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**Introduction**

The Arts Council, as the development agency for the arts in Ireland, is committed to supporting organisations in developing and maintaining a culture of dignity and respect in the workplace.

Individuals and organisations funded by the Arts Council must confirm that they are in compliance with best-practice-governance requirements as detailed in the Arts Council’s Conditions of Financial Assistance, including having appropriate dignity and respect-at-work policies and procedures in place.

Working with Graphite HRM, we have developed a template policy with implementation guidelines to support individuals and organisations to develop dignity and respect-at-work policies and procedures. This implementation guide provides you with information on your legal requirements and the steps to take to roll out your policy.

You may customise the template policy to suit your specific requirements. It is important to note that this template is offered for guidance only. Each individual/arts organisation should develop/review their own policy and procedures in the areas of dignity and respect at work, taking into consideration their own requirements and organisational structure, and, if necessary, in consultation with a legal adviser.

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| The area of dignity and respect in the workplace has become highly regulated in Ireland in recent years. Protection in this area is covered by both equality and health-and-safety legislation so as to ensure that employees operate in an environment that is both physically and psychologically safe. At all times employees have the right to be treated with dignity and respect, and not to experience any form of discrimination, harassment or bullying. ***Very important – merely adopting this policy is not sufficient for an employer to discharge their responsibilities****The obligations of employers and those engaged by the organisation to protect their employees from bullying and harassment do not end with the adoption of a dignity-at-work policy. Ongoing responsibilities include the following:** *A responsibility to effectively communicate and promote the terms of the policy to all staff and other relevant persons, including new employees when they commence employment and relevant non-employees. This includes ensuring appropriate accessibility and reasonable accommodation – i.e. translating the policy into the languages of foreign employees or into Braille;*
* *A responsibility to apply the policy in a manner appropriate to the circumstances of each case;*
* *A responsibility to periodically ensure that the policy is up to date, having regard to the operation of the policy in the workplace, changing statutory obligations, and other relevant circumstances;*
* *A responsibility to ensure that everyone with a responsibility in relation to the policy is fully aware of those responsibilities and is properly trained to discharge those responsibilities;*
* *A responsibility to ensure that, where situations arise that are not precisely covered by the policy, the employer acts in a manner consistent with the statutory framework and the rights of employees to have a place of work in which their dignity is respected.*
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| **Legal requirements of the company**  |  |
|  | * To articulate the company’s commitment to equality, dignity, respect and non-discrimination in relation to both employees and potential employees;
* To define what behaviours are deemed unacceptable;
* To comply with the Employment Equality Acts, 1998–2015 and Safety, Health and Welfare at Work Act, 2005;
* To detail the process by which employees can make a complaint of harassment, sexual harassment or bullying.
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| **Legal requirements of the individual (i.e. the employee or those engaged by the employer)*** Should not engage in improper conduct or behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person;
* Should consider how they treat others, and how their behaviour can impact on others;
* Are obliged to cooperate with company policies and procedures.

**A dignity and respect-at-work policy will enable the organisation to:** |  |
|  | * Communicate which behaviours are unacceptable and inform employees of their rights and their responsibilities;
* Reinforce the responsibility of managers to communicate the contents of the company policy to all status of employees and contractors/freelance artists, and to deal with issues of both a minor and serious nature;
* Outline the responsibility of employees and contractors/freelance artists in upholding the policy;
* Ensure that training, monitoring and reviews of the policy take place;
* Encourage quick and speedy internal resolution of complaints according to a predefined procedure;
* Ensure that serious issues get dealt with, and ensure that there is a proper process and investigation procedure in place and which must be followed;
* Reduce the risk of claims for constructive dismissal or discrimination cases because there is an internal procedure for dealing with complaints;
* Reduce the liability of the company in any claims of harassment, sexual harassment or bullying.
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| **Immediate steps to become compliant** |  |
|  | * Roll out workshops to communicate the policy to employees;
* Clarify with managers what their role is in the communication, implementation and monitoring of the policy;
* Identify nominated individuals to deal with complaints and/or investigations;
* Provide training for managers/nominated individuals to ensure they can implement the policy effectively;
* Identify who is responsible for monitoring and reviewing the policy and the frequency with which this will be carried out;
* Implement a procedure to brief all new staff and contractors/freelance artists on the policy;
* Ensure policies and procedures are accessible – e.g. the translation of policies and procedures into languages other than English as appropriate, or the provision of interpreters. Produce and display signs to remind employees, contractors, customers, suppliers, etc. of their rights and responsibilities (Appendix 1);
* Reinforce the company’s commitment to dignity and respect at every opportunity;
* Deal with any issue, no matter how minor it seems, as soon as it appears.
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| **Definitions of harassment and bullying and ways to implement the company’s obligations in this area:** |  |
|  | **Equality at work**The Employment Equality Acts, 1998–2015 and the Safety, Health and Welfare at Work Act, 2005 both have implications for equality and dignity in the workplace.The Employment Equality Acts, 1998–2015 prohibit discrimination on the following nine grounds:1. Age;
2. Gender;
3. Race;
4. Disability;
5. Civil status;
6. Family status;
7. Sexual orientation;
8. Religion;
9. Membership of the Travelling community.

*Types of discrimination*Direct discriminationOccurs when one person is or has been treated less favourably than another person because of their membership of one of the nine grounds.Indirect discriminationOccurs where an apparently neutral provision puts a person covered by one of the nine grounds at a particular disadvantage compared with another person not covered by those grounds.Discrimination by associationOccurs where a person who is associated with another person covered by one of the nine grounds is treated less favourably by virtue of that association.Discrimination by imputationOccurs where a person is treated less favourably than another because one of the grounds has been attributed to him/her. Discrimination occurs even if the person does not actually have that characteristic.An employer must not discriminate against employees with regard to:* Access to employment;
* Conditions of employment;
* Provision of training or experience;
* Promotion;
* Classification of positions (e.g. deliberately nominating a particular gender for a role – e.g. male waiter);
* Vocational training;
* Equal pay.

*Reasonable accommodation*Employers must make reasonable accommodation to support a person with a disability to access and participate in employment and training. Reasonable accommodation includes any appropriate measures that do not constitute a disproportionate burden on the employer. *Equal opportunities*An employer should put in place an equal-opportunities policy to demonstrate a commitment to equality in access to, and terms and conditions of, employment.**Harassment and sexual harassment**An employer is legally responsible for any harassment, sexual harassment or bullying suffered by employees in the course of their work, unless the employer took reasonable steps to:* Prevent harassment and sexual harassment from occurring;
* Prevent bullying from taking place;
* Reverse the effects of it; and
* Prevent its recurrence.

Under the Employment Equality Act, 1998–2015 (Code of Practice) (Harassment) Order, 2012 (‘the Code’), a policy on sexual harassment and harassment at work is a requirement.An employer must be able to demonstrate that they took steps to prevent employees from committing unlawful acts of harassment, sexual harassment and bullying, and to reverse the effects of it should such behaviour have occurred. In this way, an employer may avoid liability from such acts in any legal proceedings brought against them. In addition, during any investigation into a complaint of harassment, bullying or sexual harassment, the principles of natural justice must be adhered to.External assistance may be necessary to deal with complaints in some circumstances so as to ensure impartiality, objectivity and fairness in an investigation.*Definition of harassment*Any form of unwanted conduct related to any of the discriminatory grounds 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.*Definition of sexual harassment*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.A once-off incident of inappropriate behaviour can constitute harassment/sexual harassment.*Victimisation*It is unlawful for an employer to penalise an employee for taking action under the Employment Equality Acts 1998–2010. Victimisation occurs where the dismissal/adverse treatment of an employee is a reaction by the employer to:* A complaint of discrimination made by an employee to his/her employer;
* Any legal proceedings by a complainant;
* An employee representing/supporting a complainant;
* An employee having been witness in a proceeding.

**Bullying**The Safety, Health and Welfare at Work Act, 2005 provides protection for individuals against bullying behaviour. *Definition of bullying*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 or in the course of employment, which could reasonably be regarded as undermining the individual’s right to dignity at work.An employer may be held vicariously liable for bullying behaviour by employees/non-employees unless the employer can demonstrate that they took reasonable steps to prevent such behaviour occurring.*Dignity and respect policy*An employer is obliged to put in place a dignity-and-respect policy to provide for:* Proactive steps preventing harassment, sexual harassment and bullying from occurring;
* Reactive steps to deal with an incident should it occur;
* Steps to prevent behaviour from recurring;
* Identifying a support contact person to provide information and support to employees who feel they are being bullied/harassed, or have a complaint made against them.

The dignity and respect policy should include definitions of harassment/sexual harassment and bullying. It should also set out a complaints-and-investigation procedure. This would include: * Informal process;
* Mediation (with a trained mediator);
* Formal process (including investigation procedure).

The communication of, and training on, the dignity and respect policy is critical to maintaining a safe working environment. This policy should be supported by dignity-and-respect notices that should be placed in all public areas of the company premises, where they will be visible to employees, customers, visitors and suppliers. Responsibilities placed on employers to ensuring that employees, potential employees, customers, visitors and suppliers are not subjected to harassment, sexual harassment, bullying or discrimination include the following:1. Communicate the dignity and respect policy clearly to all employees, customers, suppliers, and train employees to understand:
* What constitutes bullying, harassment and sexual harassment;
* What employees must do to maintain a workplace free of bullying, harassment and sexual harassment;
* The responsibilities of employees under the policy;
* The complaints procedure.
1. Display dignity and respect notices in key locations on the company premises on a permanent basis (Appendix 1);
2. Train managers to be aware of their responsibilities to ensure that:
* Bullying, harassment and sexual harassment do not occur;
* Complaints are handled fairly, sensitively and speedily;
* Thorough, objective and confidential investigations are conducted;
* Action is taken where bullying, harassment or sexual harassment is suspected/observed, even if no complaint has been submitted by an individual employee;
* The policy is communicated to all new employees;
* The commitment to training, monitoring and reviewing is implemented.
1. Monitor and review the policy and its implementation on an ongoing basis
* Designate the person responsible for monitoring and reviewing the policy and complaints procedure and their implementation;
* Implement communication of, and training on, the policy as necessary, especially for managers.
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| **Alerts** | * If an employer is aware that harassment, sexual harassment or bullying has or is taking place, they have a responsibility to act on that information;
* It is essential that employers have an adequate policy in place to properly deal with allegations of harassment, sexual harassment and bullying;
* When an allegation of harassment, sexual harassment or bullying is made, it is in the interest of all parties involved to have the matter dealt with as efficiently as possible. A dignity-at-work prevention policy is a significant means of achieving this objective as it provides the structure under which the allegation can be managed;
* In relation to harassment, sexual harassment or bullying, it is the impact of the conduct on the recipient and not the intent of the perpetrator that determines whether the behaviour is unacceptable;
* Communication of the dignity and respect policy and associated complaints procedure is not a once-off event, but needs regular reinforcement.
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**APPENDIX 1**

**Dignity and respect-at-work notice**

The dignity of each individual working or associated with this organisation/group/project is of utmost importance to us. All employees and those we come in contact with in the course of employment have the right to be treated with respect at all times.

Harassment, sexual harassment, bullying or any other form of inappropriate behaviour, or any type of discrimination in the course of employment is unwelcome and will not be tolerated by the company. Should you believe that you are being harassed, bullied or discriminated against, you should request that the individual stop the offending behaviour. Should you observe any behaviour that could be perceived as harassment, bullying or discrimination, you should ask the individual displaying the behaviour to stop, or inform a member of the management team.

You should refer to the dignity at-work policy for more information on steps to be taken to address bullying or harassment occurring in the course of employment. A copy of this policy is available in your employee handbook or as part of your contract of engagement or from management.

People found engaging in inappropriate behaviour may be subject to the company’s disciplinary procedure up to and including dismissal, and contracts may be ended.