

Dignity-at-Work Policy

Policy	<p>It is the policy of the Company to provide all employees with a working environment free from bullying, harassment, discrimination, retaliation and victimisation. It is also Company policy to treat all employees equally and fairly and to base all employment decisions on objective, job-related criteria and personal merit.</p> <p>It is the policy of the Company to maintain an atmosphere of mutual respect, where the dignity of all employees is respected. All Company employees are therefore responsible for helping to ensure that our work environment, either at work or at work-related events, is free from harassment and bullying. All employees are also expected to avoid any behaviour or conduct that could be interpreted as a violation of this policy.</p> <p>The policy applies to employees both in the workplace and at work associated events such as meetings, conferences and work parties, whether on the premises or off-site.</p>
Rationale	<p>To foster an environment where bullying and harassment are not tolerated.</p>
Definitions	<p>Bullying is 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, which could reasonably be regarded as undermining the individual's right to Dignity-at-Work.</p> <p>Harassment can be defined as any unwelcome act or conduct that is regarded by the individual as offensive, humiliating or intimidating.</p> <p>Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, including sexual advances, requests for sexual favours and any other verbal or physical conduct of a sexual nature.</p>
Dignity-at-Work	<p>Bullying, harassment, discrimination, retaliation, victimisation or disrespectful behaviour of any form will not be tolerated within the Company.</p> <p>Any instances of bullying or harassment will be dealt with in an effective and efficient manner. Any employee engaging in any form of discrimination, bullying, harassment or sexual harassment may result in disciplinary action, up to and possibly including dismissal (see Disciplinary Policy) or may be addressed through the Company's Probationary Policy.</p>
Characteristics of Bullying	<p>Bullying at work can range from violence to less obvious actions like ignoring someone at work. Whatever the form of bullying, it is behaviour that is unwelcome, unpleasant and unlawful. Bullying can be carried out by supervisors, subordinates, fellow employees, business contacts, or members of the public. Every employee has an obligation to be aware of the effects of their own behaviour on others.</p>
Affront to Dignity-at-work	<p>It is important to distinguish bullying from other inappropriate work behaviours. For example, a once off incident of bullying behaviour may be an affront to Dignity-at-Work but is not considered to be bullying.</p>

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Examples of Bullying or Harassment

Examples of behaviours that may constitute bullying or harassment under this policy includes but is not limited to:

- Shouting, aggression or using obscene language
- Bodily contact that is abusive or sexual in nature
- Shaking fists in a threatening manner
- Making jokes, insults, banter, innuendoes or lewd comments
- Spreading false truths about others
- Sabotaging an employee's personal belongings
- Ridiculing or intimidating in front of others
- Using epithets or slurs
- Displaying offensive objects, posters, cartoons or pictures
- Displaying, sending, forwarding, downloading or otherwise distributing offensive materials via the Internet, computer, text messaging, social media site or email
- Demeaning behaviour towards a colleague or the deliberate isolation, exclusion or non-co-operation at work
- Cyber bullying or harassment via email, the internet or social media
- Engaging in other verbal or physical conduct that shows hostility or aversion
- Display of sexually suggestive or pornographic photographs, cut-outs, paper cuttings, emblems on clothing, etc.
- Leering, patting, pinching, whistling or offensive gestures
- Continued suggestions or pressure for social activity or dates outside the workplace after it has been made clear that such suggestions are unwelcome
- Unwelcome sexual advances, propositions, suggestions or pressure for sexual activity
- Assault or coercive sexual intercourse
- Sexual banter, jokes, jibes, remarks, slugging or innuendo
- Uninvited or unwelcome physical touching or contacts such as petting, kissing, touching or groping
- Intrusion by pestering, spying or stalking

Determination of whether particular conduct or behaviour is subject to corrective action under this policy is made on an individual basis, in light of all the facts and circumstances.

Performance

Bullying at work does not include reasonable and essential discipline or constructive feedback arising from the good line management of performance at work or actions justified as regards the safety, health and welfare of employees.

For example, an employee whose performance is continuously signalled at a level below required targets may feel threatened and insecure in their work but this in itself does not necessarily indicate bullying.

Good Practice

The following points shall be borne in mind by all

- You do not have to intend to offend or upset somebody for your actions to cause offence. Harassment is any form of unwanted conduct.
- Saying "*I was just messing*" is not acceptable.
- The Company encourages all employees to enjoy their work, however, if a joke has the potential to offend, do not tell it.
- When another employee says no, accept that response.
- The way a person looks, acts or dresses is never an excuse for harassment or sexual harassment.
- Pictures of naked or semi-naked people, posters, graffiti, screen-savers or emails in the workplace about sex can be offensive to many people and are therefore not permitted.

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- Posters, graffiti, screensavers or emails focusing on any of the nine grounds of discrimination can be offensive to others in the workplace and are not permitted.
- Jokes about a person's appearance, physical or mental characteristics, body shape, or any other personal matter that may cause annoyance, embarrassment or offence to another person are not permitted.
- Remember that because somebody does not react in a negative fashion to a joke does not mean that they find it acceptable.
- Physical contact such as putting your arm around somebody, patting or touching somebody at work can be offensive and unacceptable.
- Remember to respect somebody else's space. Standing too close to somebody or purposely making contact or brushing against people as you walk past them can be offensive, embarrassing or intimidating and should be avoided.
- Staring or leering at a person can be offensive and disturbing.
- Remember this also applies to activities outside of the workplace and social events associated with work.

This is not an exhaustive list.

Informal Procedure

While in no way diminishing the issue or the effects on individuals, the following informal approach may often resolve a difficulty with the minimum of conflict and stress for all individuals concerned

If you believe that you are being bullied or harassed, you may clearly explain to the alleged perpetrator(s) that the behaviour in question is unacceptable. The person concerned may not have realised the nature or effect of what they are doing or had done. Where you find it difficult or embarrassing to approach the alleged perpetrator(s) directly, you may seek help and advice, on a strictly confidential basis, from your Manager.

If requested, your Manager may intercede on your behalf to discuss the matter with the alleged perpetrator(s). This is done on a confidential and non-confrontational basis, with a view to resolving the issue in an informal and low key manner.

You can decide to bypass the informal procedure if you so wish and this will not have a negative effect on you using the formal procedure.

Complaints Procedure

All allegations of bullying or harassment should be communicated in accordance with the Company's formal complaints procedure as outlined below. All complaints will be dealt with seriously, fairly, sensitively, respectfully and confidentially and followed through to resolution. Every effort will be made to ensure that employees making or being involved in a complaint will be protected from bullying, harassment, retaliation and victimisation.

Formal Reporting Bullying or Harassment

If you feel that you have been subjected to bullying or harassment, such conduct or incident should immediately be reported to your Manager in writing. You can also choose to discuss the incident with the next level of management or with a Director.

If you observe, suspect or are informed of an incident of bullying or harassment, directed at a colleague or carried out by a third party, there is an onus on you to report such incidents to your Manager.

You should be aware that if a complaint is deemed serious, your Manager may consider it their duty to commence an investigation even if you are not prepared to proceed with a formal complaint.

Written Complaints

You will be required to provide a signed and dated written complaint. The written complaint should be confined to precise details of the alleged incidents of bullying or harassment, including their dates, times, venue and names of witnesses, where possible.

If the written complaint concerns bullying or harassment as defined and includes concrete examples of inappropriate behaviour, the person(s) complained about will be notified of any allegations made against him/her/them, given a copy of the written complaint and given an opportunity to respond in writing to the formal complaint.

Initial Review of Formal Complaint

Once a formal complaint has been received, an initial review of the facts may be carried out with a view to determining the appropriate course of action. This could mean mediation between the parties involved (see mediation policy). If mediation does not occur or proves inconclusive, the matter may move forward to an investigation.

Investigating a Formal Complaint

Any investigation undertaken will be initiated within two weeks of the formal complaint being made unless exceptional circumstances cause delay. Investigations will be carried out having due regard to employees' rights to information of the complaints against them, representation and the facility to make statements, submissions or comments on the allegations before an investigation commences.

The following steps shall be taken to investigate a suspected incident of bullying or harassment:

- A suitable person will investigate each complaint impartially. Confidentiality is maintained to the fullest extent possible under the circumstances. Only those individuals with a need to know are involved in or informed of any complaint or investigation.
- The Company may appoint an independent external third party to undertake the investigation.
- During the investigation, all parties involved will be interviewed which includes the complainant, the alleged perpetrator(s) and any relevant witnesses.
- It must be understood that the Company is obliged to investigate promptly and thoroughly all claims of bullying or harassment. Therefore, all employees are expected to co-operate with the investigation. Failure to do so may lead to disciplinary action, up to and possibly including dismissal. (see Disciplinary Policy)
- After all the evidence has been gathered, the person against whom the allegation has been made shall be given the opportunity to review the statements made in the course of the investigation and to respond to them.
- After the investigation is completed, a decision shall be made on what action, if any, may be required in response to the complaint.
- If it is found that a complaint is well founded, appropriate action may be taken such as, but not limited to, counselling, monitoring and/or mediation. The Company may also discipline, up to and possibly including dismissal, an employee for any inappropriate conduct discovered in an investigation report made under this policy, regardless of whether the specific complaint is upheld or amounts to a violation of law or a violation of this policy. In the event of bullying or harassment by an individual who is not employed by the Company, the Company will take whatever corrective action is reasonable and appropriate under the circumstances.

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- Where a complaint is made in good faith, but on investigation, an incident of bullying or harassment has not been established, no action will be taken against the person making the allegation.

Retaliation

Any form of retaliation against an individual who reports, serves as a witness to or participates in an investigation of a complaint of bullying or harassment, is not tolerated. Violation of this part of the policy may subject the offender to disciplinary action, up to and possibly including dismissal (see Disciplinary Policy) or may be addressed through the Company's Probationary Policy. If you experience or witness any conduct that you believe to be retaliatory, you must immediately follow the reporting procedures outlined in this policy.

Confidential Discussion with Investigator

If having made a complaint an employee wishes to know what stage the investigation is at, he/she may have a confidential discussion with the person carrying out the investigation. An employee may not be entitled to all information relevant to the investigation where issues of particular sensitivity or confidentiality arise but every effort will be made to keep those involved in the matter informed of the up-to-date position.

The outcome of the Investigation

The outcome of the investigation will be conveyed in writing to the complainant, the person against whom the complaint is made and if appropriate any other person with significant involvement in the matters at issue.

Appeal

An employee will have the right to appeal against the outcome of the investigation. You will be notified of the name of the person at the time.

Malicious Complaints

If an investigation shows that a complaint has been made which is vexatious or malicious the Company reserves the right to take disciplinary action against the complainant(s), up to and possibly including dismissal (see Disciplinary Policy) or may be addressed through the Company's Probationary Policy.

Ongoing Monitoring & Review

The Company is committed to monitoring and recording incidents of bullying or harassment at work. Information gathered will be used to take corrective action or make the necessary changes to achieve continuous improvement in the prevention of bullying or harassment.



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