

**The Diocesan Council of the
Diocese of Cork, Cloyne and Ross ('the Diocesan Council')**

DIGNITY AT WORK POLICY ('the Policy')

1. Purpose of Policy

- 1.1. The Diocesan Council of the Diocese of Cork, Cloyne and Ross ("the Diocesan Council") commits to establishing and maintaining a workplace environment that encourages and supports the right to dignity and respect at work in an atmosphere of respect, collaboration, openness, safety and equality. All employees are expected to respect the right of each individual to dignity and respect in their working life.
- 1.2. The aim of the Policy is to indicate what constitutes bullying, harassment, and sexual harassment and what action the Diocesan Council will take in relation to dealing with a complaint of this nature. It is the Diocesan Council policy that every employee has the right to carry out their duties free from workplace bullying, harassment or sexual harassment and any conduct of this kind will be regarded by the Diocesan Council as gross misconduct which may lead to disciplinary action up to and including dismissal. Complaints will be dealt with fairness, sensitivity, respect, confidentiality and informally where possible to ensure a healthy and safe place of work.
- 1.3. In creating this Policy, the Diocesan Council has had regard to the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at work, SI 674/2020; the Code of Practice on Sexual Harassment and Harassment at Work, SI 106/2022 (together referred to as the "Codes of Practice"), the Safety, Health and Welfare at Work Acts and the Employment Equality Acts ('EEA'). This Policy should also be read in conjunction with the Diocesan Council's Safety Statement.
- 1.4. The Diocesan Council commits to regular review of the policies and procedures and commits to updating the policies as appropriate to take account of changes in the law, relevant case law or other developments.

2. Scope of Policy

2.1 The protection under this policy extends to: -

Bullying, harassment or sexual harassment by those in authority in the Church, clergy, subordinates, fellow employees (including students, employment agency workers and vocational training workers), church volunteers, church members or those who avail of the services of the Church and its administration, as well as church contacts.

2.2 This policy extends beyond the immediate workplace to:

- ✓ Places where employees are representing the organisation;
- ✓ Social functions, assignments or conferences that are in relation to a person's work;
- ✓ Communication that occurs within the organisation– telephone calls, emails, memos, letters or internet; and
- ✓ Communication in the public domain referring to the Organisation or any of its employees e.g. Social network or blogs.

2.3. All members in the Diocesan Council have a responsibility to help to support and implement this Policy, to provide a reasonable work environment, and to ensure that appropriate Codes of Practice are maintained. The Diocesan Council encourages employees to challenge any form of bullying, harassment and sexual harassment that they experience in the course of their work.

2.4. Bullying, harassment or sexual harassment by persons not directly connected to the Diocesan Council, such as church members, church volunteers, service providers etc is unacceptable and should be promptly reported. Although the Diocesan Council has no power to discipline the offender in such cases, upon receipt of a complaint and after investigation, it will take action in an effort to prevent reoccurrence of such conduct, for example, the suspension of contracts or services, exclusion from premises or the imposition of other sanctions.

3. Creating a Positive Environment

3.1. All employees of the Diocesan Council share the responsibility for ensuring an environment that is free from any form of bullying, harassment or sexual harassment. It is not the intention of these guidelines to prevent normal good-humoured banter between colleagues. However, care needs to be taken not to cross the line into unacceptable behaviour, which is offensive, abusive, intimidating, malicious or insulting. In any case, such behaviour should stop immediately when a colleague indicates it is unacceptable to them.

3.2. A key objective of this Policy is to ensure that all reasonable efforts are made to manage complaints of bullying, harassment or sexual harassment on an informal basis and as a preferred alternative to a formal investigation in accordance with the spirit of the Codes of Practice.

4. Definitions

4.1. Bullying

Workplace bullying is defined by the Health and Safety Authority 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 and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

Bullying activities involve actions and behavioural patterns, directly or indirectly, spoken and/or written and could include the use of cyber or digital means for the goal of bullying. Such bullying events, delivered through cyber means, may also be covered by this Policy.

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.

The following list of examples is illustrative not exhaustive: -

- Exclusion with negative consequences.
- Verbal abuse/insults.
- Being treated less favourably than colleagues in similar roles.
- Belittling a person's opinion.
- Disseminating malicious rumours, gossip or innuendo.
- Socially excluding or isolating a person within the work sphere.
- Manipulating the nature of someone's work or the ability of someone to do their work (e.g., overloading, withholding information, setting meaningless tasks).
- Unwanted physical contact, physical abuse or threats of abuse to individual or an individual's property.
- Undermining an individual's work or self-esteem.
- Excessive monitoring of work.
- Use of aggression and obscene language.
- Other menacing behaviour.

This Policy will be interpreted with consideration of the fact that behaviour which is acceptable to one individual may be offensive to another.

Fair and constructive criticism of an employee's performance, conduct or attendance does not constitute bullying. Complaints relating to assignment of duties, terms and conditions of employment or other matters, which are appropriate for consideration under the normal grievance procedure, do not constitute bullying.

4.2. Harassment

Harassment is defined in section 14A(7) of the Employment Equality Acts ("the EEA") 1998-2015, as any form of unwanted conduct related to civil status, gender, family status, sexual orientation, race, age, disability, religious belief or membership of the Travelling Community (the "discriminatory grounds") where the conduct has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Protection against harassment extends to situations where the employee does not have the relevant characteristic, but the harasser believes that the employee has that characteristic. A single incident may constitute harassment and behaviour may constitute harassment of an employee even though it is not directed specifically at that employee.

The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. Inappropriate behaviour that is not linked to one of the above nine grounds is not covered by the EEA.

The following list of examples is illustrative not exhaustive: -

- Verbal harassment - jokes, comments, ridicule or songs.
- Written harassment - including graffiti, text messages, emails, social media or internet posts.
- Physical harassment - jostling, shoving or any form of assault.
- Intimidatory harassment - gestures, posturing or threatening poses.
- Visual displays such as posters, emblems or badges.
- Excessive monitoring of work.
- Isolation or exclusion from social activities.
- Unreasonably changing a person's job content or target.

4.3. Sexual Harassment

Sexual harassment is defined in section 14A(7) of the EEA as any form of unwanted 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. This includes same-sex sexual harassment.

The conduct may consist of acts, requests, spoken words, gestures or the production, display, or circulation of written words, pictures or other material. Sexual harassment may consist of a single incident or repeated inappropriate behaviour.

It is for an employee to determine what behaviour is unwelcome irrespective of the attitude of others.

An act of sexual harassment may occur outside the work premises or normal working hours provided that the perpetrator was acting in the course of employment, for example, at a training course, conference or work-related social event or social media activity.

The following list of examples is illustrative not exhaustive: -

- Physical conduct of a sexual nature - this may include unwanted physical contact such as unnecessary touching, patting, pinching

or brushing against another employee's body, assault and coercive sexual intercourse.

- Verbal conduct of a sexual nature - this includes unwelcome sexual advances, propositions or pressure for sexual contact, continued suggestions for social contact outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive, suggestive remarks, innuendo or lewd comments, graffiti, written materials, emails, text messages or social media posts.
- Non-verbal conduct of a sexual nature - this may include the display of pornographic or sexually suggestive pictures or objects. It may also include stalking, indecent exposure, leering, whistling or making sexually suggestive gestures.
- Gender-based conduct - this includes conduct that denigrates or is abusive of an employee for reasons related to his or her sex such as derogatory or degrading abuse or insults which are gender based. This might include conduct that insults or degrades an employee because she is pregnant or because they are transgender.

This Policy will be interpreted with consideration of the fact that behaviour which is acceptable to one individual may be offensive to another.

5. Responsibilities

5.1 Employee Responsibilities

All employees have a responsibility to help us to secure and maintain a good and harmonious working environment.

All employees must comply with this Policy and endeavour to ensure that their behaviour towards work colleagues or clients does not amount to bullying, harassment or sexual harassment.

All employees should discourage bullying, harassment and sexual harassment by making it clear that they find such behaviour unacceptable and should support colleagues who suffer such treatment.

Any employee who is aware that an incident of bullying or harassment has occurred should alert a member of the management team about it to enable the Organisation to deal with it.

5.2 Management's responsibilities

Managers have a duty to implement this Policy and to make every effort to ensure that harassment, sexual harassment and bullying does not occur, particularly in the work areas for which they are responsible.

Managers have a responsibility to deal appropriately with any incidents of bullying, harassment or sexual harassment, which they are aware of, or ought to be aware of. If harassment, sexual harassment or bullying does occur, they must deal effectively with the situation.

Managers should:

- Explain the Organisation's policy to staff and take steps to promote awareness of the procedure for dealing with complaints;
- Support any member of staff who makes an allegation of bullying, harassment or sexual harassment by providing clear advice about the Organisation's policy and procedures; by maintaining confidentiality; and, by seeking to ensure that the member of staff does not suffer further bullying, harassment, sexual harassment or victimisation, whilst a complaint is being addressed, or after it has been resolved;
- Set a good example by treating all workers and clients with dignity and respect;
- Be alert to unacceptable behaviour and take appropriate action in accordance with the Organisation's policy and procedures.

5.3 The Organisation's responsibilities

The Organisation will ensure that:

- Adequate resources are made available to implement this Policy and to deal effectively with complaints of bullying, harassment and sexual harassment;
- This Policy and the procedure for dealing with complaints are communicated effectively to all managers and staff;
- Appropriate training is provided to all managers and staff so that each person is aware of his or her own responsibility for implementing this policy and associated procedure;
- All complaints of bullying, harassment and sexual harassment are addressed promptly, seriously and confidentially.

6. Procedures for Making a Complaint

6.1 For the purposes of implementing the procedures in this policy the Diocesan Council will appoint and act through a sub-committee ('Employment Committee') of its own members which it shall elect triennially.

6.2 All complaints of bullying, harassment and sexual harassment will be treated seriously and with due regard to the sensitivities of the complainant and to the rights of the person against whom the complaint has been made. Complaints will be dealt with promptly and sympathetically. As far as possible, every effort will be made to handle complaints in confidence. Any person or persons alleged to have bullied, harassed or sexually harassed will, as appropriate, be afforded natural justice and treated with fairness,

sensitivity and respecting the need for confidentiality with all parties concerned.

- 6.3** There are three stages available in the process of resolving issues that might arise – an initial informal process, a secondary informal process (including Mediation) and a formal process. Confidentiality (to the greatest extent possible) is crucial at each of the stages in the process and any breaches will be managed in accordance with the Diocesan Council disciplinary process.
- 6.4** The Organisation supports the resolution of complaints, as far as is possible and appropriate, through informal processes. It is expected that informal procedures will normally be pursued before resorting to the formal procedure.
- 6.5** Employees who make a complaint in respect of harassment or sexual harassment will not affect the employee's right to make a complaint to the Workplace Relations Commission under the Employment Equality Acts. Generally, an employee must make such a complaint within six months of the last act of harassment or sexual harassment. The statutory time limit may be extended to 12 months where there was reasonable cause for the delay in the employee bringing the claim. The statutory time limits will not be paused pending the outcome of any investigation and shall continue to run.
- 6.6** It is considered a breach of policy and a disciplinary offence for any employee to attempt to victimise, subject to sanction or otherwise retaliate against an individual for making a complaint in good faith, whether as a witness or in any other role, participates in this procedure.

7. Mediation

The Diocesan Council supports the use of mediation as an alternative method of resolving complaints. Mediation is an informal process, through which a mediator helps the parties in a dispute to talk about issues between them, and if they wish, to reach an agreement which is acceptable to both sides. The process is voluntary, and both parties must be willing to take part and agree to the appointment of a mediator (internal or external). Mediation is available at any stage in the complaints process and if the parties agree to this approach, the Chairperson of the Employment Committee will appoint a neutral and impartial mediator to facilitate the process.

Enough time needs to be allowed for the mediation or on-going monitoring process to be successful and behaviour change to be realistically achieved over the longer term. The Diocesan Council will consider if other working arrangements are required or feasible during this short-term phase. A proposal will be made, considered, and an action and time frame established, signed and dated, preferably by both parties.

Mediation may be attempted at any/all points in the process to try to resolve the matter. It may be attempted again during the formal investigation or following the outcome of the investigation. Any new information that emerges during the course of the mediation process remains strictly confidential and cannot be disclosed in any stage in the process.

8. Initial Informal Approach

A prompt and informal problem-solving approach that seeks to resolve an allegation of bullying, harassment or sexual harassment by agreement between the individuals, through an informal discussion with the individual. It is intended to be a collaborative and non-adversarial approach.

Steps in the initial informal process: -

- In the first instance, the unacceptable behaviour/acts should be raised by the target employee with the person involved but only if they feel comfortable in doing so. This should be done quickly and calmly, focusing on the facts regarding acts done and their consequences.
- If it is more suitable, the individual who perceives that they are the recipient of unacceptable behaviour should put their concerns in writing, again focusing on the offending acts and their effects on them.
- Where an employee perceives that the concerns relate to an immediate manager, the employee may wish to discuss the matter informally with one of the Contact Persons.
- The focus of the above is to seek to resolve the matter informally by agreement without recourse to any other step. An informal discussion is often sufficient to alert the person concerned to the effects of the behaviour alleged and can lead to a greater understanding and an agreement that the behaviour will stop. It can also lead to an explanation of the original intention of the behaviour and/or an agreement to modify the behaviour. On the other hand, it may be that the behaviour is valid and reasonable, and the reaction of the offended party is at odds with the generally accepted understanding of the behaviour.

The Contact Person is appointed to help resolve such cases. They offer confidential, informal service and act with your agreement. They:

- Listen, provide support.
- Help you to solve the problem.
- Advice about other sources of help.
- Inform you about formal complaints procedures and provide personal support during any formal procedures.

A brief written record will be kept with a note of agreed outcomes and dates and held by the person responsible for managing the complaint.

9. Secondary Informal Process

The secondary informal process may be used if the initial informal process is unsuccessful or unsuitable considering the nature of the issue(s).

Steps in the secondary informal process: -

- The Diocesan Council may nominate a separate person (nominated person) to deal with the complaint on behalf of the organisation. This person should not be the Contact Person. They may be a supervisor/manager or someone in authority within the organisation. For each complaint that arises, such a person will be assigned to deal with that particular case. This is a very important role and pivotal in altering bullying, harassment and sexual harassment cultures and handling complaints effectively at the informal stage. Effective guidance and training will be in place for those who are engaged at this level with the process.
- The complaint may be verbal or written. If verbal, a written note of what is complained of will be taken by the nominated person and a copy given to the complainant.
- This nominated person managing the complaint, will establish the facts, the context, and the next course of action under the informal procedure.
- Examples of bullying, harassment or sexual harassment as appropriate with concrete examples of inappropriate behaviour will be put to the person complained against and they will have the opportunity to respond. If there are no concrete examples given, it must be deemed that there is no complaint to be answered by the person complained of as they have no recourse to repudiate an accusation that doesn't give any specifics.
- A course of action will be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying, harassment or sexual harassment being a factor.
- Steps to stop the bullying, harassment or sexual harassment and to monitor the progress of resolution will then be implemented. This may involve a direct or indirect approach and possible resolution through a programme to change behaviour.
- Time will be given to allow the solutions provided to be successful. This may include the consideration of other working arrangements during the short term.
- Any agreement in relation to actions should be put in writing and signed by both parties.
- Confidentiality is crucial for this stage to be effective and breaches of confidentiality, where exposed, will be met with sanctions highlighted in advance.

The nominated person who was responsible for managing the complaint will keep a nominal record of all stages; the complaint, the first meeting, action agreed and signed records of the final meeting. The purpose of the records, which do not include detail of discussions, is to provide evidence of the

complaint having been met with an organisational response and attempt at resolution.

10. Closing off Informal Process

The following are the steps to close off informal proceedings, ensuring that both parties have their rights met: -

- Both parties will be offered support or periodical reviews, insofar as is reasonable, which, if necessary, could include counselling or other appropriate interventions or support services.
- Where a complaint has been assessed as vexatious, the matter may be progressed through the Disciplinary Policy.
- In many situations, with the co-operation of all parties, the matter can rest here.

11. Formal Process

It is good practice that all informal resolution avenues, as set out above, are contemplated and exhausted, where appropriate, before a formal process commences.

Steps in the formal process: -

- Formal complaints should be lodged in writing with the Chairperson of the Employment Committee within 10 working days of the most recent incident of bullying, harassment or sexual harassment occurring. In exceptional circumstances, the time limit may be waived, but it is extremely difficult to investigate historic complaints, so please bring any concerns you have to the attention of management promptly.
- The complaint should be clearly formulated in writing, confined to precise details of the allegations. The nominated person (appointed under the formal process) may help the employee by taking a written record of the complaint, to be signed by the complainant. All formal complaints will be investigated.
- An initial meeting will be organised by Chairperson of the Employment Committee, first with the employee who is making the complaint.
- The alleged perpetrator will be requested to attend an initial meeting and provided with a copy of the complaint as well as any relevant documents, including a copy of this Policy. They will be advised that they shall be afforded a fair opportunity to respond to the allegations.

12. Investigation

Generally, the investigation will be conducted through the structures of the Diocesan Council. Occasionally it may be appropriate for a nominated third party to conduct the investigation. Such an investigation team should, as far as practicable, have gender balance, particularly in the event of an alleged sexual harassment claim, and ideally should seek to ensure diversity.

The Investigator may, where appropriate, be provided with Terms of Reference to govern the conduct and scope of the investigation. Where there are two investigators appointed, both should be involved in all stages of the interviewing of witnesses and parties to the complaint, with one taking notes.

The Terms of Reference will include the following: -

- An indicative timescale for the completion of the investigation, including a rationale explaining the timescale.
- The scope of the investigation, setting out the procedure to be adopted for findings of fact related to the complaint and a statement that the investigation will consider, based on the facts before them whether the behaviour complained of, on the balance of probabilities, has occurred.
- The confidentiality of the process, to the greatest extent possible, consistent with the requirements for a fair investigation.
- The responsibility on all parties to participate without undue delay in the investigation.
- While circumstances may be difficult, both the complainant and the person complained of will be expected to continue with their normal duties and maintain a professional working relationship during the investigation. The Diocesan Council will always have due regard to its obligations to safeguard the health, safety and welfare of employees and clients.
- The investigation will look objectively at all evidence pertinent to the complaint. The objective of the investigation is to ascertain whether, on the balance of probabilities, the behaviours complained of occurred, it having already been established that the behaviours come within the description of workplace bullying, harassment or sexual harassment.
- The investigator(s) will meet with the complainant and the alleged perpetrator and any witness on an individual basis with a view to establish the facts. The statements will be recorded in writing and shared with the complainant and person complained of (as appropriate). Details of the complaint will be made available to the parties in advance of an investigation meeting.
- Investigation meetings will be held in confidence and with sensitivity, and all staff will be treated with dignity and respect. Confidentiality is required of all parties involved in the investigation. Those attending investigation meetings will be told in advance of the meeting of: -
 - i. The purpose of the meeting.
 - ii. The complaint being investigated.
 - iii. The time and venue.
 - iv. Their right to representation.
 - v. That the investigation may lead to disciplinary action.
 - vi. Both parties have the right to be accompanied by an authorised Staff Representative or working colleague.
- The outcome of the investigation and reasons for that outcome will be in the form of a written report which will be presented to the complainant and alleged perpetrator. The investigation report may

include recommendations that, in the investigator's view, may help to resolve matters and restore good working relations. If the investigator concludes that the accused employee has a case to answer on the balance of probability, the investigator may also recommend whether or not the Company should invoke the Disciplinary Procedure. If the investigator concludes that the accused non-employee has a case to answer on the balance of probability, the investigator may also recommend whether sanctions against the non-employee or their employer are appropriate and provide suggestions as to what they may be.

- Both parties should be given an opportunity to comment on the findings before any action is decided upon by management. A record of relevant discussions which take place during the investigation and will be maintained by management.
- If it is found that the complaint is well founded, the Chairperson of the Employment Committee may recommend counselling, monitoring, or the convening of a disciplinary hearing. This outcome will be conveyed personally, as well as in writing, to the individual involved.
- If a disciplinary hearing is recommended this will be conducted in line with Diocesan Council disciplinary procedure.
- If it is found that the complaint is not upheld, the complainant can be assured that bona fide complaints will not be viewed as malicious. Complaints which are found to be malicious will be dealt with under the disciplinary procedure. This provision should not deter employees from reporting genuine complaints.

13. Appeals

If either party is unhappy with the conduct of the investigation or the outcome they may appeal to the Bishop (or if this is not appropriate to the Chancellor of the Diocese) within 10 working days of the written report being received by the party. The appeal should be made in writing setting out the grounds on which they are not satisfied with the conduct of the investigation in terms of fair process or adherence to procedure. The person bringing the appeal will be given an opportunity to stage their case and will be entitled to be accompanied by a fellow employee. The appeal decision will be notified to the relevant parties in writing and will be final and binding. The person hearing the appeal will not have been previously involved, directly or indirectly with the complaints process. The appeal is not a re-hearing of the original issues.

14. Conclusion of formal process

The Diocesan Council recognises that investigations can be very challenging for all involved. The Diocesan Council may outline some action and next steps to be taken and will notify the complainant and the person complained against of those steps. Documentation about the steps taken

during the formal process will be kept by the Chairperson of the Employment Committee.

List of Contact Persons

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