged perpetrator directly then a person should seek help and advice on a confidential basis from their line manager or the HR Department. They will be able to provide advice and assistance about the company policy.

Having consulted with the Line Manger or HR Department, the complainant may request the assistance of a manager / supervisor in raising the issue with the alleged perpetrator(s). In this situation the approach of the manager / supervisor should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low key manner.

If the complainant is dissatisfied with the outcome of the informal procedures then they have the right to proceed with the formal Procedures

### **Formal Procedures**

A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure.

It is recognised that it may not always be practical to use the informal procedure particularly where the bullying or harassment is serious or where the people involved are at different levels in the organisation. In such instances the employee should use the formal mechanism set out below.

1. When a formal complaint is being made, the employee should contact their line manager or the HR Department as soon as possible. All formal complaints should

be made in writing, outlining as much detail as possible regarding the allegation. In the event that the employee contacts the HR department in the first instance the HR Department will be able to assign a member of management, usually the employee's own line manager, to investigate the complaint.

2. The investigator will meet for an initial meeting with the complainant to discuss the details of the complaint and ensure that the details of the complaint are fully understood.
3. A meeting will then be held with the alleged bully or harasser. In the interests of natural justice the alleged bully or harasser will be notified in advance, in writing of the nature of the complaint, given a copy of the allegation, informed of his or her right to representation at any meetings and will be given every opportunity to rebut the detailed allegations made.
4. Following from the initial meeting with both parties, the investigator will determine the appropriate course of action. These actions may include
  - Exploring a mediated solution with a view to resolving the issue informally
  - Carrying out a formal investigation with a view to determining the facts and the credibility or otherwise of the allegation(s).
5. Whilst it is desirable to maintain utmost confidentiality, once an investigation of an issue begins, it may be necessary to interview other staff. If this is so, the importance of confidentiality will be stressed to them.
6. 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.
7. When the investigation has been completed both parties will be informed as to whether or not the complaint has been upheld.
8. Both parties will be given the opportunity to comment on the findings before any action is decided upon by management.
9. All complaints received will be treated seriously, confidentially and dealt with as soon as is practicable. Strict confidentiality and proper discretion will be maintained, as far as is possible, in any necessary consultation to safeguard both parties from innuendo and harmful gossip.

A record of all relevant discussions which take place during the course of the investigation will be maintained by management. Both parties will be given an opportunity to comment on the conclusions of the investigator. Both parties will be given a copy, in writing, of the conclusions reached by the investigator.

### **Appeal**

Either party can appeal the decision of the formal investigation in writing within 5 working days. Appeals must be made in writing to the HR manager, outlining the grounds for the appeal. Where possible, the appeal will be heard by the next highest level of management to the manager who conducted the initial investigation. The appeal will

focus only on the aspect of the case cited by the appellant as being the subject of the appeal. Both parties will be informed in writing as to the outcome of the appeal.

### **Action Post Investigation**

Where a complaint is upheld a disciplinary hearing will take place. The disciplinary action to be taken will be in line with the company's disciplinary policy. Should a case of bullying or harassment be proven then the organisation will take appropriate disciplinary action. This can include 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 in good faith. 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**

If a complaint is found to be malicious, the appropriate disciplinary action up to and including dismissal will be imposed.

### **Training and communication**

The company will provide relevant training to all employees and management on how best to implement this policy and maintain the values of dignity and respect in the workplace. The company is also committed to communicating this policy in so far as is practicable to all relevant persons to who it may apply.

### **Further Information**

This policy has been created following assessment of the risk to the health and safety of employees from bullying in the workplace with due regard to the relevant codes of practice.

This policy will be subject to regular review in line with changes in legislation, case law, other relevant developments, changes in the workplace and the experiences of the organisation in implementation. All questions relating to the execution or interpretation of this policy should be referred to the HR Department.

This current policy was put in place in July 2010. It is reviewed by IBEC on an annual basis to ensure it is in line with best practice.