

## **Servisource Bullying and Harassment Policy**

### **Purpose**

The aim of Servisource's Bullying and Harassment Policy is to honour the employee's right to work in an environment where each individual is respected, whether they are employees or clients. The company is committed to providing a work environment that is free from bullying and harassment of any kind.

All employees will be expected to comply with this policy and Servisource will take appropriate measures to ensure that bullying and harassment does not occur. Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates this policy.

### **Scope**

This policy applies to all employees, including those who job-share, work part-time and/or are on temporary and fixed term contracts.

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

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.

### **Policy**

#### **Definition of Bullying**

Bullying at work 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 that could reasonably be regarded as undermining the individual's right to dignity at work".

An isolated incident of the behaviour described in the definition may be an affront to dignity at work, but as a once off incident, is not considered to be bullying.

Examples of bullying behaviour may include:

- Personal insults and name-calling;
- Persistent unjustified criticism and sarcasm;
- Shouting at staff in public and/or private;
- Sneering;
- Unfair delegation of duties and responsibilities;
- Setting impossible deadlines;
- Unnecessary work interference;
- Aggression;

- Not giving credit for work contribution;
- Continuously refusing reasonable requests without good reason;
- Intimidation and threats in general.

### **Definition of Harassment**

Harassment is any form of unwanted conduct, related to an individual's gender, civil or family status, sexual orientation, religion, age, disability, race or membership of the travelling community 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.

### **Definition of Sexual 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 e-mails or text messages;
- Unwelcome sexual comments and jokes;
- Unwelcome physical conduct, such as pinching, unnecessary touching, etc.

The examples stated in this policy are not an exhaustive list and Servisource reserves the right to take action against these and other inappropriate behaviours.

### **Procedure**

Should an employee experience unwanted conduct, he or she is encouraged to raise the issue so that it can be resolved speedily. Informal and formal procedures are in place to deal with the issue of bullying/harassment at work. Any investigation will be completed as quickly as possible and Servisource will take all reasonable measures to ensure that the complaining employee will not be victimised or suffer any other adverse treatment as a result of making a complaint. Servisource may decide to access external assistance at any time during this process.

### **Informal Procedure**

It is often preferable for all concerned that complaints of bullying or harassment are dealt with informally whenever possible, as often the perpetrator may not be aware that their behaviour is causing such offence to others. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality. Thus, in the first instance, an employee who believes that they are the subject of bullying and/or harassment should ask the person responsible to stop the offensive behaviour.

- Raise the issue informally with the person who is creating the problem, pointing out that their conduct is unwelcome, offensive or interfering with work.

- If an employee finds it difficult to approach the alleged perpetrator directly, they should seek help and advice on a confidential basis from their manager or anyone else that they feel comfortable talking to. Any disclosures will be treated in strictest confidence.
- Having consulted with an appropriate person, the employee may request the assistance of the manager in raising the issue with the alleged perpetrator(s). In this situation, the approach of the manager should be by way of a confidential non-confrontational discussion with a view to resolving the issue in an informal low key manner.
- An appropriate course of action at this stage, for example, could be exploring a mediated solution.

An employee may decide, for whatever reason, to bypass the informal 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 Servisource. In such instances the employee should use the formal mechanism set out below.

### **Formal Procedure**

If the informal procedure is not appropriate, or if the issue has not been successfully resolved, the following procedure should be followed:

- An employee must contact their manager either verbally or in writing outlining the nature of the complaint.
- The complaint will be subject to an initial informal examination by a designated Manager, who can be considered impartial, with a view to determining an appropriate course of action. At this stage, an appropriate course of action could be exploring a mediated solution or otherwise resolving the complaint informally. Should these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place to determine the facts and the credibility or otherwise of the allegation(s).
- If a formal investigation is deemed appropriate, the employee will be requested to outline the complaint in a written statement and provide it to the designated manager.
- The HR Director will appoint an impartial investigator to investigate the complaint.
- The investigation will include interviews with both the employee and the alleged perpetrator. Another employee may accompany both sides during the interview process.
- In the interests of natural justice, the alleged bully or harasser will be notified in writing of the nature of the complaint, given a copy of the allegation, informed of his or her right to representation and will be given every opportunity to rebut the detailed allegations made. A copy of the employee's written statement may be given to them. A record in the form of a written statement of reply may be taken.
- Whilst it is desirable to maintain utmost confidentiality, once an investigation of an issue begins, it may be necessary to interview other employees. If this occurs, the importance of confidentiality will be stressed to them. Any statements taken from witnesses will be circulated to the person making the complaint and the alleged bully/harasser.

- A record of all relevant discussions which take place during the course of the investigation will be maintained by the appointed investigator. Both parties will be given the opportunity to comment on these and the witness statements before any conclusion is reached in the investigation.
- The appointed investigator will outline their conclusions, and the reasons for reaching their conclusions, in a written report. Both parties and management will be given copies of the written report.
- Both parties will be given the opportunity to comment on the findings in the written report before any action is decided upon by management.

### **Action Post Investigation**

Where a complaint is upheld the disciplinary policy will be implemented. Should a case of bullying or harassment be proven, Servisource will take the appropriate disciplinary action which will be in line with Servisource's Disciplinary Policy. Such an action can include a warning, transfer, demotion or other appropriate action up to and including dismissal. Records of any warnings for bullying and/or 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.

### **Observation of Bullying or Harassment**

If bullying or harassment is observed to be taking place, it should be brought to the attention of the employee's manager or if this is not appropriate, any member of the management team or Human Resources.

### **Bullying or Harassment by Non-Employee**

If an employee believes that a non-employee with whom they have come into contact in the course of their work has bullied or harassed them, the employee should adopt the procedures outlined above.

Where a formal complaint is made against a non-employee, efforts will be made to ensure that the individual is dealt with through the procedures outlined here. If the complaint is upheld, Servisource will take steps to prevent the situation arising in the future, which may involve terminating the services of that person or the organisation they represent.

### **Malicious Complaints**

Sometimes complaints concerning bullying and harassment may themselves be false and/or maliciously motivated. If Servisource finds this to be the case, disciplinary action up to and including dismissal may be imposed.

### **Confidentiality**

All individuals involved in the procedures referred to above will be required to maintain confidentiality at all times.

## **Appeal Procedure**

Employees have the right to appeal against the outcome of the investigation. An employee may exercise this right of appeal. Employees will be advised who will be appointed in the business to hear their appeal. All appeals should be made in writing within five days from the date on which the decision to impose disciplinary action is communicated to the employee. Employees will be required to set out the grounds for their appeal in writing.

The appeal will be heard as soon as it is practical, normally within five working days. In some circumstances, due to details of the appeal and availability of the appropriate persons, this timeframe may be unreasonable. In these instances a revised time frame will be communicated directly to the employee.

Where appropriate, the appeal may be heard by a member of management or by the CEO.

At the appeal meeting the employee will be given the opportunity to explain the basis of their appeal. The appointed Servisource representative will be entitled to ask further questions and seek clarification.

At the conclusion of the appeal process, the decision will be delivered to the employee in writing. This is the final step in the internal process and the decision made by the designated member of management or CEO is final.

## **Changes to this Policy**

Servisource reserves the right to amend this policy and will give 1 months notice of any changes. **For any questions on the Bullying & Harassment Policy, please contact Human**

## **Resources.**

Eimear Delaney, HR Generalist

[EDelaney@servisource.ie](mailto:EDelaney@servisource.ie)