



THE Tyrone Guthrie Centre  
AT ANNAGHMAKERRIG

The Tyrone Guthrie Centre at Annaghmakerrig

DIGNITY AND RESPECT AT WORK POLICY

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# **TYRONE GUTHRIE CENTRE POLICIES DOCUMENT PERTAINING TO DIGNITY AND RESPECT AT WORK AND BULLYING AND HARASSMENT**

## **DIGNITY AND RESPECT AT WORK POLICY**

### **General Note**

The policy applies to all employees, whether permanent or fixed-term, full-time or part-time, and irrespective of length of service. The policy also applies to anyone associated with this company, such as residents, agency workers, contractors, freelance artists, volunteers, clients, suppliers, student, trainees, and other service providers. Throughout this policy all these categories of workers are grouped as 'employees, contractors and freelance artists.

The Board of Directors, Resident Director, and the entire in-house team of the Tyrone Guthrie Centre are committed to protecting the dignity and respect of all those who work, attend, volunteer, or otherwise contribute to the Tyrone Guthrie Centre. We are committed to ensuring that the **workplace** is free from any form of bullying or harassment, and that our work environment is conducive to providing a high-quality service in an atmosphere of respect, safety, and equality.

No bullying or harassment within the workplace or in connection with the work of the Tyrone Guthrie Centre will be tolerated. This policy extends to behaviours that occur outside the work premises, such as at social functions, festivals, award ceremonies, residencies, workshops, or training events that are connected in any way with the workplace or a particular project. Complaints of bullying or harassment may be dealt with either in an informal or a formal way, or by alternative means, as described below under our Bullying and Harassment Policy.

Complaints by employees or other persons in the workplace, of bullying or harassment at work, will be treated with fairness, sensitivity, respect and (as far as possible) confidentiality for all parties concerned. Any person accused of bullying and/or harassment will be afforded natural justice and treated with fairness and sensitivity.

The Chairperson and Board of Directors, along with the Resident Director and all employees and any other person engaged with the Tyrone Guthrie Centre each have individual responsibility for creating and contributing to the maintenance of a work environment free from bullying and/or harassment. There is a responsibility of the Resident Director and the Board of Directors to ensure, in as much as possible, the prevention of incidents of bullying and/or harassment, and to take action should any incidents be brought to their attention. Employees, contractors, and freelance artists also have an obligation to cooperate with the investigation of complaints of bullying and/or harassment in the workplace. Employees, contractors, and freelance artists who make or participate in the investigation of a complaint will not be subject to victimisation of any kind for doing so.

This policy extends to behaviours that occur outside the workplace, such as at social functions or training events, provided there is a connection with the workplace and the people working there.

Nothing in this policy limits the right of the employer to investigate any matter that may relate to bullying and/or harassment in circumstances where a complaint has been made. All employees, contractors and freelance artists continue to have an obligation to cooperate with any such investigation.

## **BULLYING AND HARASSMENT POLICY**

The Tyrone Guthrie Centre will make every effort to ensure that its work environment gives all staff the freedom to do their work without having to suffer harassment or bullying from any source. All employees should be aware that bullying and harassment are unacceptable behaviours that are in breach of company policy.

Present day changes of attitude mean that behaviour once tolerated by colleagues is no longer acceptable. Behaviour that is acceptable to one person may not be acceptable to another. If the behaviour (as outlined below) is unwelcome and unacceptable, that it is a problem. Whether the perpetrator intended it to be offensive is no longer the point. If the behaviour is unwelcome to the recipient, then it is bullying or harassment. The Tyrone Guthrie Centre will not tolerate bullying or harassment of an employee or group of employees from an employee or group of employees, or at any level in the organisation, or from third parties.

Reports of bullying and/or harassment will be treated seriously and may result in disciplinary action against the employee or group of employees found to have bullied and/or harassed another employee or group of employees.

Under this policy bullying and harassment includes:

- Harassment on grounds of gender
- Harassment on grounds of sexual orientation
- Harassment on grounds of disability
- Harassment on grounds of race/ethnic origin
- Harassment on grounds of religion
- Harassment on grounds of age/marital status/private life/ability/education
- Harassment on the grounds of malicious gossip
- Harassment on grounds of breach of confidential information
- Sexual harassment
- Shouting/verbal abuse/

## **Definitions of Bullying**

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 work and/or in the course of employment and/or outside the place of employment, which could reasonably be regarded as undermining the individuals' 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, it is not considered to be bullying.

The following are some examples of bullying behaviour:

- Personal insults/name calling
- Public or private humiliation
- Shouting at colleagues in public or private
- Aggression/sneering/sarcasm
- Persistently undermining an individual's job performance
- Ignoring and/or isolating an individual or group
- Intimidation and/or threats
- Gossiping about an individual or group in work, and outside the work environment

## **Definitions of Harassment**

Harassment is any form of unwanted conduct that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment for the person. Harassment is related to any of the following grounds:

- Family status
- Civil status
- Sexual orientation
- Religious belief (or lack thereof)
- Gender
- Age (16+)
- Race, colour, nationality or ethnic or national origin; or
- Membership of the Travelling community
- Disability

For the purpose of the above definition, conduct includes acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. To constitute harassment, the behaviour can be a once-off event or persistent and repeated behaviour. The following are some specific examples of the forms such conduct might take:

- Verbal harassment – spoken words, shouting, ridicule, unfair or excessive criticism, jokes, comments or songs
- Physical harassment – pushing, shoving or any form of assault
- Written harassment – including production of faxes, text messages, emails or notices
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems, or badges
- Isolation or exclusion from social activities
- Excessive monitoring of work
- Unreasonably changing a person’s job content or targets
- Pressure to behave in a manner that the person thinks is inappropriate – e.g., being required to dress in a manner unsuited to a person’s ethnic or religious background where there is no objective need to do so.

These examples are not exhaustive, and offences of a similar nature are also prohibited and will be dealt with appropriately.

### **Sexual harassment**

Sexual harassment is any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature that has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment for the person.

It is up to the person to decide which behaviour is unwelcome, irrespective of the attitude of others to the matter.

For the purposes of the above definition, conduct includes acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures, or other material. Sexual harassment may occur between men and women or between persons of the same gender. A single incident may constitute sexual harassment. The following are some specific examples of the forms such conduct might take:

- Non-verbal conduct of a sexual nature – looks, gestures, whistling, suggestive symbols, pictures, written materials, faxes, emails or text messages
- Verbal conduct of a sexual nature – advances, propositions, suggestions, jokes, comments or innuendo and continued suggestions for social activity outside the workplace
- Physical conduct of a sexual nature – groping, kissing, fondling, patting, pinching, unnecessary touching, assault, or rape
- Gender-based conduct – conduct that denigrates, ridicules or is intimidatory or physically abusive of a person because of his or her sex, such as derogatory or degrading abuse or insults that are gender-related.

**These examples of bullying and harassment are not exhaustive, and offences of a similar nature are also prohibited and will be dealt with appropriately.**

## **The Effects of Bullying and Harassment**

Bullying and harassment can:

- Cause distress and affect an individual's confidence and self-esteem
- Affect the recipient's job performance
- Affect the recipient's emotional and mental health
- Affect the recipients work/life balance
- Create an upsetting and stressful work environment
- Decrease staff morale
- Create divisions among staff
- Undermine job security

## **Bullying and Harassment by those other than Employees of the Tyrone Guthrie Centre**

Bullying and harassment of Tyrone Guthrie Centre personnel by person's not employed by the company, such as residents, or other visitors to the Centre etc., is unacceptable, and should be promptly reported to the Resident Director. In the case of a report of bullying or harassment of a company employee or employees by a resident or residents of the Tyrone Guthrie Centre, upon receipt of a complaint and after investigation, the company upholds the right to request the resident or group of residents to leave the premises, and/or to temporarily or permanently ban any resident or group of residents found to have bullied and/or harassed a company employee or group employees. In the case of bullying or harassment of an employee or employees of the Tyrone Guthrie Centre by visitors other than residents, upon receipt of a complaint and after investigation, the company will take action in an effort to prevent the recurrence of such conduct.

## **Undertaking by Management**

Any complaint involving bullying and/or harassment will be immediately, seriously, and sympathetically investigated by either/or/and all The Resident Director, a member or members of the Board of Directors, an outside source. It is recognised that bullying and harassment can be difficult to deal with. Management will undertake, in as far as reasonably possible, to protect an employee or group of employees reporting an incident or incidents of bullying and/or harassment by another employee or group of employees, or by a resident or group of residents, or by a visitor or visitors to the Centre. Intimidation, victimisation, or discrimination against an employee or group of employees, by an employee or group of employees, as a result of filing a complaint under this policy is absolutely unacceptable.

## **Responsibilities: Employees**

In addition to securing that their own behaviour does not cause problems for other employees, all employees have an important role in creating an environment where bullying and harassment of all types is unacceptable. Employees should make it clear to others that they find such behaviour

unacceptable and support colleagues suffering such treatment. Employees should maintain confidentiality pertaining to any complaints made or received (see Confidentiality Policy).

### **Responsibilities: Management**

Management (the Resident Director and the Board of Directors) should:

- Know the company policy pertaining to bullying and harassment
- Ensure that the policy document is made available to all employees
- Communicate the policy as necessary
- Endeavour to maintain a bullying and harassment-free work environment
- Endeavour to sympathetically deal with complaints received
- Maintain confidentiality pertaining to complaints received (see Confidentiality Policy)

### **Malicious Complaints**

Malicious complaints will be treated seriously and may result in disciplinary action. In this regard it should be noted that where a complaint is not upheld, this does not necessarily indicate that the complaint was malicious.

### **Intention of Perpetrator/s**

The intention of the perpetrator/s of bullying or harassment is irrelevant. The fact that the perpetrator has no intention of bullying or harassing the victim may not be a defence.

### **Performance Management**

The reasonable and essential discipline arising from the good management of the performance of a person at work does not amount to bullying or harassment. Similarly, an action taken that can be justified with regard to the safety, health and welfare of people does not amount to bullying or harassment.

### **Complaints Procedure/s**

All employees, residents, volunteers, and contractors have a right to make a complaint if they feel they have been bullied and/or harassed, and they should follow the steps in the following procedure. All complaints will be taken seriously, and the procedure will be handled with fairness, sensitivity and due respect for the rights of both the complainant and the alleged perpetrator. There is a two-tiered approach in the procedure – informal and formal – to address the issue of bullying or harassment in the workplace.

## **Informal Procedures**

### **No Specific Examples Provided**

If no specific examples are provided, there is no complaint to be answered under this policy. Then other means of protecting and repairing workplace relationships may be considered by the person receiving the complaint.

### **Specific Examples Given**

If you believe that you are being bullied and/or harassed by an employee or group of employees of the Tyrone Guthrie Centre, or by a resident or group of residents of the Tyrone Guthrie Centre, or by a visitor or group of visitors to the Tyrone Guthrie Centre, you should consider carefully if that is the case. If so, you should raise the problem, if possible or feasible, with the alleged perpetrator, to point out that their behaviour is unacceptable and request that it stop.

If the bullying and/or harassment does not cease after this request, or if you feel that it is not safe or appropriate to make this request, or if you find it difficult or embarrassing to confront the alleged perpetrator, you may seek advice from the Resident Director. It would be useful to keep a record of incidents, dates, and witnesses, if any.

If you proceed to make an informal complaint, the Resident Director will either:

- Try to find a solution acceptable to both parties
- If a solution is not found, will report the incident to the Chairperson of the Board of Directors or the Chairperson's nominee from the Board of Directors.
- The Chairperson and Board of Directors, with the assistance of the Resident Director, will endeavour to find a solution suitable to both parties.
- Complaints will be handled speedily and in a confidential manner. They will be treated seriously and sympathetically.
- It is a requirement that all individuals maintain confidentiality on the subject (with other employees, and with residents). Breaches of confidentiality will be treated as a serious disciplinary matter.
- All concerned are guaranteed a fair and impartial hearing.

If a complaint is not resolved under the above complaints' procedure, the formal procedure outlined below will apply.

### **Written Record**

A record of all stages of the process, the complaint, the first meeting, action agreed and signed records of the final meeting will be kept. The purpose of the records, which will not include detail of discussions, is to provide evidence that the complaint was dealt with in an appropriate manner.

## **Resolution**

When resolution is found through the informal procedure, both parties will be given support or periodical reviews, as appropriate. These may include counselling or other appropriate interventions.

Where a complaint is found not to have been made in good faith, the complainant may be the subject of disciplinary action.

## **Resolving the Problem by Mediation**

Mediation is an alternative method of resolving issues relating to bullying and harassment. Mediation involves the parties seeking to arrive at a solution through mutual agreement, rather than through an investigation and decision.

Mediation provides a confidential opportunity for the person who feels that he/she has been bullied or harassed, and the person accused of carrying out this inappropriate behaviour, to discuss the matter and to reach an agreement on their continuing working relationship.

Mediation is conducted in private, and is directly between the parties concerned, with the support of a mediator, who will act as an independent facilitator. Either party may withdraw from the process at any time by notifying the mediator, in writing, that they wish to do so.

If both parties agree to resolve the issue by mediation, the Resident Director will arrange the mediation process. If the Resident Director is involved in the issue, you may be directed to a board member or designated person who can assist in organising a mediator. An appropriate person will be assigned as mediator.

If the mediation process results in an agreement acceptable to both parties, the mediator may draw up a written record of the terms of the settlement for signature by both parties.

If the matter is resolved by mediation, no disciplinary action will be taken.

## **Breakdown of Mediation**

If mediation breaks down or fails to achieve its goal, the only other option is to have the matter resolved by investigation. A person involved in the mediation process will not be involved in the investigation process. Resolving the matter by investigation may also be considered if the person concerned feels that it is inappropriate to resolve the matter by mediation.

## **Note on Informal Complaint/s**

In cases where a person makes an informal complaint, but where management believes, because of the gravity of the subject matter of the complaint or for some other reason, that the informal complaints procedure is inadequate to address the complaint, the complaint may be dealt with by using the formal complaints procedure.

### **Formal Procedure/s for Handling Complaints**

In cases where a person believes that an informal resolution is not a suitable means of addressing his or her concern, or where the person believes that their previous recourse to the informal complaints' procedure has been unsatisfactory, a person may make a formal complaint of bullying and/or harassment. Choosing to bypass the informal process will not reflect negatively on the person concerned.

Where an informal complaint is not resolved under the informal complaints' procedure/s outlined above, the following formal procedure will apply:

- The employee or employees making the complaint will be required to put the complaint in writing, signed and dated, to include the date of the incident/s and names of witnesses, if any.
- The employee or group of employees against whom the complaint is being made will be given a copy of the written complaint and given three days to respond in writing.
- A formal investigation will be carried out by a person or persons selected by the Chairperson of the Board of Directors and will not include the person who was trying to resolve the problem informally. In view of the complex and sensitive nature of cases, the investigator may also enlist the assistance of an outside expert or experts in the field concerned.
- It is a requirement that all parties involved maintain confidentiality.
- Both the complainant or complainants and the person or persons complained against may have representations at the hearing/s if they so wish.
- A written record will be taken of the complaint/s and response/s
- The investigation will be carried out as speedily as possible.
- The investigator will meet with the complainant, the person complained against, and any witnesses or relevant persons, on an individual basis, with a view to establishing the facts. The complainant, the person complained against, and any witnesses will be entitled to be accompanied by a work colleague/trade-union representative, if applicable, at any meeting.
- All interviews with parties and witnesses will be conducted sensitively and with due respect to the rights of all concerned. The investigation will be conducted on a confidential basis, insofar as that is possible.
- Both parties will be notified in writing of the outcome of the investigation.

### **Terms of Reference for Formal Complaints Investigation**

The investigation will be governed by the terms of reference, which will include the following provisions:

- A provision to the effect that the investigation will be conducted in accordance with this policy
- An indicative time frame for the completion of the investigation
- Provisions relating to the scope of the investigation, indicating that the investigator will consider whether the complaint falls within the definition of bullying or harassment at work and whether the complaint has been upheld.

### **Formal Complaint without Written Statement**

Where a formal complaint is made but the complainant declines to submit a written statement, then a written record will be made of the complaint by the investigatory panel. The complainant will be asked to sign this record.

In the event that the complainant refuses to sign this record, the complainant will be made aware that the ability of the Tyrone Guthrie Centre to investigate the complaint on a formal basis may be compromised by any failure of the complainant to cooperate with the procedure in place. Efforts will be made to clarify this issue before any further steps are taken.

The complainant will be advised of the aims and objectives of the formal process, the procedures and time frame involved, and the possible outcomes. He or she will be assured of support as required throughout the process. He or she will be given a copy of this policy.

### **During the Investigation**

All parties will continue to work normally during the investigation, unless directed otherwise. Where necessary, parties to the complaint will be suspended with full pay to allow for a fair and thorough investigation. Such a suspension is **not** a disciplinary sanction, and this will be made clear to the relevant parties.

The management will make every effort to ensure the protection of all involved in the investigation.

The parties to the complaint should not communicate regarding the complaint.

Any effort by any party to intimidate or otherwise influence any complainant, respondent, or witness during the course of an investigation will be regarded as a disciplinary matter of the upmost gravity.

### **Conclusion of Investigation**

The objective of an investigation will be to ascertain whether or not, on the balance of probabilities:

- The behaviour complained of occurred, and, if so,
- Whether or not that behaviour amounted to bullying and/or harassment, as defined,

It will be open for the designated investigators to determine if there is a prima facie case to answer based on the definitions of bullying and harassment outlined in this policy.

### **Action Where the Complaint is Upheld**

If the complaint is upheld, the matter will be treated as a serious disciplinary issue, and the management will follow the appropriate disciplinary procedures with the relevant employee, contractor, or freelance artist, which may lead to disciplinary action up to and including dismissal. If the perpetrator is not an employee – e.g., if he or she is a contractor or a freelance artist – other appropriate measures will be taken.

The management may also take other appropriate action to support and protect the victim and/or ensure that similar situations do not arise in the future.

- Should the complaint be formally found to be well founded, the alleged perpetrator(s) should be given a formal interview to determine an appropriate course of action. Such action could, for example, involve counselling and/or monitoring or progressing the issue through the disciplinary and grievance procedure.
- Should the incident reoccur, the Board of Directors will adhere to employment law regarding discipline; that is, a graduated approach to include a verbal warning, followed by a written warning etc. , which may lead to dismissal  
[https://www.workplacerelements.ie/en/what\\_you\\_should\\_know/codes\\_practice/cop3/](https://www.workplacerelements.ie/en/what_you_should_know/codes_practice/cop3/)
- Written warnings will be recorded on the employee’s record of employment.
- Written warnings will be removed from the employee’s record after a period of three years.

### **Action Where the Complaint is Not Upheld**

If the complaint is not upheld but the complainant is found to have acted in good faith, the management may take appropriate measures to support both the complainant and the person complained against. This will include taking appropriate measures to ensure that other parties to the investigation are made aware that the complaint was not upheld.

Where a complaint is not upheld and is found not to have been made in good faith, the complainant will be the subject of disciplinary action. The same principle will apply to witnesses giving evidence in bad faith.

### **Preservation of Rights and Prevention of Victimisation**

Making a complaint under this policy will not affect an employee’s statutory rights. No one will be victimised for making a complaint in good faith or for acting in good faith as a witness in an investigation.

### **Appeals**

If either party is dissatisfied with the outcome of the formal complaints’ procedure, they may lodge an appeal within seven working days of receipt of notification of the outcome of the process.

The reason for the appeal should be outlined in writing to Resident Director (or the Chairperson of the Board of Directors or Chairperson's nominee from the Board of Directors, in cases initially investigated by the Resident Director, or in which the Resident Director is a complainant or alleged perpetrator). The appeal will be heard by another person(s) of at least the same level of seniority as the original investigator/investigatory panel. The appeal will focus only on the aspect of the case cited by the appellant as being the subject of the appeal.

The grounds of the appeal and any outcome and methodology employed will be appended to the investigation file. Please note that the final report of the investigation itself will not be subject to amendment.

### **Resolution**

Both parties will be given appropriate support and periodical reviews, insofar as is reasonable, after the formal process has been concluded.

### **External Investigation**

In any situation where, by reason of the size of the management team, seniority of a complainant or of a person complained against, or for any other reason it is not appropriate for a formal complaint, informal complaint, or appeal to be investigated by the management, the Board of Directors of the Tyrone Guthrie Centre reserves the right to appoint an appropriate external person to carry out the investigation. Any such external person will carry out his or her functions in accordance with the provisions of this policy, and the Board of Directors of the Tyrone Guthrie Centre (through the auspices of the Resident Director if appropriate) will give appropriate effect to the findings of such an external person.

### **Policy Review**

This policy will be reviewed by the Board of Directors of the Tyrone Guthrie Centre every two years.

You should initially contact the following person to discuss any incidents regarding this policy:

Dr Éimear O'Connor, Resident Director

[director@tyroneguthrie.ie](mailto:director@tyroneguthrie.ie)

Signed

Dr Éimear O'Connor, Resident Director and Company Secretary, on behalf of the Board of Directors of The Tyrone Guthrie Centre at Annaghmakerrig t/a The Tyrone Guthrie Centre.

26 May 2021.

Date of Ratification by Audit and Risk Committee	26 May 2021	
Next review date	May 2023	

Date:	Additions/deletions to text, including page number.	Signed off by: