



# RCSI

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## Dignity At Work

### Purpose

RCSI is committed to the promotion of an environment for work which upholds the dignity and respect of staff and which supports every individual's right to work in an environment which is free of any form of harassment, intimidation or bullying.

RCSI recognises the right of every individual to such an environment and requires all staff members to recognise their responsibilities in this regard.

This policy is underpinned by national legislation:

- Employment Equality Acts, 1998 to 2007
- Equal Status Acts, 2000 and 2004
- Prohibition to Incitement of Hatred Act, 1989

The purpose of this policy is to ensure compliance with the respective legislation and to outline RCSI's policy and procedure relating to harassment including bullying, sexual harassment and racism. Harassment will not be tolerated by RCSI.

### Scope

This policy applies to all RCSI staff and others on RCSI business or engaged in activities relating to RCSI or providing services to RCSI in all locations and situations, including;

- All RCSI locations or other places where staff are representing RCSI
- At events such as social functions, conferences, sporting events, field trips, or work assignments which are related to RCSI, to one's work or study, or at which one represents RCSI
- In writing, on the telephone, by e-mail or on the internet in any RCSI related activity.

### Policy

#### 1. Academic Freedom

It is not the intention of RCSI that this policy should undermine academic freedom. It is the policy of RCSI to protect freedom of expression and intellectual enquiry for all members of the community and to ensure that they are exercised in such a way as they do not interfere with the rights of others, or breach the laws of the state.

## 2. Definitions

**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 and/or in the course of employment which could reasonably be regarded as undermining the individual's right to dignity at work.**

**The bullying can include conduct offensive to a reasonable person, e.g. oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emblems, graffiti or other material which state/imply prejudicial attitudes which are offensive to fellow employees.**

The following are common but not exclusive examples of bullying behaviour:

- Personal insults and name calling
- Persistent unjustified criticism and sarcasm
- Public or private humiliation
- Shouting at staff in public and/or private
- Sneering
- Instantaneous rage, often over trivial issues
- Unfair delegation of duties and responsibilities
- Setting impossible deadlines
- Unnecessary work interference
- Making it difficult for staff to have access to necessary information
- Aggression
- Not giving credit for work contribution
- Continuously refusing reasonable requests without good reasons
- Intimidation and threats in general.

An isolated incident of inappropriate behaviour may be an affront to dignity but as a once off incident, is not considered to be bullying,

Fair and constructive criticism of a staff member's performance, conduct or attendance does not constitute bullying.

**HARASSMENT is defined as *any act or conduct which is unwanted and unwelcome and which could reasonably be regarded as offensive, humiliating or intimidating on any of the following discriminatory grounds: gender, civil status, family status, sexual orientation, religion, age, disability, race, or membership of the traveller community.***

The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

The following are common but not exclusive examples of harassment -

- Treating people less favourably or subjecting them to ridicule on any of the
- nine grounds.
- Demeaning and derogatory remarks, name-calling.
- Isolation, non co-operation or exclusion within the workplace.

- Unwelcome comments on appearance.
- Unwarranted criticism of work performance.
- Undermining the authority of a colleague in the workplace.
- Production, display or circulation of offensive material.

**Sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature 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.**

The following examples are some of the most common forms of sexual harassment -

- Sexually suggestive jokes or comments.
- Innuendo or jokes about a person's sexual orientation.
- Questions or insults about one's private life.
- Unwelcome sexual attention.
- Display of offensive material.
- Leering, offensive gestures or whistling.
- Threats of or actual, physical assault.
- Groping, patting or unnecessary touching.
- Suggestions that sexual favours may further someone's career, or that refusal may damage it.

## **RACIAL HARASSMENT**

Harassment on the grounds of race/ethnic origin is defined ***as unwanted or unwelcome conduct based on a person's race which is offensive to the recipient and which might threaten a person's security or create a stressful, hostile or intimidating work or study environment.***

Harassment on the grounds of race may include -

- Verbal harassment: offensive jokes or remarks about a person's race or ethnic origin (including membership of the traveller community), ridicule or assumptions based on racial stereotypes.
- Visual harassment: Production, display or circulation of materials offensive to particular racial or ethnic groups, such as cartoons or racial propaganda.
- Physical harassment: physical assault, threats of physical assault.

### **What do you do if you feel you are being harassed or bullied?**

#### **Procedure**

As part of its commitment to an environment which is free of any form of harassment, RCSI has a number of resources available to those who feel that they are the subject of harassment and has established procedures to deal with formal complaints.

## **Informal Approach**

It is often preferable for all concerned that complaints of bullying or harassment are dealt with informally whenever possible. This is likely to produce solutions that are speedy, effective and minimize embarrassment and the risk of breaching confidentiality. Thus, in the first instance if you believe that you are the subject of bullying/harassment you should ask the person responsible to stop the offensive behaviour. If you find it difficult to approach the alleged perpetrator directly then you could seek help and advice on a confidential basis from the following

- You could contact the Human Resources Department who could provide you with further options
- If appropriate, you may wish to discuss the matter with your Head of Department /nominee
- You might consider approaching one of RCSI's designated staff members.

Their role is not to judge but rather to provide advice and assistance about what the company's policy says. Having consulted with the people above, the complainant may request the assistance of their Head of Department/nominee in raising the issue with the alleged perpetrator(s). In this situation the approach of the Head of Department/nominee should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure.

## **Formal Approach**

If you wish to make a formal complaint you must do so in writing. Written complaints should contain details of the person or persons against whom the complaint is being made and where possible, details of the alleged act or acts of harassment.

- The written complaint should be forwarded to the Human Resources Department clearly marked private and confidential
- All formal complaints will be referred directly to an investigator appointed by the Director of Human Resources or nominee
- All complaints will be investigated in a confidential manner and without undue delay.
- The complainant will be advised of the identity of the investigator appointed.
- The alleged bully or harasser will be given a copy of the written formal complaint and afforded the opportunity to respond in writing.
- All investigations will be conducted in accordance with the principles of natural justice. Each party will have the right to present his or her side of the case and be represented by a person of his or her choice.
- Whilst it is desirable to maintain utmost confidentiality, once an investigation of an issue begins, it may be necessary to interview other staff. If this is so, the importance of confidentiality will be stressed to them. Any statements taken from witnesses will be circulated to the person making the complaint and the alleged bully/harasser for their comments before any conclusion is reached in the investigation.
- Both parties will be informed as to whether or not the complaint has been upheld. Once the investigator has made a report to the Director of Human Resources or nominee.
- Detailed procedures are available, on request, from the Human Resources Department.

Because there can be sensitive and confidential aspects to such cases, the procedures have been designed to safeguard the rights, both of the complainant and the alleged harasser. All complaints will be dealt with promptly and treated with the utmost discretion. The outcome will be advised to both parties.

All reasonable steps will be taken to protect a member of staff, who files a complaint, or assists in an investigation from intimidation, victimization or discrimination. Retaliating against someone who complains about harassment is a serious disciplinary offence.

Malicious complaints will also be regarded seriously by RCSI and may result in disciplinary action.

### **Right of Appeal**

After the investigation is complete and the outcome made known to both parties, either party will have the right to appeal within seven working days to the Deputy CEO.

### **Action Post Investigation**

Where a complaint is upheld a disciplinary hearing will take place. The disciplinary action to be taken will be in line with the company's disciplinary policy. Should a case of bullying or harassment be proven then the organisation will take appropriate disciplinary action. This can include a warning, transfer, demotion or other appropriate action up to and including dismissal. Records of any warnings for bullying/harassment will remain in the employee's file and will be used in determining disciplinary action to be taken if any further offences of the same or similar nature occur in the future.

### **Review**

The Human Resources Department will ensure that this policy will be monitored and kept under review.