

RCNI Best Practice Standard

Dignity & Respect Standard

While every care is taken to ensure that this standard accurately reflects current legal obligations, please note that it does not and cannot guarantee to any Centre, and/or any Centre staff member or volunteer, immunity from suit and/or legal liability in civil courts, criminal courts or other tribunal.

1. INTRODUCTION

Our Centre is committed to creating a safe working environment (including volunteering) which is free from all forms of harassment, intimidation or bullying, and where all employees and volunteers are treated with dignity and respect. This environment is aimed at providing a high quality service in an atmosphere of respect, collaboration, openness, safety and equality. We recognise that workplace bullying, harassment and sexual harassment can have a devastating effect on the health, confidence, morale and performance of those subjected to it and also those who witness it or have knowledge of it. The importance of dignity and respect for all employees and volunteers will be promoted throughout the Centre.

We recognise the right of every individual to such an environment and requires all employees, volunteers and those working on behalf of this Centre to recognise their responsibilities in this regard.

The purpose of this standard [1] is to enhance a Centre where the dignity of its employees and volunteers is protected and respected at all times. While we recognise that there may be personal differences between people who work/volunteer for this organisation, these differences will not impinge upon good working relations. All employees and volunteers are valued for their professional experience, knowledge and expertise and for their contribution within the Rape Crisis sector, whether inside or outside the Centre. This standard values and promotes qualities such as courtesy, helpfulness, cooperation, integrity, trust, generosity, kindness, friendliness and justice.

In addition, it sets out, for the guidance of employers, employees, volunteers and their representatives, effective procedures for addressing allegations of workplace bullying, harassment or sexual harassment. We will respond to all such complaints in a confidential, sensitive, fair and effective manner without undue delay, while also ensuring that cognisance is taken of the complexity of the factors involved. No employee or volunteer will in any way be disadvantaged as a result of making a complaint pursuant to this standard. Such complaints will be taken seriously and followed through to resolution. It is the guiding principle of this standard that, where possible or appropriate, an amicable solution will be sought.

Our Employee Handbook provides additional information on complaints procedures.

This standard applies to the behaviour of employees and volunteers of our Centre in all locations and situations, including: (1) The offices of the Centre or any other place where employees/volunteers are representing the Centre; (2) At events such as social functions, training, conferences, meetings or work assignments which are related to the Centre; and (3) In writing, on the telephone, by e-mail or on the internet.

2. DEFINITIONS

2.1 Bullying

“Workplace Bullying is 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

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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" [2].

The bully, intentionally or unintentionally, misuses the power of position, knowledge or personality to domineer, intimidate or humiliate others.

A pattern of the following behaviours are examples of types of bullying (this list is not exhaustive):

- Open aggression, threats, shouting abuse or the use of obscenities.
- Frequent or repeated humiliation, sneering or ridicule.
- Isolation, non-cooperation or exclusion within the workplace (including volunteering)
- Unreasonable scrutiny or unreasonable demands.
- Taking credit for another person's work.
- Undermining a person's authority.
- Spreading malicious rumours.
- Ongoing passive/aggressive behaviour such as refusing to respond to legitimate requests or questions.
- Production, display or circulation of offensive material.

Complaints of bullying are sometimes difficult to articulate as they may involve a series of small, seemingly innocuous incidents, which culminate to create an intimidating and hostile working environment (including volunteering).

Bullying at work does not include reasonable and essential discipline arising from the good management of the performance of an employee/volunteer at work, or actions taken which can be justified as regards the safety, health and welfare of employees/volunteers. For example, an employee/volunteer 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 indicate bullying.

2.2 Harassment

"Harassment is any act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the individual and could reasonably be regarded as offensive, humiliating or intimidating" [3].

Harassment is a form of discrimination based on the following grounds in relation to conditions of employment/involvement:

- Gender
- Marital Status
- Family Status (responsibility as a parent or person in *loco parentis* in relation to a person under 18, or as a parent or the resident primary carer of a person over 18 with a disability which is of such a nature as to give rise to the need for care or support on a continuing, regular or frequent basis).
- Sexual Orientation
- Disability:
 - The total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,

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- The presence in the body of organisms causing, or likely to cause, chronic disease or illness,
 - The malfunction, malformation or disfigurement of a part of a person's body,
 - A condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
 - A condition, disease or illness which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour.
- Age
 - Race
 - Religious Belief
 - Membership of the Traveller Community

Harassment may consist of a single incident or repeated inappropriate behaviour, such as the examples listed under the definition of bullying, based on any of the above grounds.

2.3 Sexual Harassment

“Sexual harassment is a form of discrimination on the gender ground in relation to conditions of employment/involvement” [4].

A single incident may constitute sexual harassment and the definition includes any:

- Act or threatened act of physical intimacy,
- Request for sexual favours,

Other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures, texts, e-mails or other material, that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating [5].

The following are common examples of sexual harassment:

- Sexually suggestive jokes or comments.
- Insults or inappropriate questions about one's private life.
- Display of offensive material.
- Leering, offensive gestures or whistling.
- Groping, patting or unnecessary touching.
- Suggestions that sexual favours may further someone's career, or that refusal may damage it.

In relation to harassment and sexual harassment, it is up to each employee/volunteer to decide what behaviour is unwelcomed, irrespective of the attitude of others, and from whom such behaviour is unwelcomed. The fact that the employee/volunteer has previously tolerated the behaviour does not stop her/him from deciding that it has now become unwelcomed and objecting to it.

2.4 Levels of Bullying, Harassment or Sexual Harassment

Bullying, harassment or sexual harassment at work can involve people in many different work situations and at all levels:

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- Coordinator/manager to employee/volunteer
- Employee/volunteer to coordinator/manager
- One employee/volunteer to another (or group to group)
- Employee/volunteer to centre client
- Centre client to employee/volunteer
- Business contact to employee/volunteer/coordinator/manager
- Employee/volunteer/coordinator/manager to business contact

3. REQUIREMENTS

All individuals who work/volunteer for our Centre, or who come into contact with its employees or volunteers, have a duty to uphold this standard and to promote its provisions. Our Centre aims at all times to maintain good communication channels, to ensure that issues or misunderstandings can be resolved at an early stage.

- We appoint _____ as the contact person who will listen and advise about complaints of workplace bullying, harassment or sexual harassment and explain the procedures in place to resolve such complaints.
- We appoint _____ as the backup contact person in situations where the contact person is involved in the complaint.

3.1 Staff and Volunteers

Every person working and volunteering in conjunction with this organisation is entitled to be treated with dignity and respect by our employees and volunteers. Equally, such persons are expected to support the principles of dignity and respect in relation to their work.

- The Centre will provide employee and volunteer training and supervision on issues relating to workplace bullying, harassment and sexual harassment. New employees and volunteers will be briefed on this Dignity and Respect Standard.

3.1.1 Centre Manager

As Centre Manager, you are expected to set standards and to clarify any aspects of performance that are unacceptable, including unsatisfactory work performance (including volunteering). All comments should be constructive and seek to improve performance. The following are the specific responsibilities:

- Be aware of the impact of your own conduct and be impartial in your dealings with all employees and volunteers;
- Where appropriate, listen to complaints or instances of unacceptable behaviour and agree follow-up action with the complainant(s);
- Take prompt action to stop unacceptable behaviour as soon as it is identified;
- Be alert to the possibility that someone being subjected to unacceptable behaviour may feel reluctant to deal with the matter her/himself or seek assistance;
- Ensure that any potentially offensive material is not displayed or circulated in the Centre;
- Make clear to employees and volunteers, including all new employees and volunteers, that disrespectful behaviour is unacceptable and will not be tolerated by the Centre.

3.1.2 Board Members

As a member of the Board, you are expected to set standards in relation to Dignity and Respect and ensure that all staff members and volunteers are aware of, and understand, this standard and how

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the complaints procedure operates. You have a particular responsibility to promote dignity in the workplace by being alert to inappropriate behaviour and ensuring that incidents or complaints of bullying, harassment or sexual harassment are dealt with promptly.

3.1.3 Employee/Volunteer

As an employee/volunteer, the following are your responsibilities:

- Be aware of your role in upholding Dignity and Respect at work;
- Be aware of your impact on others in the Centre;
- Ensure that your own behaviour does not cause offence or misunderstanding;
- Attend briefings and training concerning Dignity and Respect aimed at ensuring employees and volunteers have a common understanding of a work environment characterised by Dignity and Respect;
- Discourage bullying, harassment and sexual harassment by objecting to inappropriate behaviour;
- Be prepared to offer support to a colleague affected by this type of negative situation.

3.2 Procedures

Our Centre aims at all times to maintain good communication channels, to ensure that issues or misunderstandings can be resolved at an early stage. There are three possible stages to the complaints procedure, with every effort made to resolve the grievance at each stage:

3.2.1 Informal Complaint Procedure for Staff/Volunteers

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved, while also restoring working relationships (including volunteering).

- Where an employee or volunteer believes that she/he is being bullied, harassed or sexually harassed, they should in the first instance endeavour to make it clear to the person(s) complained of that such behaviour is offensive, unwelcome and unacceptable.
- If speaking to the person(s) proves too difficult, she/he can instead approach the appropriate person(s) designated to deal with complaints of this nature, a colleague or manager, who will offer support and advice as to what steps might be taken to resolve the situation informally. The chosen person(s) will act as an impartial mediator but will have no direct role in the grievance procedure.
- Mediation will also be considered, if necessary, whereby a more structured approach is taken to resolve the problem, involving a discussion between the employee/volunteer and a nominated, external mediator. With the employee/volunteer's permission, discussions are then held with the other relevant parties. A confidential record will be maintained of this process and review meetings agreed. Counselling will also be arranged for either party at any stage if required.
- As soon as any employee or volunteer is made to feel uncomfortable to the extent to which she/he feels bullied, harassed or sexually harassed, they should keep detailed notes of incidents including times, dates and particulars. If other members of staff/volunteers witness any of these incidents, they may be asked, without prejudice to themselves, to provide a report to the designated person(s).

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3.2.2 Formal Complaint Procedure

If an informal approach is inappropriate, the issue has not been resolved to the employee/volunteer's satisfaction or, if following the informal process the bullying, harassment or sexual harassment persists, the formal procedure will be initiated.

- A written and signed complaint should be submitted to the appropriate person(s) designated to deal with such complaints. Where this is not possible due to, for example language, literacy levels or disabilities, a verbal complaint may be made, with a written record taken by the designated person(s). The complaint should contain details of the person(s) against whom the complaint is being made and, where possible, details of the alleged acts of bullying, harassment or sexual harassment.
- The alleged perpetrator(s) will be notified in writing/verbally (with record made) that an allegation of bullying, harassment or sexual harassment has been made against them. A copy of the complainant's statement will be given to them and they will be advised that they shall be afforded a fair opportunity to respond to the allegation(s).
- The complaint will be subject to an initial examination by the designated members of management or independent third parties, who can be considered impartial, with a view to determining an appropriate course of action. Mediation will be considered, if suitable. Should an informal approach be deemed inappropriate or inconclusive, a formal investigation of the complaint will be initiated, with a view to determining the facts and credibility or otherwise of the allegation(s).
- The investigators will conduct the investigation thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s). For investigations of complaints alleging sexual harassment, one of the investigators will be of the same gender as the complainant.
- Notwithstanding the difficult circumstances, both the complainant and the alleged perpetrator(s) may be expected to continue with their normal duties and maintain a professional working (including volunteering) relationship during the course of the investigation.
- The investigators will meet with the complainant and alleged perpetrator(s), and any witnesses or relevant persons on an individual, confidential basis, with a view to establishing the facts surrounding the allegation(s). Both parties may be accompanied by a colleague if so desired. The statements of both parties will be recorded in writing and a copy given to each. When the complaint has been fully investigated, a written report will be submitted to the management/Board of Directors containing the findings of the investigation.
- Both parties will be informed in writing/verbally (with record made) of these findings and given the opportunity to comment on them before any action is decided upon by the management/Board of Directors.
- If it is found that the perpetrator(s)' behaviour has been misinterpreted and that she/he was genuinely unaware of the effects of her/his demeanour, words or actions but, on being made aware, makes every effort to put the situation right for the complainant, no further action will be taken and the investigation will be closed. However, in the event of the complaint being upheld, the alleged perpetrator(s) will be formally interviewed to determine an appropriate course of action, involving, for example, counselling, re-training and/or monitoring or progress of the issue through the Disciplinary Procedures. If the

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alleged perpetrator(s) is/are a non-employee(s)/volunteer(s), appropriate sanctions will be recommended. Counselling will also be available to the complainant. Both parties will be informed in writing/verbally (with record made) of the next steps to be taken and offered both support and periodical reviews.

- Both parties will be advised that the right of appeal to the Employment Committee is available on grounds of unfairness or improper procedures.
- We will complete these procedures within 3 months. Should the process take longer, we will update the parties involved every 20 working days on the reasons for the delay.
- Vexatious complaints have no place in the Centre, which is committed to dignity and respect for all. Complaints found to be of a malicious nature will be treated seriously and may result in disciplinary action.

Our Employee Handbook and Volunteer Handbook provide information on disciplinary procedures for staff members and volunteers.

3.2.3 Independent Review

If either party is dissatisfied with the outcome of the investigation, we will advise her/him to seek a review through the normal industrial relations mechanisms.

This standard aims to ensure that any problems of bullying, harassment or sexual harassment which occur can be resolved within the Centre. However, it is the statutory right of every individual, should they wish to do so, to process a complaint through the appropriate state agency, such as the Labour Relations Commission or the Equality Authority. A complaint must be lodged with the Equality Authority within 6 months of the incident occurring and advice on how to process a complaint in this way can be obtained from their office. Findings of Rights Commissioners, which are delivered in the form of a recommendation, can be appealed to the Labour Court.

3.3 Monitoring and Review

- We will monitor complaints with a view to evaluating this standard and its effectiveness. We will provide feedback to the RCNI to facilitate standard review and revision.
- We will ensure that monitoring, training and reviews will take place.

Signed _____ Date _____ Review Date _____

1. This standard is in compliance with the Employment Equality Acts 1998 & 2004, the Safety, Health and Welfare at Work Act 2005, the Industrial Relations Act 1990, the Prohibition of Incitement to Hatred Act 1989 & the Equal Status Acts 2000 to 2004.
2. Recommended by the Report of the Task Force on the Prevention of Workplace Bullying, 2001 and stipulated in the 2007 Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work in accordance with section 60 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005), and the 2002 Code of Practice Detailing Procedures for Addressing Bullying in the Workplace under the remit of the Industrial Relations Act 1990 (S.I. No. 17 of 2002).
3. This is in accordance with section 32(5) of the Employment Equality Act 1998.
4. This is in accordance with section 23(3) of the Employment Equality Act 1998.
5. This is in accordance with section 23(5) of the Employment Equality Act 1998.