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Policy and Procedures for addressing Discrimination, Harassment, Sexual Harassment and Bullying in the Workplace.

Dignity & Respect at Work Charter

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Dublin and Dun Laoghaire ETB

Dignity and Respect at Work Charter

1. PURPOSE

The purpose of the charter is to demonstrate DDLETB's commitment to implementing and promoting measures to protect the dignity of employees and to encourage respect for others at work. This is done by creating a work environment free from discrimination, harassment, racism, sexual harassment, bullying and disrespectful behaviour by dealing effectively with any complaints of such conduct, and also by welcoming diversity and promoting employment equality.

This charter is to give practical guidance to staff on:

- what is meant by discrimination, harassment, sexual harassment, bullying and disrespectful behaviour;
- how this unacceptable behaviour may be deterred;
- how to raise the awareness of management and staff to the identification of the potential for this form of unacceptable behaviour;
- what steps to take if it does occur to ensure that adequate procedures are readily available to deal with the problem, to ensure that all parties, complainant and respondent, are treated fairly in resolving the problem and to prevent any recurrence.

It is important to note that while DDLETB cannot guarantee confidentiality, it will make every effort to ensure that everyone involved while a complaint of harassment, sexual harassment or bullying is being investigated observes it.

Where it is necessary to interview witnesses as part of an investigation they will be expected to respect the privacy of the parties involved by refraining from discussing the allegations with other work colleagues or persons outside of the organisation.

Nothing in this charter overrules a person's legal and statutory rights.

It is the objective of this charter is to set out DDLETB's policy and procedures in relation to harassment, sexual harassment and bullying and outlines the procedure to be followed if any member of staff feels that they have been subjected to harassment.

2. SCOPE

This charter for dignity at work is a declaration of our commitment to creating and maintaining a positive work environment, where the right of each individual to dignity at work is recognised and protected.

All individuals, whether directly employed or contracted by us, have a duty and a responsibility to uphold this dignity at work charter. Managers in the workplace have a specific responsibility to promote its provisions.

This charter applies during normal working time in the ETB's premises and also at work related social events, business trips and other work related activities such as training courses or conferences, whether they take place on the ETB's premises or not, and whether or not they take place during normal working hours.

3. EQUALITY & DIVERSITY POLICY

DDLETB is committed to equal opportunity of employment and all employment policies, procedures and practices will be based on merit, qualifications and abilities. Employment and recruitment practices will not be influenced or affected by an employee's gender, civil status, family status, sexual orientation, disability, age, race, religion or membership of the Traveller community. Implied in the DDLETB's contracts of employment is a commitment to equal pay for equal work. Likewise, in selecting service providers, none of the grounds listed above will be used as the basis for any decision.

DDLETB promotes and supports the right to dignity at work. All who work in DDLETB are treated equally and respected for their individuality and diversity. DDLETB will not tolerate discrimination, bullying, sexual harassment, harassment or disrespectful behaviour by one employee or group of employees against another or others for any reason. Lack of respect may be shown in words, conduct, acts or demeanour. The ETB promotes a workplace culture of dignity, respect and openness to diversity which should be reflected in the actions and behaviour of all employees. Where this occurs it is regarded as contravening the values of the ETB and as such will be treated as a serious disciplinary matter.

3.1 *Discrimination*

Discrimination is defined as the treatment of a person in a less favourable way than another person is, has or would have been treated, on any of the nine grounds listed below. Discrimination is also taken to have occurred where one of the nine grounds is imputed to a person, or where a person who is associated with another is treated less favourably than another person would have been by virtue of that association.

DDLETB values the contribution of all employees and requires every employee to refrain from any type of behaviour which may be interpreted as offending, harassing or discriminating against another/other employees. While not restricted to the grounds listed below, the policy prevents any form of discrimination based on the following:

- Gender

- Marital status
- Family status
- Sexual orientation
- Religious belief or lack of religious belief
- Age (16+)
- Disability or the nature of disability
- Race, colour, nationality or ethnic or national origins
- Membership or non-membership of the Traveller community.

3.2 Harassment

The Employment Equality Acts, 1998 - 2015 expressly prohibits harassment. Harassment is defined as any form of unwanted conduct related to any of the nine discriminatory grounds, being conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment may be explicit or implicit; it may be a single incident or occur over a period of time. It may be directed at an individual or at a group. In defining and identifying harassment it is the effect of the behaviour that is relevant not the intent. It is the impact of the behaviour on the person affected that determines whether harassment has occurred.

Such conduct may include spoken words, gestures or the production, display or circulation of written words, pictures or other material, if the action or conduct is unwelcome to the employee and is deemed to be offensive, humiliating or intimidating. Examples of harassment include the following:

Verbal Harassment

- jokes, comments, ridicule or songs

Written Harassment

- faxes, text messages, emails or notices

Non-Verbal/Visual Harassment

- jostling, shoving or any form of assault;
- gestures, posturing or threatening poses;
- visual displays such as posters, emblems or badges;
- isolation or exclusion from workplace social activities;
- pressure to behave in a manner that the employee thinks is inappropriate, e.g. being required to dress in a manner unsuited or a person's ethnic or religious background.

3.3 Sexual Harassment

Sexual harassment is prohibited by the Employment Equality Acts, 1998 - 2015. Sexual harassment is defined as 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.

Such conduct may take the form of unwanted verbal, non-verbal or physical conduct of a sexual nature. This may include acts of physical intimacy, any request for sexual favours, or any other act or conduct including spoken words, gestures, or the production, display or circulation of written words, pictures or other material that is *unwelcome and regarded as sexually offensive, humiliating or intimidating*.

Forms of Sexual Harassment

Many forms of behaviour can constitute sexual harassment and a single incident may constitute sexual harassment. The following is a listing of potential forms of sexual harassment, which is not exhaustive:

Verbal Harassment

- unwelcome sexual advances, propositions, or pressure for sexual activity;
- unwelcome pressure for social contact;
- sexually suggestive jokes, remarks or innuendoes.

Physical Harassment

- unwelcome physical contact such as groping, pinching, patting, unnecessary touching or brushing against another person's body;
- indecent exposure;
- unwelcome fondling or kissing;
- sexual assault or rape.

Non-Verbal/Visual Harassment

- the display of sexually suggestive or pornographic pictures and calendars, objects, written materials, emails, text messages or faxes;
- leering, offensive gestures, whistling.

3.4 Bullying

All forms of bullying is prohibited. 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. 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.

Forms of Bullying

Bullying occurs in many guises and reveals itself through obvious and direct methods as well as in less direct and subtle forms. Bullying may manifest itself across the organisational and management structure. It can occur within peer groups (staff on the same grade), from management to staff and from staff to management. Bullying may be categorised in a number of forms including behaviour that may:

- Humiliate: Preventing a colleague from speaking by using aggressive and/or obscene language, sneering or ridicule including horseplay or practical jokes, and criticising their efforts often in front of others;

- Intimidate: physical abuse or threats of abuse, open aggression, threats, staring, shouting abuse or obscenities;
- Verbal abuse: persistent unwarranted criticism;
- Victimise: manipulation of a colleagues reputation by rumour, gossip ridicule and/or innuendo;
- Exclude and isolate: social exclusion and isolation;
- Intrude: through pestering, spying or stalking;
- Manipulate the nature of work by withholding information, setting meaningless tasks, giving repeated unreasonable assignments or duties that are obviously unfavourable to one individual, giving repeated impossible deadlines or impossible tasks, or regularly taking the credit for somebody's work, but never taking the blame when things go wrong;
- Undermine a person's authority.

3.5 Lack of Respect

Lack of respect is prohibited by the ETB. It can be shown by direct comments, sarcasm, snide remarks, inappropriate jokes or banter towards a colleague. It can arise where colleagues are ignored, overlooked, avoided or shunned without good reason and in a manner likely to be hurtful or disrespectful. Jokes or comments directed at, or referred to, a colleague could be thought amusing by others but may be unpleasant, uncomfortable or hurtful to that colleague. Respect should be shown to all colleagues. Respect is also earned. By showing respect to others and honouring their personal dignity, a person will earn their respect.

3.6 Intent

It is the effect of the treatment on the harassed or bullied individual, and not the intent of the alleged perpetrator, that will be taken into consideration when determining whether or not the treatment constitutes harassment, sexual harassment or bullying.

4. EFFECTS OF HARASSMENT, SEXUAL HARASSMENT AND BULLYING

Harassment, sexual harassment and bullying exact a high price from employees and employers alike. Employees can be subject to fear, stress and anxiety, which may put great strains on personal and family life. Individuals working in a climate of fear and resentment do not perform to their capabilities. The result is not just poor morale but increased absenteeism, higher labour turnover, reduced productivity, reduced efficiency and divided teams.

5. RESPONSIBILITY OF MANAGEMENT AND STAFF

All individuals, whether directly employed or contracted by DDLETB, have a duty and responsibility to uphold the principles of this charter. While each employee has a responsibility to ensure that harassment, sexual harassment and bullying is prevented, Managers, Section Heads/Line Managers and Trade Union Representatives/Officials have a specific responsibility to promote the provisions of this charter.

6. RIGHTS OF THE PARTIES

This charter guarantees that all complaints will be treated seriously and current nationally agreed ETB procedures for dealing with complaints of Bullying or Harassment/Sexual Harassment will be followed.

An individual is free to make a complaint. He/she will not be victimised for making a complaint. However, if a complaint is found to be false or malicious, disciplinary action will be taken as appropriate, up to and including dismissal.

All parties involved will be treated with respect, and counselling may be availed of by either or both parties at any stage in the procedure. The alleged perpetrator of harassment is entitled to representation, a fair and impartial hearing and the right to challenge a claim of harassment. An allegation of harassment remains an allegation until it is found, following investigation, to be harassment.

Where an employee is found to have engaged in harassment, he/she will be subject to the disciplinary procedure and disciplinary action, as appropriate, up to and including dismissal.

Protection against retaliation

Retaliation is a serious violation of this charter and should be reported immediately. Any staff member found to have retaliated against another for filing a complaint or assisting in an investigation will be subject to disciplinary action.