



**Bullying, Harassment and Sexual Harassment  
Prevention Policy**

Cork Arts Theatre's management is committed to ensuring that everyone involved in or with the organisation has the right to dignity and respect in the workplace and freedom from bullying, harassment and sexual harassment. This applies to all employees, freelance or contract staff, CE scheme employees, volunteers and interns.

Management commits to undertake the following actions to help maintain a workplace free from bullying and harassment:

- Provide good example by treating all in the workplace with courtesy and respect
- Promote awareness of the Prevention Policy and complaints procedure
- Be vigilant for signs of bullying and harassment through observation and feedback from employees

Management is also committed to treating bullying, harassment and sexual harassment as misconduct under the organisation's normal disciplinary procedure.

For very serious incidents, (impact on the person defines the term serious harassment), or repeated incidents of harassment – where bullying, harassment or sexual harassment has occurred after warnings and due investigation – dismissal is a result.

#### **Definitions:**

**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 work (including events and work related social events) and /or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity and respect 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 under the terms of the Health & Safety Authority Guidelines on the Prevention of Workplace Bullying. (Safety, Health and Welfare at Work Act 2005)

**Harassment** - Harassment is defined as any act or conduct (whether spoken words or gestures, or the production, display or circulation of written words, pictures or other materials) that, if the action or conduct is unwelcome to the recipient, and could reasonably be regarded as offensive, humiliating or intimidating. Harassment differs from bullying in that it is based on the nine grounds for unlawful discrimination: Age, Race, Gender, Sexual orientation, Disability, Belonging to the Traveller Community, Family status and Marital status. (Employment Equality Acts 1998 – 2015) Harassment can take many forms, but in general terms it can be described as unwanted conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. Forms can range from extremes such as violence to less obvious forms like ignoring someone by isolating or excluding them from social activities and may also include jokes, offensive language, gossip, slander or gestures.

The practice of downloading text, pictures, jokes etc. from the internet and distributing them via e-mail or forwarding on of emails received to other employees or persons outside Cork Arts Theatre may be found offensive by certain employees and could also be regarded as harassment or bullying. Similarly, the accessing or storing of any form of electronic file, record or communication which could be deemed to harass or discriminate based on age, gender, race, religion, disability, marital status, family status, sexual orientation or membership of the traveller community will be treated accordingly.

**Sexual Harassment** - Sexual harassment (including same-sex harassment) is defined as any form of unwanted, 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 the person. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

### **Procedures**

Should an employee experience unwanted conduct, they are encouraged to raise the issue so that it can be resolved. Either of the following procedures should be used for complaints of bullying and harassment. As a general rule an attempt should be made to address an allegation of harassment or bullying by means of the informal procedure. The objective of this approach is to resolve the difficulty speedily with the minimum of conflict and stress for the individuals involved, providing solutions that are conducive to a positive and respectful working environment.

### **Complaints Procedure – Informal**

- Any employee who feels they are being bullied/harassed should keep detailed notes of each incident, including dates, times and their feelings at the time, as they will need to be able to refer to specific incidents.
- Any employee who believes that they are being bullied/harassed should explain clearly to the perpetrator that this behaviour is unacceptable. In circumstances where the complainant finds it difficult to approach the alleged perpetrator(s) directly, they should seek help and advice on a strictly confidential basis, from a contact person. This person could, for example be one of the following; a work colleague, the Theatre Manager, The Technical Manager or an employee/trade union representative.
- Any person to whom a complaint of bullying/harassment is made should listen patiently, be supportive and discuss the various options open to the employee concerned. After discussing the problem, the employee may feel sufficiently confident to approach the alleged perpetrator directly and point out the specific aspects of this person's behaviour that they find unacceptable. It may be helpful for the employee to rehearse what they intend saying to the alleged perpetrator so that they feel more confident about initiating the discussion.

- In some cases, the employee may request the person in whom they have confided to speak to the alleged perpetrator on their behalf. In this situation the approach of the contact person in raising the issue with the alleged perpetrator(s) should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.
- If it emerges that the alleged perpetrator is genuinely unaware that their behaviour is a source of distress to the employee concerned, it should be possible to resolve the problem by way of informal discussion. Where problems have arisen due to a personality clash between the complainant and the alleged perpetrator, it may be helpful to arrange for both parties to meet with an independent facilitator.
- Some persons who engage in such behaviour may stop when they realise their victim is no longer prepared to tolerate the situation. Other persons may respond to an allegation by trivialising the complaint in order to make it appear that the victim is over-reacting. The perpetrator may joke about the behaviour complained of and insist that other people do not find such behaviour offensive. If this is the case, it should be pointed out to the perpetrator that the complainant is not obliged to tolerate behaviour which they find offensive simply because other people may not find this behaviour objectionable.
- A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure should not in any way reflect negatively on a complainant in the formal procedure.

### **Complaints Procedure – Formal**

If the problem continues or if it is not appropriate to resolve the problem informally (e.g. because of the severity of the harassment), it will be necessary to process the complaint through the procedure set out below. The investigation will be conducted thoroughly, objectively, with sensitivity, utmost confidentiality and with due respect for both the complainant and the alleged perpetrator(s).

- All complaints will be dealt with promptly and confidentially as far as possible.
- The complainant should make a formal complaint in writing to their immediate supervisor, or if preferred, any member of management. The complaint should set out at a minimum, precise details such as dates, times, witnesses, relevant documents etc. of actual incidents of bullying/harassment. The employee will be advised of the steps in the formal procedure.
- The complaint will be examined by a designated member of management, who is considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage for example, could be to explore the use of mediation or to examine if the issue can be resolved informally.
- Should such alternative options be deemed inappropriate or inconclusive, the formal procedure will be followed.

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- The alleged perpetrator(s) will be notified in writing that an allegation of bullying/harassment has been made against them. They will be given a copy of the complainant's statement and advised that they will be afforded a fair opportunity to respond to the allegations. They will also be provided with a copy of this policy.
- The complaint will be investigated, where practicable, by two (2) members of management who have received appropriate training to enable them to pursue the investigation in a sensitive and objective manner.
- The advice/assistance of an outside expert will be available to the investigators if necessary.
- The company may also choose to nominate external investigators if necessary.
- At least one person investigating the complaint will be of the same sex as the complainant.
- The investigation will be pursued with due respect for the rights of the complainant and the alleged harasser.
- The investigation will be carried out with the minimum of delay consistent with fairness to both parties. As a general rule, any issue or issues which an employee wishes to address under the policy must be brought to the attention of management within six months of the occurrence of the incident or issue complained of. That six month period can be extended up to 12 months where reasonable cause can be shown.
- The investigating team will conduct separate interviews with the complainant and the alleged perpetrator to establish the facts surrounding the allegations.
- Both the complainant and the alleged perpetrator may be accompanied by a union representative or work colleague at all interviews.
- The investigating team will interview any witnesses to the alleged bullying/harassment and other relevant persons. Confidentiality will be maintained as far as practicable. Witnesses will be expected to respect the privacy of the parties involved by refraining from discussing the allegations with other work colleagues or persons outside the organisation.
- The investigation will be completed as soon as possible, after the receipt of the written complaint, unless there are exceptional circumstances, for example the absence of a key witness on annual leave.
- Both parties will be informed of the outcome of the investigation in writing as soon as possible.
- Both parties will be given the opportunity to comment on findings before any action is decided upon by management.
- Either party may appeal the decision through the appeals procedure.
- Should management decide that the complaint is 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 procedure of the employment.
- If, following the investigation, both parties continue working together

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management will regularly monitor the situation to ensure that the bullying/harassment has stopped.

- Management will ensure employees are protected from any retaliation, victimisation and/or discrimination resulting from their alleged harassment complaint or resulting from their representation or support of the complainant during the investigation process. Any victimisation is, in itself, a breach of equality legislation and will be dealt with under the Disciplinary or Grievance Procedure as appropriate.
- Where a complaint is not upheld by a formal investigation, this does not necessarily indicate that the complaint was malicious. While a malicious complaint will generally be treated as misconduct under the disciplinary procedure, the application of this provision should not in any way deter employees from bringing forward legitimate complaints.
- Each party has the right to one appeal only of the outcome of the report. The appeal must be submitted in writing to The Company Manager within 10 working days of the report issue. An appeal is facilitated only where specific grounds are submitted outlining why the outcome of the report was incorrect. The appeal will not involve a rehearing of the original allegations; rather it will address the specific grounds of the appeal which has been outlined. Should management decide that the complaint is well founded the alleged perpetrator(s) may be treated under Cork Arts Theatre's Disciplinary Procedure.

