**Dignity at Work Policy**

**General Comments -**

* This is a template/precedent document only. It should be tailored as appropriate to suit the needs of each individual firm.
* All sections should be considered and implemented as deemed appropriate for the firm. This cover page should not be included.
* The LSQI cannot accept any responsibility for any errors or omissions contained in this template document.
* The document should be reviewed on an annual basis, or as required.

**Specific Comments -**

* Section 8.2 titled ‘Legislation’ has been updated to include reference to SI 674/2020 Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020 which was published on 5 January 2021 and include reference to working remotely.
* This policy has been slightly updated (update is underlined in red) to refer to the requirement to follow the policy during all social and work events, with or without the involvement of alcohol. We would advise Management and HR Managers in firms to review the articles below. It may be necessary to bring this updated policy and the updated Employee handbook to the attention of all employees and ideally for them to confirm in writing that they are aware of the updates.

[https://www.personneltoday.com/hr/firms-aim-to-minimise-risks-of-alcohol-fuelled-](https://www.personneltoday.com/hr/firms-aim-to-minimise-risks-of-alcohol-fuelled-work-events/) work-events/

[https://www.3pb.co.uk/content/uploads/Work-events-involving-alcohol-the-risks-](https://www.3pb.co.uk/content/uploads/Work-events-involving-alcohol-the-risks-and-how-to-minimise-them-by-3PB-Barristers.pdf) and-how-to-minimise-them-by-3PB-Barristers.pdf

**The Legal Quality Standard of Ireland**

**Updated February 2023**

**[FIRM NAME]**

**Dignity at Work Policy**

**1.0 Introduction**

[Name of firm] recognises the right of all employees to be treated with dignity and respect and is committed to ensuring all employees are provided with a safe working environment, a work environment which is free from all forms of bullying, harassment and sexual harassment.

**2.0 Purpose**

This policy aims to achieve the following: -

* To promote a positive culture of dignity and respect;
* To support good communications amongst colleagues, employees and clients, and to set standards of behaviour with regard to respecting each other throughout the firm;
* To promote understanding of what constitutes bullying, harassment and sexual harassment;
* To promote awareness of what steps an individual may take where he/she believes he/she is being bullied or harassed;
* In circumstances where complaints are made, to provide a range of methods/procedures of resolution for colleagues, employees and clients – both formal and informal;
* To set out clearly and simply the key steps in the complaint’s procedure.

1. **Scope**

This policy applies to all employees whether part-time, full-time or temporary, whether working on-site or off-site i.e. remotely, clients, students on work placement, individuals working on the firm’s behalf, including the suppliers of goods and services and job applicants.

This policy applies both in the workplace and at work associated events such as meetings, conferences and work-related social occasions, with or without the involvement of alcohol, whether on the firm’s premises or off site.

This policy applies in person, in writing, on telephone, by email or on the internet and social media in relation to any work-related activity.

**4.0 Definitions**

Understanding and awareness of the definitions is important to determine if the policy applies to a particular situation.

**4.1 Bullying**

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/or in the course of employment, which could reasonably be regarded as undermining the individuals right to dignity at work. An isolated incident of 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 intention of the person against whom the complaint is being made (i.e. the alleged offender) is irrelevant. The fact that the alleged offender did not intend to bully an employee or client is not a defence. The impact of the behaviour on the recipient will be taken into account when dealing with cases of bullying.

Examples of Bullying

Verbal – includes personal insults, derogatory or offensive name calling, using a person as a constant butt of jokes, ridicule, humiliation in front of others;

Non-verbal or indirect – includes social exclusion, isolation or non-cooperation at work, hostile attitude, spreading malicious rumours, offensive gestures, staring and aggressive facial expressions;

Physical – includes unwelcome physical contact up to and including assault, aggressive behaviour, physical intimidation;

Abuse of power – includes inappropriately finding fault with a person’s work and using this as an excuse to humiliate them instead of trying to improve performance, excessive criticism, withholding essential information, unreasonable scrutiny and surveillance, deliberate withholding of recognition for work well done, deliberately blocking another colleague’s development, unfair delegation of duties, reducing a job to routine tasks well below the persons skills and capabilities without prior discussion or explanation;

Examples of what is not Bullying

* A once off incident is not considered to be bullying e.g. a once off bout of anger or a conflict of views;
* Actions taken that can be justified under the grounds of health, safety and welfare of employees;
* Reasonable work-related instructions and discipline given by the employer/appropriate person in respect of the performance of an employee at work;
* Fair and constructive criticism of an employee’s performance, conduct or attendance;
* Complaints that are related to assignment of duties, terms and conditions of employment.

**4.2 Sexual Harassment**

Definition of Sexual Harassment

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 harassment. 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 can be a once-off incident.

The intention of the person against whom the complaint is being made (i.e. the alleged offender) is irrelevant. The fact that the alleged offender did not intend to sexually harass an employee or client is not a defence. The impact of the behaviour on the recipient will be taken into account when dealing with cases of sexual harassment.

Examples of Sexual Harassment

Verbal – includes unwelcome sexual advances, requests or pressure for sexual activity, threats, suggestive jokes, lewd comments or innuendos, unwanted or offensive flirtations, continued suggestions for social activity outside work where it has been made clear that such suggestions are not welcome;

Non-verbal – includes sexually suggestive or pornographic pictures or written material, emails, faxes, test messages, leering or gestures, spreading rumours about a person’s sexual behaviour or orientation;

Physical – includes unwanted physical contact, unnecessary touching, patting, pinching or brushing against another employee’s body and sexual assault.

**4.3 Harassment**

Definition of Harassment

Harassment is defined as any form of conduct or behaviour, 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 grounds:- Gender, Civil Status, Family Status, Sexual Orientation, Religion, Disability, Age, Race (including a person’s race, colour, nationality or ethnic or national origins), Membership of the Travelling Community.

The intention of the person against whom the complaint is being made (i.e. the alleged offender) is irrelevant. The fact that the alleged offender did not intend to harass an employee or client is not a defence. The impact of the behaviour on the recipient will be taken into account when dealing with cases of harassment.

Examples of Harassment

Verbal – includes offensive jokes, ridicule or assumptions based on stereotypes;

Non-Verbal – includes exclusion, hostile or demeaning attitudes, spreading malicious rumours, visual display or circulation of materials offensive to one of the grounds stated above, such as cartoons;

Physical – includes unwelcome contact up to and including physical assault;

**4.4 Other forms of inappropriate behaviour**

While other forms of inappropriate behaviour may not fall within the scope of the definitions of bullying, harassment and sexual harassment as set out above, other forms of inappropriate behaviour will also not be condoned or tolerated by [name of firm]. For example an isolated incident that is an affront to dignity may not be bullying, but it may be inappropriate behaviour. Similarly, harassment on a ground that is not one of the grounds specified above may not be covered by that definition, but it is unacceptable.

**5.0 Supports Available**

Any individual with a potential case of Harassment or Sexual Harassment, Bullying or Inappropriate Behaviour should read and consider the options available under this policy.

All alleged offenders have the same rights as complainants, and each have the following rights:

* Right to seek support;
* Right to know the full allegations and who is making them;
* Right to reply;
* Right to representation;
* Right to impartial and objective consideration of evidence;
* Right to Appeal.

*[List firm’s support persons - the following persons listed at 5.1, 5.2 and 5.3 are examples - support persons must have appropriate training for the role - amend the following section as appropriate]* Contact person, Human Resources Staff, Employee Assistance Officer can offer guidance and help on the resolution of dignity and respect issues.

5.1 Contact Person

*[Insert name/job title]* has been designated the contact person in respect of this policy.

The role of the Contact person is: -

* To listen to the potential case;
* To provide information, support and clarification about this policy;
* To provide appropriate “next step” information to an employee seeking support, this applies to complainants, alleged offenders and witnesses. A Contact Person will not provide advise to both parties involved in a dignity and respect issue.
* To help the employee to clarify what he/she is experiencing and to empower him/her to decide what course of action if any they want to take.
* To offer a completely confidential service, except in exceptional circumstances where there is a threat to the health and safety of an employee in these circumstances the Employee Assistance Officer may be contacted;
* To solely deal with dignity and respect matters;
* Not to approach the alleged offender/complainant on behalf of the employee they are supporting;
* Not to act as a representative on behalf of the employee they are supporting nor direct the person as to the best course of action to take.

5.2. Human Resources Staff

The employee may seek information, support, advice and clarification regarding the policy and procedure on a confidential basis at any time from the HR Support team.

5.3 Employee Assistance Officer (EAO)

*[Insert name]* is the EAO and he/she can be contacted as *[insert phone number and email address]*. The EAO is there to provide support and assist employees in cases of allegations of bullying, inappropriate behaviour, harassment and sexual harassment. The EAO is available to support both parties, the complainant and the alleged offender, in any given case.

**6.0 Responsibilities** *[Lists of responsibilities set out in 6.1 and 6.2 are suggestions - add to or delete from as appropriate]*

**6.1 Employer Responsibility**

* Ensure the policy is implemented;
* Promote a positive culture of dignity and respect;
* Set appropriate standards of acceptable behaviour through actions and deeds;
* Promote awareness of the firm’s policy and complaints procedures;
* To treat all employees with dignity and respect;
* To direct employees to the appropriate sources of help, resources and procedures;
* To be vigilant and observant for signs of inappropriate behaviour, bullying or any form of harassment and take action before the problem escalates;
* To raise awareness on the prevention of inappropriate behaviour, bullying or any form of harassment and the value of dignity and respect among employees and clients;
* Clearly explain the procedures to be followed where an employee has dignity and respect concerns;
* Respond sensitively and promptly to an employee who makes a complaint in relation to inappropriate behaviour, bullying or any form of harassment;
* Ensure there is no victimisation of any employee who makes a complaint;
* Ensure the fair treatment of any alleged offender;
* Work with those involved in a complaint in a proactive manner to provide options for resolution of issues in a positive solution focused manner;
* Seek advise from the relevant support persons;
* Following any concern or complaint ensure the situation is carefully followed up and monitored to ensure that the unwelcome behaviour does not occur or reoccur;
* Review this policy on a regular basis and update same in line with changes in legislation, relevant caselaw and other developments;
* Undertake and provide training on handling dignity and respect matters.

**6.2 Employee Responsibility**

**(General)**

* Not to participate in gossip/rumour;
* Positively contribute to the culture of dignity and respect;
* At all times treat all individuals with which you interact with dignity and respect;
* To be aware of behaviours and the effect of one’s own behaviour;
* Do not let situations persist;
* Challenge any form of inappropriate behaviour, bullying, harassment of any kind and report any incidents;
* Do not make false, malicious or vexatious complaints.

**(Where an employee has made a complaint)**

* To make the complaint in good faith;
* To try and resolve the complaint at the earliest opportunity before it escalates;
* To seek support and representation as appropriate;
* To follow the firm’s complaints procedures;
* To maintain confidentiality;
* To provide dignity and respect to others, limit and carefully choose confidantes;
* Discussing matters in the immediate workplace is not recommended as this may have a serious impact on the complainants work and the work and morale of others.

**7.0 Procedures**

*[Name of Firm]* supports two procedures in relation to resolving complaints made in respect of Bullying, Inappropriate Behaviour and Harassment of any kind. These procedures are set out at 7.1 and 7.2 below.

A complaint under either procedure must be made within **six months** of the latest incident of alleged inappropriate behaviour, bullying or any form of harassment.

**7.1 The Informal Procedure**

An informal approach can often resolve matters. As a general rule an attempt should be made to address an allegation of bullying, inappropriate behaviour or harassment of any kind as informally as possible, by means of an agreed informal procedure, to resolve the difficulty with the minimum of conflict and stress for the individuals involved.

The suggested informal procedures are set out at 7.1.1, 7.1.2 and 7.1.3 below.

7.1.1 Self-initiated attempt at informal resolution – This often resolves the situation as the alleged offender may be unaware that their behaviour is causing distress. The following are guidelines on how to self-initiate an attempt at informal resolution.

* Advise *[name of person e.g. contact person]* that you intend to directly inform the alleged offender of the impact of their behaviour on you and that their behaviour is unwelcome, it offends you and interferes with your work;
* Pre-arrange and agree with the alleged offender a mutually suitable time and place to meet;
* State clearly the behaviour you are objecting to and the impact that behaviour has on you;
* Clearly identify what is acceptable behaviour;
* Clearly state and mean, the next step that you will take if the behaviour continues;
* At the end of the meeting, restate what has been discussed and agreed;
* Write up the meeting in detail and file appropriately.

7.1.2. Assisted attempt at informal resolution – In circumstances where an individual finds it too difficult or embarrassing to approach the alleged offender on his/her own behalf, the individual may discuss in confidence with the firm’s contact person or Employee Assistant Officer the issues he/she is experiencing prior to engaging third party assistance to resolve the issue. This third-party person may be a mediator, manager, HR Staff member etc. The third party may facilitate a resolution by getting the parties together, the aim of the third-party involvement is to assist in an informal approach to the alleged offender on a confidential and non-confrontational basis in order to discuss the issue with a view to resolving it.

7.1.3 - Mediation - Mediation is encouraged. The objective of mediation is to resolve matters speedily, confidentially without recourse to a formal investigation. The process is voluntary, and parties must be willing to take part and agree the appointment of a mediator.

**7.2 The Formal Procedure**

The formal procedure will be used when: -

* The complainant does not wish to use the informal procedure;
* The alleged inappropriate behaviour, bullying, or form of harassment is too serious to use the informal procedure;
* Informal attempts at resolution/mediation have been unsuccessful and the behaviour has continued after the informal approach has been exhausted.

7.2.1 The Formal Complaint Process

*[If firms have existing Employee Grievance procedures in place - they should refer to these here – amend this policy as appropriate e.g. Employees should initiate the firm’s Employee Grievance Procedure - and delete the various non-applicable sections from this policy]*

* Formal complaints should be made to *[insert name of person/title].*
* The formal complaint should be in writing.
* The formal complaint should set out in precise detail all the alleged incidents – details of behaviour, specific allegations, times, dates, names of witnesses.
* Formal complaints will be acknowledged in *[set out time frame e.g. five]* days.
* It will then be decided by *[insert name of person]* if a full investigation is the only way forward or if some other method might be recommended prior to initiating a full investigation – both parties will be consulted if another method is recommended.
* In all cases of a formal complaint, the alleged offender will be notified in writing of the allegation.
* Where the matter proceeds to a formal investigation the alleged offender will be given a copy of the complainant’s statement and any other relevant information.
* The alleged offender will be given fair opportunity to respond to the allegation(s).

7.2.2 The Investigation Process

* *[Name of Firm]* will appoint a person/panel to conduct an investigation of the complaint, the investigation will be conducted in accordance with the principle of natural justice and fair procedures.
* The investigation will be governed by terms of reference, preferably agreed between the parties in advance.
* The investigator(s) will meet with the complainant, alleged offender and witness(es) with a view to establishing the facts surrounding the allegations. All parties to an investigation i.e. complainant, alleged offender, witness are entitled to be accompanied by a work colleague/employee during their attendance at any formal investigation meeting.
* 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.
* Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe.
* All parties involved in the formal complaint investigation must maintain absolute confidentiality to the greatest extent possible and consistent with the requirements of a fair investigation. It is not possible to guarantee anonymity of any party to the investigation. Despite the difficult circumstances both the complainant and the alleged offender may be expected to continue their normal duties and maintain a professional working relationship during the course of any investigation. The firm will have due regard at all times to its obligations to safeguard the health, safety and welfare of employees.
* All parties to the investigation are expected to co-operate fully with the investigation and will be supported throughout the process.
* At the completion of the investigation, the investigator(s) will prepare a report which will contain, the nature and details of the complaint, the response of the alleged offender, a determination whether an allegation of inappropriate behaviour, bullying or any form of harassment has been substantiated or not or alternatively a determination as the whether the complaint was vexatious or malicious and recommendations for next steps which may include a recommendation the case be dealt with under the Disciplinary Procedure.
* The report will be forwarded to *[set out name of person in firm]*, the complainant and alleged offender. It should clearly set out the right of the complainant or alleged offender to appeal and the full details of the basis for an appeal.
* Vexatious and malicious complaints will be treated very seriously and may lead to disciplinary action against the complainant. Also victimisation or retaliation against a complainant, witness or any other party to the formal complaint investigation will not be tolerated and may lead to a disciplinary action up to and including dismissal.
* If the complaint is not upheld and the complainant is found to have acted in good faith, the firm may take appropriate measures to support both the complainant and the alleged offender. This will include making appropriate efforts to ensure that anyone with knowledge of the complaint is made aware that the complaint was not upheld.
* If on completion of the formal complaints procedure and the complaint is well founded, *[name of person in firm/management]* may recommend counselling, monitoring or the convening of a disciplinary hearing.

7.2.3 The Appeal Process

If either the complainant or alleged offender are dissatisfied with the decision of the investigator(s), they may notify *[name of person in firm]* of their intention to appeal within *[insert number of days e.g. five]* of receipt of the investigator(s) report.

The *[name of person/head in firm]* will appoint a person or panel (who had no prior involvement in the matter) who will review the findings of the investigation and will then hold an appeal hearing with the appellant. The person or panel may be external suitably qualified experts in this area. The person or panel will then issue a decision based on a review of the information and the meeting with the appellant and any other persons deemed necessary.

7.2.4 Use of the Disciplinary Procedure

A disciplinary hearing may take place where a case of inappropriate behaviour, bullying, or any form of harassment is deemed to have taken place. The disciplinary action will be taken in accordance with the firm’s Disciplinary Procedures policy. This can include a warning, transfer, demotion or other appropriate action up to and including dismissal.

7.2.5 Counselling

*[Name of firm]* will offer counselling to both the complainant and the alleged offender if they wish to seek support or where the investigation report recommends same.

7.2.6 Withdrawal of Complaint

On occasion the complainant may decide he/she does not wish to proceed. Withdrawal of claims will be taken seriously. The withdrawal must be made in writing to whom the initial complaint was made *[name of person in firm]* and the withdrawal must not be made to alleged offender. *[Name of firm]* reserve the right to investigate a claim that has been withdrawn and/or the reason it is being withdrawn.

7.2.7 Non-Employees

Where complaints leading to a formal investigation are made against non-employees such as clients, service providers etc., such persons will be expected to fully co-operate with the formal procedure and as in all cases will be treated in accordance with the principles of natural justice and fair procedures and given full opportunity to respond to the alleged complaint. If the complaint is upheld *[name of firm]* will apply the appropriate sanctions which may include: -

* Exclusion of the individual from the premises;
* Suspension or termination of the service or contact.

Where non-employees wish to make a complaint against any employee they should do so through the firm’s complaints procedures.

**8.0 Related Documents**

8.1 Policies

* Health and Safety Policy;
* Equality, Diversity and Inclusion policy;
* Confidentiality Policy;
* Employee Handbook;
* Disciplinary Procedure Policy;
* Employee Grievance policy and procedures;
* Complaints Policy;

8.2 Legislation

* Safety, Health and Welfare at Work Act 2005;
* Employment Equality Acts 1998 and 2015;
* Disability Act 2005;
* The Equal Status Acts 2000 – 2015;
* The Organisation of Working Time Act 1997.
* SI 674/2020 Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020

**Signed:**

**Dated:**

**Date of next review:**