

Bullying / Harassment - Prevention and Resolution

The new '[Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work](#)' (2020 Code) (54-page / 924KB PDF) came into force on 23 December 2020. It was developed by the Health and Safety Authority (HSA) and the Workplace Relations Commission (WRC), and replaces and updates the separate codes of practice previously published.

A) PURPOSE

Crawford Art Gallery are dedicated to ensuring an atmosphere of respect, collaboration, openness, safety and equality in the workplace. As part of our commitment to the fairness, dignity and respect of each employee, any form of bullying will not be tolerated by the Gallery. The aim of this Policy is to indicate what constitutes bullying and what action the Gallery will take if it becomes necessary to deal with an offence of this nature.

B) SCOPE

This Policy is applicable to all employees (temporary and permanent) irrespective of length of service and the protection extends to;

- bullying at work by management, fellow employees, direct reports, clients, customers and other business contacts; and
- beyond the place of work to off-site and to work-related social events.

C) POLICY

Crawford Art Gallery acknowledges the right of all employees to a workplace and environment free from any form of bullying. Every member of staff has an obligation to be aware of the effects of their own behaviour on others. All complaints of bullying will be taken seriously and will be followed through to resolution and employees who make a complaint will not be penalised. Any complaints of bullying will be dealt with in an effective and efficient manner.

In cases where the behaviour is established on the balance of probabilities to be repeated and consistent, causing unnecessary stress and anxiety, this may be considered gross misconduct. The Gallery reserves the right to use the disciplinary procedure up to and including summary dismissal. Equally, if it is found that there are facts which evidence a vexatious complaint, this may also be dealt with through the disciplinary procedure.

As part of Crawford Art Gallery Code of Conduct, it is imperative that all staff and suppliers respect the dignity of every colleague. Please consider your colleagues regarding your code of conduct, with particular reference to remarks, dress code, posters, e-mails and anything which may cause offence.

D) DEFINITION

The Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work defines bullying 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”.

The following are examples of the types of behaviour that may be considered as bullying and are prohibited by Crawford Art Gallery:

- a) Exclusion with negative consequences
- b) Verbal abuse/insults
- c) Sexual Harassment
- d) Being treated less favourably than colleagues in similar roles
- e) Belittling a person's opinion
- f) Disseminating malicious rumours, gossip or innuendo
- g) Socially excluding or isolating a person within the work sphere
- h) Intrusion - pestering, spying or stalking
- i) Intimidation/aggressive interactions
- j) Excessive monitoring of work
- k) Withholding information necessary for proper performance of a person's job
- l) Repeatedly manipulating a person's job content and targets
- m) Blaming a person for things beyond their control
- n) Use of aggressive and obscene language
- o) Other menacing behaviour

The above list is not exhaustive and only serves as a guideline to employees. Each case will be taken in isolation and dealt with in the appropriate manner. For behaviour to be considered to be bullying, it must be behaviour which can be described as outrageous, unacceptable, and exceeding all bounds tolerated by decent society.

From time to time, disciplinary and corrective action may be taken against an employee and, where such action is taken in respect of an employee in good faith, this will not be considered to be bullying behaviour. Furthermore, where actions are taken which can be justified on the basis of protecting the safety, health and welfare of employees then such actions will not be considered to be bullying behaviour.

E) PROCEDURES FOR DEALING WITH BULLYING

1) Informal Procedure

An informal approach can often resolve difficult situations with the minimum of conflict and stress for the individuals involved and may effectively address the unwanted behaviour without recourse to any other action. This in no way diminishes the issue of the effects on the individual.

If you feel you have been subjected to behaviour that may be deemed bullying, you should attempt to explain to the alleged perpetrator(s) that their behaviour is unacceptable. If you find it difficult to approach the alleged perpetrator(s) alone then you may seek help and advice from an appropriate person (e.g. a fellow employee, a manager, etc.). Such a person may be able to assist you with raising the issue with the alleged perpetrator(s) in a confidential, non-confrontational discussion to try to resolve the matter in a low-key manner.

2) Secondary Informal Procedure

If the above informal procedure is unsuccessful or if it is deemed inappropriate for the seriousness of the issues, this extended, yet still informal procedure can be put in place. Complaints at this stage of the procedure may be verbal or written. However, if verbal, a written note of what is complained of will be taken by a nominated person and a copy given to you.

If the complaint concerns alleged bullying as defined above, and includes concrete examples of inappropriate behaviour, the person complained against will be presented with the complaint and their response established. Thereafter, a method will be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying being a factor.

3) Formal Procedure

It is good practice that all informal resolution avenues (as set out above) are contemplated and where appropriate, exhausted before a formal process is invoked.

A formal written complaint must be given to Management or a nominated person/a member of the Management team. The complaint should contain precise details of actual incidents of bullying, including the dates, and names of witnesses, where possible.

A letter will be sent to the person complained against as notification that a formal complaint has been made against them. A copy of the complaint will be given, and the individual will be given the opportunity to respond to the allegations. Statements from all parties, including witnesses, will be obtained and recorded in writing. All parties to the process have a responsibility to participate without undue delay in any investigation initiated in response to an allegation of bullying. Confidentiality of the process will be emphasised to all concerned.

An investigation will be carried out by a designated person/member of the Management team or, if necessary, in the case of any possible conflict of interest, an impartial third party. In either case, the person nominated will have had appropriate training and be familiar with the procedures involved. The investigation will be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the person complained of.

The objective of an investigation is to ascertain whether the alleged behaviours come within the description of workplace bullying. The designated investigator will meet with the complainant, the person the allegations are against, and any witnesses or other relevant persons individually.

The person investigating the complaints will make every effort to carry out and complete the investigation as quickly as possible. The investigation will consider all material and evidence before it and a decision will be made on balance of probabilities, as to whether the complaint is valid.

If the investigator concludes that the accused employee has a case to answer on the balance of probability, then the investigator may recommend an appropriate course of action, to include whether or not the employer should invoke the disciplinary procedure. Management will inform the complainant and the alleged perpetrator, in writing, about the findings of the investigation.

F) APPEALS

If you either the complainant or the person complained against wish to appeal the outcome, you should apply, in writing, to [hr@crawfordartgallery.ie), within [5] days, or nominated person if deemed more appropriate. Should it be deemed necessary to engage an external person to hear an appeal, all such hearings carried out will be in accordance with the Gallery's procedures. You agree to permit us to share any relevant special categories of data where it is necessary for the purposes of that hearing.

The outcome of the appeal shall be final.

In addition to the above policy staff should also review all policies of Crawford Art Gallery with special attention to the following policies:

- Grievance Procedure
- Code of Conduct Employees
- Speak up Policy

Approval / Revision History

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Author: Head of Operations

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Next Review Date: 2024

Date	Revision Description	Rev Change
2021	New Policy updated in line with publication of a new code of practice concerning the prevention and resolution of bullying in the workplace as reflected in the Industrial Relations Act 1990 (Code of Practice for employers and employees on the Prevention and Resolution of Bullying at work) Order 2020 (S1 674 of 2020) (the new code)	