



dlr MILL THEATRE
D U N D R U M

Dignity at Work – Anti-Bullying

This policy sets out to ensure that the Theatre fulfils its legal responsibilities under the Safety, Health and Welfare at Work Act, 2005, regarding workplace bullying. This policy also complies with the requirements set out in the Codes of Practice relating to workplace bullying.

This policy is in place to protect all employees from acts of bullying perpetrated by other employees, members of Management, or any other person with whom the employee comes into contact in the course of employment e.g., a supplier or contractor. This policy applies where the unacceptable behaviour occurs in the workplace, or any other place attended in the course of employment e.g., an off-site training event.

The Theatre is committed to providing a work environment free from bullying and ensuring that all employees are treated with dignity and respect. All employees are protected by this policy and are urged to raise any concerns in relation to workplace bullying through the complaints procedures outlined in this policy. If you are a witness to bullying behaviour, you should make the recipient of the behaviour aware of this policy and urge them to raise the matter through the complaints procedures. You are also expected to bring the matter to the attention of Management.

All employees have a responsibility in creating and contributing to the maintenance of a work environment free from bullying or conduct likely to contribute to bullying. Employees will not be victimised for involvement in complaints.

What is Workplace Bullying?

Workplace 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.

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 list contains examples of bullying behaviours; however, this is provided for illustrative purposes only and is not an exhaustive list. All situations will be considered on their own merits:

- Exclusion with negative consequences
- Verbal abuse/insults
- Menacing behaviour
- Taking credit for other peoples' ideas
- Public humiliation
- Constantly undervaluing effort
- Persistent or unfounded criticism

- Shouting or other intimidatory behaviour
- Sneering, ridicule, innuendo
- Withholding work related information

What is Not Bullying?

It is important to note that reasonable and essential discipline arising from the good management of an employee's performance, conduct or attendance is not considered to be bullying. Actions taken which may be justified on health and safety grounds will also not be considered to be bullying.

Procedure

There are both informal and formal procedures to deal with the issue of bullying at work. Although the Theatre would prefer that issues are addressed through the informal procedure in the first instance, it is acknowledged that this is not always suitable, therefore there is no requirement to exhaust the informal procedure before progressing an issue through the formal process.

Informal Procedure

It is often preferable for all concerned that complaints under this policy are dealt with and resolved informally between the parties whenever possible. This is likely to produce solutions which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality, while also protecting the working relationship. The objective of the informal approach is to stop the bullying with the minimum conflict and stress for the individuals concerned.

In many cases, the employee whose behaviour is causing offence may be unaware that his or her actions are inappropriate, or it may be that his or her words or actions have been misinterpreted. In such cases, every attempt should be made to clear up any misunderstanding quickly, on an informal basis.

The informal process provides options for resolving disputes including mediation, where appropriate.

The informal procedure consists of a low key and non-confrontational approach by the recipient of the behaviour to the party causing offence to advise him/her of the impact of their behaviour and to ask them to cease behaving in this manner. The approach should be made in private and should be non-confrontational. Advice in relation to this procedure should be sought from any manager in the Theatre.

Formal Procedure

It is acknowledged that it may not always be practical to use the informal procedure to resolve an issue. An Employee may not feel comfortable approaching the other party, or the Employee may feel that the issue is too serious to be addressed through the informal procedure. In such circumstances, or where the informal process has failed to resolve an issue, the formal procedure set out in this policy should be followed.

In order to make a formal complaint an initial approach may be made to any manager regarding the issue. Although the initial complaint may be provided verbally, it is a requirement that the complaint is lodged in writing to ensure that a fair process may be followed. Where assistance is required to put the complaint in writing, the Employee should consult their manager to arrange this. The complaint should state:

- The name of the person(s) complained of (alleged bully)
- The nature of alleged bullying i.e., the behaviours/conduct constituting bullying

- Dates/times and locations of where and when the alleged bullying occurred
- Names of witnesses to any alleged incidents
- Details of any action already taken to stop the bullying
- Consent to your identity and the facts of the allegation being disclosed to the alleged bully. This is required in order to allow the Theatre to take action in appropriate circumstances

If the behaviour complained of does not concern bullying as defined, an alternative approach may be put in place and a rationale recorded. If there are no concrete examples given, it will be deemed that there is no complaint to be answered by the person(s) complained of as they have no recourse to repudiating an accusation that doesn't give any specifics.

Where an alternative approach is not deemed appropriate, the person (s) complained of will be notified in writing that a complaint has been made against him/her and provided a copy of this complaint. The person investigating the complaint will indicate a timeframe for the resolution of the complaint, however such timeframes may be extended where necessary. He/she shall be afforded a fair opportunity to respond to the allegation(s), normally five working days.

Prior to commencing an investigation, the complaint and the response may be subject to an initial examination by a designated impartial member of Management or other appropriate person, with a view to determining an appropriate course of action. An appropriate course of action at this stage could, for example, include exploring a mediated solution or a view that the issue can be resolved in accordance with the Informal Procedure. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will be undertaken with a view to determining the facts of the case. In all cases there will be no inference of guilt against the person(s) complained of, and they will be afforded a fair opportunity to respond to the allegation(s). The principles of natural justice will be adhered to throughout the investigation process.

All employees involved in an investigation must respect the need for confidentiality – failure to do so may represent a serious disciplinary offence. Confidentiality is assured in so far as it is reasonably practicable. Both parties may be suspended with pay, without any negative inference, pending the outcome of an investigation, where deemed appropriate by Management. However, where this is not possible, the parties to the complaint will be expected to maintain a positive working relationship.

Investigation Procedure

The investigation will be conducted in accordance with the Theatre's Anti-Bullying Policy and will be governed by terms of reference which will detail the likely time scale for its completion (an indicative timeframe will be outlined) and the scope of the investigation, indicating that the investigator(s) will consider whether the complaint falls within the definition of bullying at work and whether the complaint has been upheld.

The investigation will be conducted by an independent member of Management or external assistance may be necessary to deal with complaints in some circumstances to ensure impartiality, objectivity and fairness. The investigation will be conducted thoroughly, objectively and with sensitivity. Utmost confidentiality will be protected in so far as it is reasonably practicable. Due respect will be had for the rights of the complainant, the person(s) complained of, and any witnesses involved in the process.

The investigator(s) will meet with the complainant in the first instance to learn more regarding the complaint and to put the responses of the person(s) complained of to the complainant. Next, the person(s) complained of will be invited to a meeting to explore their responses to the complaint and to put any relevant evidence to them. Evidence will be

provided in advance of the meetings in order to allow the employee to prepare their responses to that evidence.

As many interviews as are necessary will be conducted until the investigator(s) is/are satisfied that all evidence has been collected and all parties have had a fair opportunity to state their case. Witnesses may also be interviewed with a view to establishing the facts surrounding the allegation(s).

Statements from the complainant, the person(s) complained of and any witnesses will be recorded in writing.

All parties required to attend investigation meetings are entitled to be accompanied by a representative, whose role is to provide moral support, oversee the process and ensure that the interviewee is afforded a fair opportunity to respond and provide evidence at any investigation meetings.

Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) will submit a written report to a member of Management, containing the findings of the investigation. Both parties will be given the opportunity to comment on the findings before any action is decided upon by Management.

The complainant and the person(s) complained of will be informed in writing of the findings of the investigation, i.e., whether the complaint is upheld, not upheld, or whether the complaint is deemed to be malicious or vexatious.

Investigation Outcomes

Where a complaint is upheld, both parties will be informed of this outcome, and the relevant level of Management will also be advised. Management will take appropriate action based on the outcome of the investigation. This may include formal disciplinary action in line with the Theatre's disciplinary procedure, or training, or another appropriate intervention deemed necessary to prevent a recurrence of the behaviour.

The Theatre will also consider providing further supervision, or re-assignment of work. Prior to any disciplinary action being taken, a fair disciplinary hearing will be held in line with the Company's disciplinary procedure. It is important that employees are aware that certain acts of bullying may be deemed gross misconduct by the Theatre and may result in summary dismissal.

Where an investigation is inconclusive, and therefore not upheld, there will be no negative inference against any party to the complaint. All parties to the complaint will be expected to continue working as normal, and to conduct themselves in an appropriate manner at work.

Where it is found that the complaint was malicious or vexatious, then a disciplinary hearing will be held with the complainant to explore this further. In this situation only may a disciplinary sanction be imposed on the complainant. Lodging a malicious or vexatious complaint is a serious disciplinary offence, and, depending on the seriousness of the issue, may be deemed gross misconduct by the Theatre and may result in summary dismissal.

In all cases, whether the complaint is upheld or otherwise, the workplace will be monitored to ensure that the parties to the complaint conduct themselves in an appropriate manner and do not engage in any improper conduct. Appropriate support will be made available to both parties. The Theatre will take such action as is required to eliminate the risk of that behaviour recurring or continuing and will keep records of interventions used for this purpose.

Appeal

Either party may appeal the decision, outlining in writing to Management the reason for the appeal. Such appeals will be heard by a manager not previously involved in the investigation and independent advice and support will be sought if required.

Victimisation

No person engaging in the procedures outlined here will be subject to unfavourable treatment for their role in the process, whether they are making a complaint in good faith, supporting a complainant, giving evidence in the proceedings or giving notice of intention to do any of the foregoing, except where they are found guilty of an offence under this policy.

Third Party Bullying

The procedures outlined in this policy should be employed to deal with bullying by a third party. Sanctions which may be imposed on a third party may include exclusion from the premises, termination of a contract, or other measures to prevent the recurrence of the inappropriate behaviour.

Responsibilities

Management will endeavour to ensure that this policy is communicated to all employees and will ensure that the policy is maintained and updated in line with legislative changes and any amendments to the relevant Codes of Practice. Management will act appropriately and in line with this policy in order to eliminate workplace bullying.

Management has a particular responsibility to prevent workplace bullying and is expected to lead by example, promote awareness of this policy, be vigilant for signs of bullying, tackle problems before they escalate, deal sensitively with employees involved in a bullying complaint and monitor the situation in the workplace so that bullying does not occur or reoccur.

Employees are expected to comply with this policy and to raise issues of concern through the procedures outlined in the policy.