

## **POLICY ON HARASSMENT/BULLYING/VICTIMISATION IN TUG OF WAR IRELAND**

### **1. Purpose and objectives of Policy**

Tug of War Ireland want you to enjoy your role with Tug of War Ireland and we believe that you have every right to carry out your duties free from any form of bullying/harassment/victimisation. The purpose of this policy is to give practical guidance to employees and those involved with Tug of War Ireland on how to deal with bullying, harassment and victimisation claims within the organisation.

Tug of War Ireland is committed to creating a harmonious working environment in which you do not feel apprehensive. Everyone engaged with our sport shall receive equal treatment irrespective of their gender, marital/ civil or family status, sexual orientation, race, ethnicity, religion, disability, age or membership of the travelling community. Any breach of this policy shall be dealt with in accordance with our Disciplinary and Grievance Policy. It should be noted that serious and/or persistent breaches of this policy will be viewed as gross misconduct and may result in dismissal from duties from your volunteer role of dismissal for employees (if any) and removal of contracts from contractors

This Policy should be read in conjunction with our Equality, Inclusivity and Diversity Policy which also sets out the legislation applicable to discrimination on various grounds.

### **2. Scope of Policy**

This policy applies to all interactions that take place on the premises of Tug of War Ireland or during or in connection with activities that are related to your work as an employee or to your duties as a volunteer acting on behalf of Tug of War Ireland. This policy applies to all employees (if any), contractors, and those volunteering or engaged directly by Tug of War Ireland in its activities. It includes members of the Board and all our Committees. All complaints will be investigated including if the person is in a position of authority. If you feel you have been treated in an unacceptable manner you should speak to the Secretary or another appropriate senior person about the complaint and we will fully investigate the matter.

### **3. Policy**

Harassment, Bullying and Victimisation are generally defined not necessarily by their intention but by the impact of the behaviour on the recipient. Therefore, it is important to read the examples of what may be classified as such behaviour.

#### **3.1 Harassment**

Harassment is any form of unwanted conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production or display or circulation of written words, pictures or material. It can be perpetrated by management, colleagues, subordinates, clients or other business contacts. It also covers situations where the individual being harassed may not have the relevant characteristics but the harasser believes or perceives he/she has the characteristics. Harassment may take many forms and may range from extreme forms such as violence and bullying to less obvious actions, like ignoring someone at work or spreading rumours. Harassment may apply to harassment of individuals or groups

Harassment can affect confidence, morale, performance and health of the person being harassed and is therefore a very serious issue. Harassment in any form is unacceptable, is a form of discrimination and will not be tolerated. Examples of harassment include: (This list is not exhaustive):

- Embarrassing, insulting, demeaning or lewd comments;
- Suggestions, innuendo, slur, gestures of a sexual, racial or otherwise unlawful nature;
- Keeping of offensive literature and pictures in the workplace, sending offensive e-mails;
- Unnecessary and inappropriate touching or advances;
- Subjecting others to assault or ridicule;
- Threats or suggestions to pressurise the victim to comply with an unprofessional request;
- Deliberate isolation or non-cooperation;
- Exclusion from meetings and/or social events;
- Pranks;
- Assaults.

By way of example, instances of some specific kinds of harassment are set out below;

(i) **Sexual harassment** is unwanted conduct of a sexual nature or other conduct based on sex which affects the dignity of people at work. It includes unwelcome non-verbal, verbal or physical conduct based on the gender of a recipient which is offensive or objectionable to the recipient or which causes the recipient discomfort, humiliation or interferes with his/her job performance.

Examples of sexual harassment include:-

- Staring, leering, offensive gestures;
- Offensive or sexually suggestive or pornographic publications, literature, calendars or use of technology, e.g. emails or text messages;
- Unsolicited and unwanted gifts;
- Intrusion by following the person;
- Continued unwelcome suggestions for social contact, sexually suggestive jokes, remarks or innuendo;
- Use of over-affectionate or over-familiar names;
- Questions, enquiries or comments of a personal nature;
- Deliberate body contact such as groping, pinching, patting or unnecessary or unwelcome fondling or kissing, to include sexual assault or rape;
- Suggestions that sexual favours may influence/affect the career, salary or job of an individual.

(ii) **Religious harassment** is behaviour which makes an individual feel threatened, humiliated or unwelcome because of his/her religious community affiliation. It can range from physical threats to more subtle threats to derogatory statements or discriminatory remarks made by someone in the workplace which are offensive or objectionable to the recipient or which cause the recipient discomfort, humiliation or interfere with his/her job performance.

Examples of some forms of religious harassment include:-

- The articulation of slogans, songs, jokes;
- Display of flags, emblems, bunting, posters, graffiti;
- Exclusion from social activities;
- Pressure to participate in religious/political group.

(iii) **Racial harassment** is unwanted conduct directed to an individual or a group from a different ethnic or national background which results in their feeling discomfort, humiliation, threatened or compromised in any way.

Examples of some forms of racial harassment include:

- Offensive gestures, facial expressions;
- Racist publications, letters, literature, use of technology;
- Racist graffiti, jokes, comments, ridicule and mimicking;
- Isolation or non-cooperation at work;
- Derogatory nicknames.

### **3.2 Bullying**

The Health and Safety Authority in Ireland has defined bullying in the workplace as repeated aggression, (verbal, psychological or physical), conducted by an individual or group against another person or persons. Inappropriate, aggressive behaviour, which is systematic and ongoing, is regarded as bullying.

Potential forms of Bullying include but are not limited to:

- Personal insults and name calling;
- Oral or written slurs;
- Physical contact, gestures, jokes, displaying pictures;
- Ignoring, Isolation or not speaking to someone;
- Persistent unjustified criticism and sarcasm;
- Public or private humiliation or derogatory remarks;
- Shouting at people in public and/or private;
- Sneering;
- Instantaneous rage, often over trivial issues;
- Insulting or aggressive behaviour;
- Unfair delegation of duties and responsibilities;
- Unjustified and unwarranted removal of responsibilities;
- Setting impossible workloads, deadlines and or targets;
- Unnecessary and unfair work interference;
- Making it difficult to have access to, or withholding, necessary information;
- Not giving credit for work contribution or treating one individual differently;
- Continuously refusing reasonable requests without good reason;
- Threats to pressurise a person into complying with an unprofessional request;
- Unreasonable refusal of requests for leave without valid reason.
- Threats/Verbal abuse;
- Intimidation and threats in general.

### **3.3 Victimation**

Victimation occurs where a person is treated less favourably than another because he/she has in good faith made a complaint to his/her employer in relation to harassment or bullying behaviour or has sought to exercise any of his/her rights under legislation.

## **4. Reporting and Investigating Complaints of Harassment/ Bullying/ Victimation.**

In the event that you believe that you are being/have been harassed/bullied/victimised by a fellow employee (if any), volunteer, client or business contact, you should report the matter as soon as possible.

You should not assume that others are or may be aware that the activity complained of has occurred and is ongoing. Tug of War Ireland cannot deal with incidents of harassment/bullying/victimisation if such incidents

are not reported. Consequently, if you experience such behaviour, you should report the matter to your Manager or the Secretary. Complaints will be dealt with sensitively and as confidentially as possible.

A complaint should be made as soon as possible after the incident in question is alleged to have occurred. A meeting will then be arranged with you to clarify and formally record the complaint in writing.

For the avoidance of doubt the phrase "Manager" in this policy is in the case of non-employees deemed to refer to the volunteer's key lead contact person who engaged the volunteer primarily for their activities within Tug of War Ireland. If the complaint is about this person then the volunteer may contact the Secretary who shall determine the appropriate person to initiate the procedures below.

The following informal and formal procedures may be used:

#### **4.1 Informal Procedure**

You may feel that you can try to resolve the problem informally as most people subjected to harassment/bullying simply want the behaviour to stop. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breach of confidentiality.

- If the harassment is not serious, or where it is not repeated, it may be possible to approach the person engaging in the unwanted conduct immediately after any incident, or as soon as reasonably possible, and ask them to stop the offending behaviour. You should clearly explain that the behaviour in question is not welcomed by you, that it offends you or makes you uncomfortable, and that it is interfering with your work. You can do this directly yourself or seek the assistance of another person having taken advice. Often the person concerned may be genuinely unaware that his/her actions are causing distress and this approach by you may be sufficient to stop the behaviour
- You should take a note of the behaviour and the informal action you have taken in case the offending behaviour continues or recurs.
- If you do not wish to deal with the problem informally or you have attempted to do so and the behaviour continues you should bring the matter to the attention of your Manager in the first instance. If you feel you cannot do this or if the complaint is about your Manager, you may bring your complaint to the Secretary or Chair within Tug of War Ireland or to the volunteer contact person noted above.
- Your complaint will then be investigated and may be investigated even if you subsequently withdraw the complaint.
- Complaints will then be dealt with by the Manager initially through the informal procedure except, if they believe the matter is too serious and requires immediate implementation of the formal procedures.
- The manager will advise the person responsible for the alleged harassment/bullying/victimisation of the complaint and the impact on you.
- If the person responsible for the alleged harassment/bullying/victimisation accepts the nature of the complaint, resolution of the complaint may take place in a low-key manner and modification/ cessation of their behaviour will be discussed with them.
- If the person responsible for the alleged harassment/bullying/victimisation disputes the content of the complaint, a formal investigation may be necessary to resolve the issue.

## 4.2 Formal Procedure

The formal procedure would normally be used where:

- You feel unable to approach the problem informally, or
- If you wish your complaint to be treated formally, or
- The alleged behaviour is too serious to be treated informally, or
- Informal attempts have been unsatisfactory, or the behaviour continues

  

- All complaints must be in writing.
- The complaint will be investigated promptly and in a confidential manner.
- The alleged offender will be given a copy of the complaint received in writing prior to investigation.
- An investigation will be opened to establish the facts of the case. The investigation will normally be commenced within 10 working days of receipt of the written complaint. All information will be gathered as part of this process.
- With regard to employees and in the case of a serious allegation, consideration will be given by your manager to suspension without prejudice on full pay of the employee against whom the complaint is made to enable investigations to proceed. This will be dependent upon the nature of the complaint and the likelihood of the investigations being hampered by the alleged offender's presence. For non-employees, consideration will be given to suspend them from duties until the outcome has been determined.
- You and the alleged harasser, may be given written statements and any other documentation or evidence including witness statements, interview notes or records of meetings held with witnesses.
- The alleged harasser will be given time to consider the documentation and given an opportunity to respond.
- Interviews will take place with all parties. Both parties will have the right to be accompanied by someone at these meetings and will be given the opportunity to respond. Employees (if any) may notify us of the name of the work colleague.
- It may be necessary to interview witnesses. A written record will be kept of all meetings and investigations.
- The formal investigation will produce a report and the outcome of the investigation conveyed in writing to both parties. If the investigation concludes that the complaint is valid, disciplinary action in accordance with the disciplinary and grievance policy may be taken against the offender. The offender will be advised of the consequences of any retaliatory action and careful monitoring must take place to ensure that the behaviour has stopped and that no victimisation takes place.
- Both parties will have the right to appeal the findings of the Investigation. The decision (s) made at Appeal shall be final and may then be subject to disciplinary action through the normal disciplinary procedure.
- The person responsible for harassment/bullying has the right to also appeal against the disciplinary action through the normal disciplinary procedure.
- The rights of both the alleged offender and the complainant will be protected throughout the investigation. Where appropriate, we will review working arrangements and responsibilities and will permit the complainant to cease contact with the alleged offender without incurring any penalty pending resolution. We reserve the

right to transfer or relocate employees to other parts of the business and if possible the offender should be transferred and not the complainant. However this may not always be possible operationally but working arrangements will be managed.

All complaints will be investigated with sensitivity and due respect for the rights of all those concerned. No assumption of guilt will be made. Strict confidentiality will be maintained throughout any investigation. This confidentiality should be maintained by you and anyone else involved in the complaint. If an investigation establishes there is no case to answer, records relating to the complaint will not be held on an individual's file. However, action initiated in accordance with disciplinary procedures may result in records being retained on personal files for a specified period of time.

## **5. Feedback to a Complaint**

This will be provided following investigation and where appropriate disciplinary action. The complainant will be advised formally of the findings and outcome of the investigation and the action taken.

In the interests of maintaining confidentiality, the complainant will be advised if disciplinary action has been taken against the offender, and of any dismissal, but will not be told the level of the warning where action short of dismissal is justified. Any other planned action, including training or redeployment, will be discussed and the complainant given an opportunity to respond accordingly.

The complainant will also be advised that any further offensive behaviour, should not be tolerated and should be reported immediately for further investigation.

## **6. Responsibilities**

It is not acceptable to seek to excuse or explain harassment/bullying/victimisation on the basis that it was done in good humour or as a joke. It is also important to remember that persons can be upset or offended by another's actions or comments and not show his/her upset through politeness, embarrassment or fear for his/her job.

These can be difficult matters for you to raise with your manager who will consequently make every effort to ensure that if you do make a complaint you will not be victimised and that your complaint will be treated in confidence insofar as possible. Victimation of you for making a complaint of harassment/bullying or for giving evidence regarding harassment/bullying will result in disciplinary action up to and including dismissal.

All those engaged with Tug of War Ireland have a responsibility to help ensure a working environment in which everyone is respected. Everyone should be aware of the serious and genuine problems which harassment/bullying/victimisation can cause and ensure that his/her behaviour is beyond question. All employees should provide support to colleagues who are experiencing any such behaviour and encourage them to follow the complaints procedure. A manager in particular has responsibility to ensure that harassment/bullying/victimisation does not occur in work areas for which they are responsible.

## **7. Malicious or Vexatious Claims**

If there is no basis for the complaint made and the complaint was made maliciously (e.g. it was intended to impugn the integrity of another person), the matter will be dealt with under the Disciplinary and Grievance Policy or other appropriate action. A complaint that is not upheld after formal investigation will not necessarily be considered to be malicious.

Given the serious effect that a false accusation can have on innocent persons, it is expected that all persons will act responsibly.

## **8. Confidential Advice**

Anyone engaged with Tug of War Ireland who wants to take informal or formal action but needs advice on how to do so may contact a senior member of the organisation who will explain the options available under the policy. Support will be as follows:

- Listening to what has happened and offering advice on whether the conduct complained of falls within the scope of the policy.
- Offering guidance on the formal and informal courses of action available to enable problem resolution.
- Employees who approach for guidance should note that we reserve the right to call a full investigation if we believe the behaviour poses serious threat or risk to the individual or Tug of War Ireland.

## **9. Our Suppliers and Other Business Contacts**

The same principles will be applied to our suppliers and other business contacts. These principles are essential and we must ensure that we apply them in all our dealings. No one should be subjected to any detrimental treatment from suppliers and/or business contacts or others with whom you engage for work reasons and if problems occur these should be reported.

## **10. Training**

Tug of War Ireland is responsible for offering sufficient training to those with the authority to investigate allegations or to engage external professionals.

## **11. Independent Counselling & Support**

Allegations of harassment and the subsequent investigation and action that ensue can place considerable stress on the parties involved. In addition, there may be situations where an individual is wrongly accused of harassment. We will be prepared to provide specialist support to overcome the difficulties associated with being harassed or alternatively, as a result of being accused of such offences.

## **12. Monitoring and implementation**

- This policy was approved by the Board of Tug of War Ireland and will be reviewed every three years or updated in compliance with any new legislation or guidance before then. The Governance Committee are responsible for all reviews of this policy and adoption of the policy is a matter for the Board.
- The Governance Committee will continue to monitor this and other policies to ensure they are in line with legislation and also with any other required changes which Tug of War Ireland wish to include. The Governance Committee is always open to reviewing its policies and taking on board any advice or guidance or suggestions in respect of same.