(For Use as Sample Precedent Only – the enclosed Policy is furnished for discussion purposes only. Legal advice should always be taken in adopting or implementing a Bullying, Harassment and Sexual Harassment Policy).

SAMPLE BULLYING, HARRASSMENT AND SEXUAL HARRASSSMENT POLICY

POLICY OF DIGNITY AT WORK

The Practice is committed to ensuring that the workplace is free from bullying, harassment and sexual harassment. It is the policy of the Practice to ensure that all employees are treated with dignity and respect.

It is the policy of the Practice to ensure to deal promptly and fairly with any complaint made by an employee of bullying, harassment or sexual harassment carried out by work colleagues, patients of the Practice or other persons with whom the employee comes into contact in the course of his/her work. Any complaints of bullying, harassment or sexual harassment will be treated with fairness and sensitivity and in as confidential manner as possible.

Bullying, sexual harassment and harassment by employers, employees and non-employees such as clients, customers and business contacts will not be tolerated and could lead to disciplinary action (in the case of employees) and other sanctions for example the suspension of contracts or services or exclusions from premises (in the case of non-employees).

All employees have a responsibility to treat their work colleagues with dignity and respect. All employees have a duty to maintain a working environment where the dignity of everyone is respected.

Any employee who bullies, harasses or sexually harasses is liable to have disciplinary action taken against them and this may lead to disciplinary sanctions up to and including dismissal.

WHAT IS MANAGEMENT'S RESPONSIBILITY?

Management and others in positions of authority have a particular responsibility to ensure that bullying, sexual harassment and harassment does not occur and that complaints are addressed speedily. Management and persons in authority should:

- provide good example by treating all in the workplace with courtesy and respect
- promote awareness of the organisation's policy and complaints procedures
- be vigilant for signs of harassment, sexual harassment or bullying and take action before a problem escalates
- respond sensitively to an employee who makes a complaint of harassment, sexual Harassment or bullying
- explain the procedures to be followed if a complaint of sexual harassment or harassment is made

- ensure that an employee making a complaint is not victimised for doing so

- monitor and follow up the situation after a complaint is made so that the sexual harassment or harassment or bullying does not recur

WHAT IS WORKPLACE BULLYING?

Workplace Bullying is repeated inappropriate behaviour,direct or indirect, whether verbal, physical or otherwise,conducted by one or more persons against another orothers, at the place of work and/or in the course ofemployment, which could reasonably be regarded asundermining the individual's right to dignity at work. Anisolated incident of the behaviour described in thisdefinition may be an affront to dignity at work but, as aonce off incident, is not considered to be bullying."

Bullying is not an isolated, one-off incident.

Fair and constructive criticism of an employee in relation to matters such as performance, attendance or conduct is not bullying.

WHAT IS SEXUAL HARASSMENT?

Sexual Harassment is any form of verbal, non-verbal or physical conduct of a sexual nature being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for a person. Without prejudice to the generality such unwanted conduct may consist of acts, requests, spoken words, gestures or the display of circulation of written words, pictures or other material.

Sexual harassment may consist of a single incident or repeated inappropriate behaviour.

The following are examples of behaviour which may constitute sexual harassment. This list is not comprehensive it is illustrative only.

- unwanted and unnecessary physical contact such as touching, patting and pinching
- suggestive or lewd remarks/comments
- suggestive or lewd gestures
- displaying or disseminating pornographic material or sexually suggestive material
- unwelcome sexual advances
- unwelcome invitations for social activity outside the workplace when it has been made clear that such invitations are unwelcome
- unwelcome or derogatory comments about a person's appearance or attire
- sexual assault

WHAT IS HARRASSMENT?

Harassment is any form of unwanted conducted (it can be verbal, non-verbal or physical conduct) being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for a person. Without prejudice to the generality such unwanted conduct may consist of acts,

requests, spoken words, gestures or the display of circulation of written words, pictures or other material**.**

Harassment is a form of discrimination on any of the eight grounds (other than gender) covered by the Employment Equality Act. The grounds are:

- Marital Status
- Family Status
- Sexual Orientation
- Religious belief
- Age
- Disability
- Race, colour, nationality, ethnic or national origins
- Membership of the Traveller Community

The following are examples of behaviour which may constitute sexual harassment. This list is not comprehensive it is illustrative only.

- Derogatory comments
- Verbal abuse and threats
- Intimidatory gestures
- Pushing and shoving
- Ostracising a person

WHAT SHOULD AN EMPLOYEE DO IF HE/SHE FEELS THAT THEY ARE BEING BULLIED, HARASSED OR SEXUALLY HARASSED?

Depending on the particular circumstances an employee may wish to approach the alleged perpetrator directly. In any such discussion the employee should indicate to the alleged perpetrator the precise conduct/behaviour that is being objected to and the effect of same on the employee.

If such a discussion does not resolve the matter then the employee should follow grievance procedure which provides for both a formal and informal procedures

If an employee does not wish to approach the alleged perpetrator directly then the employee should follow the grievance procedure which provides for both ainformal and formal procedure.

Where an employee raises such a complaint under the formal grievance procedure and such a complaint is found not to be well founded no action will be taken against the employee as long as the complaint was made in good faith.

If employee makes a complaint that is found to be malicious or vexatious this could lead to disciplinary action against the complainant.

Any victimisation or retaliation or any kind against an employee who makes a complaint or a witness or any other person will be treated very seriously and shall result in disciplinary action.