



Aurora

Enriching lives, Enriching Communities

Dignity at Work Policy

Policy Number	Policy Developed by	Date Developed
07 – Other Policies	HR Reverted to HSE Policy	May 2009 07.05.2021
Version	Amendments	
3	Key provision Sheet Attached as per Dignity At Work for the Public Health Service Revised 2022 Support Contact persons' email contact added	
Reviewed by		Review completed
Aine Forde HR Manager		29.04.2024
CEO signature		Next Review Date
		29.04.2026

Mission Statement

Enable people with complex needs to experience the same rights as every other citizen and as equal members of the community.

Key provisions in the revised Policy include:

- Emphasis on the Policy's role in managing statutory health and safety responsibilities related to the hazards of bullying, harassment and sexual harassment.
- Further guidance on what constitutes bullying, harassment and sexual harassment.
- A new section on preventative measures designed to avoid incidents or complaints arising.
- Introduction of a new secondary informal procedure stage as part of the complaints management procedures, after the initial informal stage and preliminary screening, and before the formal procedure of investigation.
- Under this stage, an employee assigned to act as a Nominated Person will have responsibility for managing the complaint on behalf of the employer. The Nominated Person will engage with the parties to a complaint to try and resolve issues informally and restore positive working relations.
- The Nominated Person will be from outside the department of the parties to the complaint.
- Continued emphasis on the importance of early intervention when incidents or complaints arise and ensuring that all reasonable efforts are made by managers to deal with complaints promptly, at local level, using an informal approach.
- The Support Contact Person whose role is to provide information and support at an early stage to any employee, remains a key element of the revised Policy. The Current Support contact persons for Aurora as mentioned in the Policy are as follows and can be contacted through email :

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- Mediation as a voluntary process for parties is strongly encouraged and can take place at any stage.
- Appendix 1 of the Policy sets out a summary of the complaint management procedures that apply under the revised Policy.
- There is an emphasis on informing employees of the health and wellbeing supports that

are available within the organisation and how these can be accessed.

- There is a focus on anonymised complaint monitoring by employers. In compliance with the HAS/WRC Code of Practice, such monitoring will enable employers to record incidents of bullying and harassment and take correction action or achieve continuous improvement in the Policy. Appendix 4 is Complaint Monitoring Form Template.



Dignity at Work Policy for the Public Health Service (Revised 2022)

Document updated by	HSE National Employee Relations	Union/staff association consultation completed	28 April 2022
Implementation Date	29 August 2022	Responsibility for review and audit	National Director Human Resources

Table of Contents

1. Policy Statement	3
2. Background and Context	4
3. Purpose	5
4. Scope	6
5. Relevant Legislation, Policies and Codes	7
6. Glossary of Terms and Definitions	7
7. Preventing Bullying, Harassment and Sexual Harassment	15
7.1 Overview	15
7.2 Prevention Strands	15
8. Managing Complaints of Bullying, Harassment and Sexual Harassment	17
8.1. Overview	17
8.2. Bullying, Harassment and Sexual Harassment by Non Employees	18
8.3. Mediation	19
8.4. Support Contact Person	20
8.5. Malicious Vexatious Complaints	20
8.6. Informal Procedure Stage 1	20
8.7. Preliminary Screening	22
8.8. Secondary Informal Procedure Stage 2	23
8.9. Formal Procedure: Investigation	24
8.10. Statutory Redress	28
9. Roles and Responsibilities	28
9.1. Employees	28
9.2. Line Managers	29
9.3. Support Contact Persons	30
9.4. Nominated Persons	31
9.5. Investigation Commissioners	31
9.6. National Directors, Chief Officers CHOs, CEOs Hospital Groups & S.38s	32
9.7. Chief Executive Officer	32
10. Implementation	33
11. Revision	34
Appendix 1 Summary of Complaint Management Procedures	35
Appendix 2 Role of the Support Contact Person	36
Appendix 3 Supports to Employees and Managers	37
Appendix 4 Sample Complaint Monitoring Form Template	39
Appendix 5 Signature Page	40

1. Policy Statement

- 1.1. The Health Service Executive recognises that the creation of a work environment where public health service employees feel valued, recognised and safe, and can work in an atmosphere of respect and collaboration is central to the delivery of the highest possible quality health and social care services. The promotion and maintenance of the dignity of all public health service employees in the HSE and Section 38 organisations and respect for diversity plays a key role in ensuring this environment.
- 1.2. The Dignity at Work Policy aims to provide a safe working environment for all employees in the public health service which recognises their right to be treated with dignity and respect and which is free from all forms of bullying, harassment and sexual harassment. The Policy is a key tool in health sector organisations' management of their statutory health and safety responsibilities with regard to preventing and managing risks associated with bullying, harassment and sexual harassment.
- 1.3. In achieving its aims, the Policy has a strong preventative focus, which emphasises the duties of health sector organisations and all employees and managers to create and maintain a working environment in which everyone is treated with dignity, courtesy and respect and diversity is valued. Where complaints of bullying, harassment or sexual harassment occur, the Policy aims to ensure that all parties will be treated with fairness, sensitivity, respect and confidentiality, and with due regard to the rights of all parties, using both informal and formal procedures.
- 1.4. The Policy recognises the importance of early intervention in managing complaints of bullying, harassment and sexual harassment. A key objective is to ensure that all reasonable efforts are made to deal with complaints at local level, informally where appropriate. The Policy promotes mediation as an essential tool in resolving complaints. Mediation is a voluntary process that can be entered into at any stage of the complaints management process and will be actively encouraged from the earliest stage possible where appropriate.
- 1.5. The Policy provides a framework in which complaints of bullying, harassment and sexual harassment will be taken seriously and will be followed through to resolution, and in which employees who make a complaint or those who support such employees, will not be victimised. Where complaints are upheld, appropriate action will be taken which may include disciplinary action¹ or other appropriate sanctions. Vexatious or malicious complaints may also lead to disciplinary action or other appropriate sanctions.
- 1.6. The Policy aims to protect employees from bullying, harassment and sexual harassment by non employees including patients/service users, suppliers, contractors, visitors or any other person with whom employees come into contact during the course of their work. Bullying, harassment or sexual harassment by non employees may result in the termination/non renewal of business contracts, the suspension/non renewal of services, exclusion from the premises or the imposition of other appropriate sanctions.

¹ The nature of any actions taken will depend on whether the perpetrator is an employee or non-employee. If the perpetrator is an employee, the matter may be addressed under the employer's disciplinary procedure.

- 1.7. The Policy will be reviewed two years after its implementation and thereafter every three years. The Policy will be reviewed at an earlier stage as circumstances or legislation require.

2. Background and Context

- 2.1. Bullying, harassment and sexual harassment may have a devastating effect on the health, confidence, morale and performance of those subjected to such behaviours. They may also have serious effects for those who are accused, wrongly or otherwise, and for those who witness such actions or have knowledge of them. Workplace bullying and harassment adversely affect the quality of patient/service user care by undermining employee morale and can result in absenteeism, stress-related illnesses, higher turnover of staff and litigation.
- 2.2. The Safety, Health and Welfare at Work Act 2005 obliges an employer to provide a safe working environment as far as is reasonably practicable which is free from bullying and harassment. The Employment Equality Acts 1998 -2015 prohibit sexual harassment and harassment on the nine discriminatory grounds.
- 2.3. The Dignity at Work Policy is an essential control measure for organisations in meeting their statutory health and safety obligations with regard to preventing and managing risks associated with the hazards of bullying, harassment and sexual harassment in the workplace. Health sector employers and employees have specific duties under the Safety Health and Welfare at Work Act 2005 directly or indirectly related to preventing, managing and controlling the risks arising from bullying, harassment and sexual harassment. These include, but are not limited to:
- 2.4. Employer Responsibilities:**
 - Manage and conduct work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health or welfare at work of their employees at risk (Section 8 (2) (b));
 - Provide the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of their employees (Section 8 (g));
 - Identify the hazards in the place of work under their control, assess the risks presented by those hazards and be in possession of a written assessment (known as a “risk assessment”) of the risks to the safety, health and welfare at work of their employees, including the safety, health and welfare of any single employee or group or groups of employees who may be exposed to any unusual or other risks under the relevant statutory provisions (Section 19(1));
 - Prepare, or ask to be prepared, a written statement (to be known and referred to in this Act as a “safety statement”), based on the identification of the hazards and the risk assessment carried out under section 19, specifying the manner in which the safety, health and welfare at work of their employees shall be secured and managed (Section 20(1)).

2.5. Employee Responsibilities²:

- Co-operate with their employer or any other person so far as is necessary to enable their employer or the other person to comply with the relevant statutory provisions, as appropriate (Section 13 (d));
- Not engage in improper conduct or other behaviour that is likely to endanger their own safety, health and welfare at work or that of any other person (Section 13 (e));
- Attend such training and, as appropriate, undergo such assessment as may reasonably be required by their employer or as may be prescribed relating to safety, health and welfare at work or relating to the work carried out by the employee (Section 13(f)).

2.6. This revised Policy is based on two codes:

- The “Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work” (2020 Code) developed by the Health and Safety Authority (HSA) and the Workplace Relations Commission (WRC). It replaces and updates the separate codes of practice previously published by each organisation.
- The Code of Practice on Sexual Harassment and Harassment at Work issued by the Irish Human Rights and Equality Commission (IHREC) in accordance with the Employment Equality Acts 1998-2015.

2.7. The 2020 HSA/WRC Code of Practice on bullying in the workplace retains the core definition of bullying outlined in previous codes and provides updated guidance which is reflective of caselaw on bullying. The Code highlights that behaviour can be either bullying or harassment, but not both, as they are two legally distinct concepts. While the Code only addresses behaviours which come within the definition of workplace bullying, it recognises that employers may choose to have one policy dealing with bullying, harassment and sexual harassment, as applies in this Policy. As regards the procedures, the Policy reflects the Code in emphasising the importance of assessing each complaint on its own merits, to determine the most appropriate manner in which to process the issue. This could be under the initial informal or secondary informal stage, through mediation, or through the formal procedure, bypassing the earlier stages.

2.8. In revising the Policy to meet the requirements of the HSA/WRC Code of Practice, as well as the IHREC Code, every effort has been made to ensure a focus on best practice, prevention, remedial action, an effective complaints procedure and appropriate monitoring systems to strengthen health sector organisations’ responses to these issues.

2.9. The health sector trade unions/associations continue to play an essential role in preventing and managing bullying, harassment and sexual harassment. This occurs through engagement on this Policy, their role in providing information and advice to staff and representing them if requested at relevant meetings or otherwise.

3. Purpose

3.1. The principal purpose of this Policy is to support the creation and maintenance of a safe working environment for all employees which is free from all forms of bullying, harassment and sexual harassment and which recognises employees’ rights to be treated with dignity and respect.

² Additional employee and manager responsibilities are outlined in section 9 of this Policy.

- 3.2. The Policy sets out the preventative measures designed to avoid incidents of bullying, harassment and sexual harassment, as well as the robust complaints management system with informal and formal procedures to address complaints when they arise.
- 3.3. A key objective of the Policy is to ensure that all reasonable efforts are made by health sector employers to deal with complaints of bullying, harassment or sexual harassment at local level. The Policy emphasises the importance of early intervention, and an informal approach, offering as it does the best possible potential for a good outcome, particularly regarding restoring workplace relationships. The Policy promotes the use of mediation where both parties jointly agree to participate in this process. In the event that the complaint cannot be resolved locally or through mediation, the Policy sets out an investigation process which is designed to deal with complaints promptly and with minimum distress for the parties involved.
- 3.4. The Policy aims to provide clear guidance to managers, staff and all other stakeholders on their role in implementing and complying with the Policy to support the creation and maintenance of a safe environment which upholds dignity for all. This includes guidance to support preventative measures, complaint management and post complaint monitoring.

4. Scope

- 4.1. The Policy applies to all employees working in the public health service (HSE and Section 38 agencies), irrespective of whether employees work at a fixed location, remotely or are mobile, working in multiple work locations.
- 4.2. The Policy aims to protect employees at work from bullying, harassment and sexual harassment by other staff/managers and from other persons with whom they come into contact in the course of their work including patients/ service users, agency workers, contractors, suppliers and any other visitor to the employer's work premises.
- 4.3. Bullying, harassment and sexual harassment activities involve actions and behavioural patterns, directly or indirectly, spoken and/or written and could include the use of cyber or digital means. The definitions of bullying, harassment and sexual harassment are set out in Section 6. The intention of the person engaging in the unwelcome behaviour is irrelevant; the effect of the behaviour on the employee concerned is what is important.
- 4.4. Allegations of physical assault against employees that are not linked to one of the nine discriminatory grounds under the Employment Equality Acts 1998-2015 are outside the scope of this Policy. Any such allegations that are not related to one of the prohibited nine grounds will be addressed through other appropriate processes, depending on the identity of the alleged perpetrator (employee or non employee), such as the employer's disciplinary procedure or the HSE Policy on the Prevention and Management of Work related Aggression and Violence 2018 for HSE employees³.

³ This Policy relates to acts perpetrated by service users.

- 4.5. The Policy recognises that bullying, harassment and sexual harassment can take place outside of the workplace and outside of normal working hours e.g. at work-related social events, conferences or training courses.

5. Relevant Legislation/Policies/Codes

- Safety, Health and Welfare at Work Act 2005
- Employment Equality Acts 1998-2015
- S.I. No. 674 of 2020 - Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020
- (S.I.) No. 208 of 2012 - Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2012
- Code of Practice on Victimisation (S.I. No. 463 of 2015) (WRC)
- General Data Protection Regulation (GDPR) (EU) 2016/679
- Data Protection Acts 1988-2018
- HSE Data Protection Policy (2019)
- HSE Corporate Safety Statement (2021)
- HSE Integrated Risk Management Policy (2017)
- HSE Policy on the Prevention and Management of Work related Aggression and Violence (2018)
- Disciplinary Procedure for Employees of the Health Service Executive (2007)
- Grievance and Disciplinary Procedures for the Health Service (2004)

6. Glossary of Terms and Definitions

6.1 Workplace bullying definition	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
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	but as a once off incident is not considered to be bullying.
<p>6.1.1. Guidance on definition: Workplace bullying should meet the criteria of an on-going series of accumulation of negative targeted behaviours against a person or persons to undermine their esteem and standing in a harmful, sustained way. Bullying behaviour is offensive, on-going, targeted and outside any reasonable 'norm'. A pattern and trend are involved so that a reasonable person would regard such behaviour as clearly wrong, undermining and humiliating.</p> <p>6.1.2. Workplace bullying involves repeated incidents or a pattern of behaviour that is usually intended to intimidate, offend, degrade or humiliate a particular person or group of people. The intention of the person engaging in the unwelcome behaviour is irrelevant however; the effect of the behaviour on the employee concerned is what is important.</p> <p>6.1.3. 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 e.g. social media.</p> <p>6.1.4. Bullying at work can occur in many different work situations, individually or in groups, and at all levels including manager to employee, employee to manager, employee to employee, employees to employees, and service user to employee. Bullying may occur outside the work premises or normal working hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference or work-related social event.</p> <p>6.1.5. Typical bullying behaviours Behaviours which makes for a bullying pattern will likely include not just one but a range of behaviours, including:</p> <ul style="list-style-type: none">• Exclusion with negative consequence• 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• Intrusion - pestering, spying or stalking• Intimidation/aggressive interactions• Excessive monitoring of work• Withholding information necessary for proper performance of a person's job• Repeatedly manipulating a person's job content and targets• Blaming a person for things beyond their control• Use of aggressive and obscene language	

- Other menacing behaviour

6.1.6. Behaviours that are not bullying

Apart from once-off behaviours, other on-going behaviours which may upset or unsettle a person may also not come within the bullying definition. Behaviour considered bullying by one person may be considered routine interaction by another, so the ‘reasonableness’ of behaviours over time must be considered, for example,

- Disrespectful behaviour, whilst not ideal, is not of itself bullying.
- Conflicts and disagreements do not, of themselves, make for a bullying pattern.

There are various workplace behavioural issues and relationship breakdowns which are troubling, upsetting and unsettling but are not of an adequate level of destructiveness to meet the criteria required for a bullying case.

6.1.7. Objective criticism and corrections that are intended to provide constructive feedback to an employee are not usually considered bullying, but rather are intended to assist the employee with their work.

6.1.8. Examples of behaviours that are not bullying include:

- Ordinary performance management.
- Offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome.
- Expressing differences of opinion strongly.
- Appropriate engagement on service and role change.
- Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees. For example managing a worker's performance/conduct/attendance, taking reasonable disciplinary actions, or assigning work.
- Workplace conflict where people disagree or disregard the others’ point of view.

6.2 Harassment at work definition:

Harassment (other than sexual harassment) is any form of unwanted conduct related to any of the discriminatory grounds covered by the Employment Equality Acts 1998 to 2015. These grounds are:

- Gender (this covers men and women. Discrimination because of pregnancy or maternity leave is also defined as gender discrimination. Under EU law a transgender person who experiences discrimination arising from their gender reassignment or transition is protected under the gender ground).
- Civil status (defined as being single, married, separated, divorced, widowed, in a civil

	<p>partnership (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010) or being a former civil partner in a civil partnership that has ended by death or been dissolved).</p> <ul style="list-style-type: none">• Family status (means responsibility as a parent or person <i>in loco parentis</i> for a person under the age of 18 years or responsibility as a parent or resident primary carer of a person of 18 years or over with a disability requiring care or support).• Sexual orientation (defined as heterosexual, bisexual or homosexual).• Religion (includes different religious background or outlook, including the absence of religious belief).• Age (refers to the protection against age-related discrimination in employment and applies only to employees over the maximum age at which a person is statutorily obliged to attend school. (The minimum school leaving age is currently 16 years, or the completion of three years of post primary education, whichever is the later)).• Disability (defined broadly as, for example, the total or partial absence of a person's bodily or mental functions; the presence of organisms which cause or are likely to cause disease; the malfunction, malformation or disfigurement of a part of a person's body; a condition or malfunction which results in a person learning differently from a person without the condition or malfunction; or a condition or illness which affects a person's thought processes, perceptions of reality, emotions or judgement or which results in disturbed behavior. The definition includes a disability which exists, which previously existed, which may exist in the future or which is imputed to a person).• Race (includes race, colour, nationality or ethnic or national origins).• Membership of the Traveller community (means a member of the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland).
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	<p>Harassment is defined in the Act as any form of unwanted conduct related to any of these discriminatory grounds 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.</p> <p>Harassment that is based on any of the nine grounds is a form of discrimination in relation to conditions of employment.</p> <p>The protection of the Act extends to situations where the employee does not have a relevant characteristic related to a discriminatory ground but the perpetrator believes that they have that characteristic, for example, if the perpetrator believes the employee is gay and the employee is not, or that the employee is a member of a particular religious group and the employee is not.</p> <p>The protection of the Act also extends to adverse treatment of an employee in the course of their work because they have rejected or accepted behavior which constitutes harassment.</p> <p>The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. The intention of the person engaging in the unwelcome behaviour is irrelevant; the effect of the behaviour on the employee concerned is what is important.</p> <p>The conduct at issue may not be specifically directed at a particular employee but nevertheless has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.</p>
<p>6.2.1. Guidance on definition: Harassment may be targeted at one employee or a group of employees. Harassment may consist of a single incident or repeated inappropriate behaviour.</p> <p>6.2.2. The following are examples of inappropriate behaviour which may constitute harassment. These examples of harassment are illustrative but not exhaustive:</p> <ul style="list-style-type: none">• Verbal harassment, e.g. jokes, derogatory comments, ridicule or song• Written harassment, e.g. graffiti, faxes, text messages, emails, social media or internet posts• Physical harassment, e.g. jostling, shoving or any form of assault• Intimidatory harassment, e.g. gestures or threatening poses	

- Visual displays, e.g. posters, emblems or badges
- Persistent negative body language
- Excessive monitoring of work
- Isolation or exclusion from social activities
- Unreasonably changing a person’ job content or targets.

Specific examples include:

- Mimicking a person with a speech impairment
- Deliberately using the wrong pronoun (e.g. he/she) when addressing someone, when the person has expressed a preference for how they should be referred to.
- Making a point of asking someone who is not White Irish where they are “really” from.

6.2.3. It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is mutual and welcome. It is up to each employee to decide what behaviour is welcome, irrespective of the attitude of others, and from whom such behaviour is unwelcome. The fact that the employee has previously tolerated the behaviour does not stop them from objecting to it later.

6.2.4. An act of harassment may occur outside the work premises or normal working hours provided the perpetrator was acting in the course of employment⁴, for example, at a training course, conference, work-related social event and social media sites.

6.3 Sexual Harassment definition

Sexual harassment relates to the gender ground under the Employment Equality Acts 1998 to 2015⁵ and is 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.

The unwanted conduct may include 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 may be targeted at one employee or a group of employees.

The intention of the person engaging in the unwelcome behaviour is irrelevant; the effect of the behaviour on the employee concerned is what is important.

⁴ This will depend on the particular circumstances of the case.

⁵ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

	<p>The protection of the Act also extends to adverse treatment of an employee in the course of their work because they have rejected or accepted behavior which constitutes sexual harassment.</p> <p>The conduct at issue may not be specifically directed at a particular employee but nevertheless has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.</p>
<p>6.3.1. Guidance on definition: The following are some examples of inappropriate behaviour which may constitute sexual harassment. These examples are illustrative but not exhaustive:</p> <ul style="list-style-type: none"> • Physical conduct of a sexual nature, e.g. 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, e.g. unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted and offensive flirtations, suggestive remarks, innuendos, lewd comments, unwanted or derogatory comments about dress or appearance • Graffiti, written materials, emails, text messages or social media posts • Non-verbal conduct of a sexual nature, e.g. the display of pornographic or sexually suggestive pictures or objects, stalking, indecent exposure, leering, whistling and sexually suggestive gestures <p>6.3.2. It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behavior which is mutual and welcome. It is up to each employee to decide what behavior is welcome, irrespective of the attitude of others, and from whom such behavior is unwelcome. The fact that the employee has previously tolerated the behavior does not stop them from objecting to it later.</p> <p>6.3.3. An act of sexual harassment may occur outside the work premises or normal working hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference, work-related social event and social media sites.</p>	
<p>6.4. Support Contact person</p>	<p>Provides confidential information and emotional support to the parties to a complaint. Does not act as advocate or representative. Should have appropriate training and experience and be familiar with the relevant Human Resources procedures including the Dignity at Work Policy.</p>
<p>6.5. Workplace Mediation</p>	<p>Workplace Mediation is a voluntary process of conflict prevention and resolution that allows the parties in dispute the opportunity to address and resolve their issues in a confidential and private environment (Mediators’ Institute of Ireland). In workplace mediation, an independent, neutral Mediator, whose role is non</p>

	judgemental and non directive, assists the parties to come to agreement through a collaborative process. Parties are helped to identify their issues and explore how their needs can be addressed. Mediation improves communication, addresses outstanding issues, diffuses emotions and highlights areas of agreement.
6.6.Nominated Person	A supervisor/manager or someone in authority who manages the complaint on behalf of the organisation at secondary informal procedure stage 2. Must have appropriate training and experience and be familiar with the procedures involved.
6.7.Investigation Commissioner	A senior manager assigned responsibility and accountability for commissioning and managing the investigation ⁶ , and post investigation process, engaging with the investigator(s) and the parties to the investigation.
6.8.Preliminary Screening	A process conducted by Human Resources to assess whether the alleged behavior which is the subject of the complaint, falls within the definition of bullying, harassment, or sexual harassment as defined above.
6.9. Workplace Investigation	A workplace investigation is governed by a terms of reference and aims to establish the facts in relation to the specific allegation of bullying/harassment/sexual harassment and make findings on the balance of probabilities as to whether the alleged behaviour occurred.
6.10.Hazard	A potential source of harm or adverse health effect on a person or persons (HSE Integrated Risk Management Policy, 2017)
6.11.Risk	Risk is the uncertainty of objectives. In terms of occupational health and safety risk it is the combination of the likelihood of the occurrence of a work related hazardous event or exposure(s) and the impact of the injury or ill-health that can be caused by the event or exposure. (Ref: Adapted from HSE Integrated Risk Management Policy, 2017).
6.12.Risk management	Coordinated activities to direct and control an organisation with regard to risk (HSE Integrated Risk Management Policy, 2017).
6.13.Risk assessment	The overall process of risk identification, risk analysis and risk evaluation. (HSE Integrated Risk Management Policy, 2017)
6.14.Controls	A mechanism, process, procedure or action which can be verified which seeks to reduce the likelihood and/or consequence of a risk. Controls include any process, policy, device, practice or other actions which modify risk. They can exist or be required as additional in order to further mitigate the risk (HSE Integrated Risk Management Policy, 2017).

⁶ In the HSE, the Investigation Commissioner liaises with the HSE National Investigations Unit who facilitate and support the investigation process

7. Preventing Bullying, Harassment and Sexual Harassment

7.1 Overview

- 7.1.1. Preventing bullying, harassment and sexual harassment, and creating a positive organisational culture which respects diversity and upholds dignity for all, is a key focus of this Policy. As outlined in the HSA/WRC Code of Practice on the Prevention and Resolution of Bullying at Work, the main elements important for a positive workplace include *“good leadership (leading by example), a culture of involvement and a proper flow of communication, intolerance of inappropriate behaviour, training of staff on acceptable behaviour or conduct, an open and transparent pattern of relating based on mutual respect and dignity for all”*.
- 7.1.2. Key objectives in focusing on prevention are to create and promote positive behaviours, raise awareness of the Policy, and focus on effective people management. Good people management is core to prevention. Problems of bullying or inappropriate behaviour can arise as a result of poor management, and managers and supervisors have an essential role in tackling inappropriate behaviour and modelling good behaviours through the people management processes outlined below. All employees have a responsibility to set a good example and treat anyone with whom they have contact through work in a courteous and respectful way, and to object to inappropriate behaviour if it occurs.
- 7.1.3. In focusing on prevention, health sector employers and employees should be mindful of their statutory health and safety responsibilities, outlined in Section 2 of the Policy, to prevent and not engage in improper conduct. Where bullying, harassment and sexual harassment are identified as hazards, risk assessments must be undertaken and controls identified to eliminate or minimise the risk. Further information on this area can be found in the HSE Integrated Risk Management Policy/Framework and associated risk assessment documentation. Guidance on same can be obtained from the HSE National Health and Safety Function (see Appendix 3).

7.2. Prevention Strands

7.2.1. Promoting positive behaviour:

- 7.2.1.1. Creating awareness of the Policy amongst all stakeholders, employees (see people management processes below) and non employees, to ensure all are aware of the expected standards of behaviour.
- 7.2.1.2. For non employees, the revised Policy will be communicated in various ways such as verbally by staff; through posters/visual information displayed prominently in health and social care settings; and through formal documentation in other ways (e.g. integration in Service Level Agreements or contracts).
- 7.2.1.3. Specific initiatives will be undertaken to raise awareness and promote positive behaviours such as through Civility Awareness, Values in Action, Anti bullying/harassment events.

7.2.2. Human resources processes:

7.2.2.1. Induction: New employees, including those in management and all other positions of responsibility, should be made aware of the Policy, its complaint management procedures, and the expected standards of behaviour through the formal and informal induction processes. New employees should sign the signature sheet to say they have read and understand the policy (see Appendix 5), or any other electronic recording system.

7.2.2.2. Probation Management: Managers and supervisors should monitor the appropriateness of behaviour as employees progress through the probation period, addressing inappropriate behaviour if it arises.

7.2.2.3. Supervision and performance management: Managers and supervisors should ensure all staff reporting to them are aware of and understand the Dignity at Work Policy. Managers and supervisors should be vigilant in monitoring and addressing the appropriateness of behaviour through supervision and performance management processes. Bullying, harassment, sexual harassment or other inappropriate behaviour where witnessed should not be tolerated and should be dealt with promptly with that individual. Managers/Supervisors should not wait for an employee to make a complaint. This will also help to create a climate in the workplace where employees are willing to speak out against behaviour which they consider to be inappropriate and possibly discriminatory.

7.2.2.4. Team management: Managers and supervisors should foster a positive working environment by engaging with their teams in a transparent and equitable manner, promoting a culture of involvement and consultation, in addition to recognising positive contributions. Ongoing awareness of the Policy and expected positive behaviours should be addressed through conversations at team meetings. Employees should be encouraged to approach their manager if they have concerns about the behaviour of colleagues or non employees.

7.2.2.5. Training: Various training programmes are available which will raise awareness of the Policy and related responsibilities, and promote positive behaviours. Such training is important for all, and especially for those who are responsible for supervising and implementing the Policy, advising on the Policy and managing complaints; this includes the Support Contact Persons and the Nominated Persons. Through training, managers can obtain the confidence and capacity to engage on such issues and to respond and consult appropriately. Relevant HSE training programmes include:

- Dignity at Work e learning module on HSeLanD.
- Dignity at Work, Equal Opportunities, and other people management modules on People Management Legal Framework (PMLF) programme for line managers.
- Training for Support Contact Persons and Nominated Persons.

8. Managing Complaints of Bullying, Harassment and Sexual Harassment

See Appendix 1: Summary of Complaint Management Procedures

8.1 Overview

- 8.1.1. A key objective of this Policy is to ensure that all reasonable efforts are made by health sector employers to deal with complaints of bullying, harassment or sexual harassment at local level. The Policy emphasises the importance of early intervention and an informal approach, offering as it does the best possible potential for a good outcome, particularly regarding restoring workplace relationships. An informal approach may effectively address the unwanted behaviour without recourse to any other action.
- 8.1.2. All complaints of bullying, harassment and sexual harassment will be taken seriously and will be followed through to resolution.
- 8.1.3. Mediation is an essential tool in the complaints management process, which parties can enter voluntarily into at any stage, including during or after investigation. It is important that employees are made aware of mediation, how it operates and potential benefits, to inform their decision on whether to participate. Managers will actively encourage parties to use mediation from early on in the complaints management process where appropriate. It is recognised that in many cases mediation is most likely to resolve complaints when parties engage at an early, informal stage.
- 8.1.4. The procedure for complaint management set out below comprises an informal process with two stages, and a formal procedure of investigation. Each case, however, should be assessed on its own merits to identify the most appropriate means of dealing with the matter and whether stages of the procedure should be bypassed. For example, in certain circumstances, a serious complaint/allegation of harassment/sexual harassment may be referred by management for formal investigation at the outset. Appendix 1 sets out a summary of the complaint management procedures.
- 8.1.5. Preliminary screening, which establishes whether the behaviour complained of falls under the definition of bullying, harassment and sexual harassment, should occur after the initial informal stage if the complaint remains unresolved. Preliminary screening will determine whether the complaint proceeds through the secondary informal procedure stage 2, or to the formal procedure.
- 8.1.6. While every effort should be made to resolve the complaint locally, using and exhausting informal procedures, such efforts may not succeed and it may be determined that the matter proceeds to investigation. Where this occurs, the investigation process is designed to deal with complaints promptly, with minimum distress for the parties involved, using fair procedures which uphold the rights of all parties and impartial, skilled investigators⁷.

⁷ The HSE HR National Investigations Unit will facilitate and support the investigation process in the HSE.

8.1.7. Monitoring complaints is essential to ensure resolution and prevent reoccurrence, in line with health and safety responsibilities. Appropriate records will be kept observing data protection/GDPR principles. Monitoring by employers will also occur providing anonymised information on the volume of complaints arising and how they are resolved. A Sample Complaint Monitoring Form Template is attached at Appendix 4 which can be adapted by employers. This should be kept locally, and a copy provided to local HR when the complaint is resolved.

8.1.8. Two specific roles for staff are detailed further in the Policy:

Support Contact Persons: Provide non directive support and information to staff.

Nominated Persons: Manage the complaint on behalf of the organisation under the secondary informal procedure stage 2.

8.1.9. Principles governing the management of complaints

8.1.9.1. Health sector employers will respond sensitively to complaints raised, aiming to resolve matters informally at an early stage. Mediation will be actively encouraged.

8.1.9.2. The parties to a complaint will be expected to continue with their normal duties and maintain a professional working relationship during the course of the complaint management process including investigation. In certain circumstances alternative arrangements may be considered, for example to discharge the employer's duties to protect the safety, health and welfare of relevant parties.

8.1.9.3. Confidentiality of all parties will be maintained to the maximum extent possible, taking into account the requirements of natural justice and fair procedures. Breaches of confidentiality may be addressed through the disciplinary procedure.

8.1.9.4. All parties will be offered supports throughout the process (see Appendix 3).

8.1.9.5. Complaints which are upheld may lead to disciplinary action, or other sanctions in the case of non-employees. An employee who has been the subject of an investigation process under this Policy will not be subject to a separate investigation under the disciplinary procedure. The investigation report under this Policy will form the basis of management's decision to convene a disciplinary hearing at the appropriate stage.

8.1.9.6. Complaints which are found to have been made maliciously or vexatiously at any stage of the procedures may lead to disciplinary action.

8.2 Bullying/harassment/sexual harassment by non employees

8.2.1. This policy protects employees from bullying, harassment and sexual harassment by non employees including a patient/service user, agency worker, supplier, contractor, visitor, volunteer or any other person with whom employees come into contact during the course of work. Bullying, harassment and sexual harassment by non employees may result in the termination/non renewal of business contracts, the suspension/non renewal of services, exclusion from the premises or the imposition of other appropriate sanctions. If an employee feels that they have been subjected to inappropriate behaviour by a non employee, they should bring the matter to the

attention of their manager so that the matter can be examined and appropriate action taken.

8.2.2. Where complaints against non-employees are the subject of a formal investigation the alleged perpetrator will be expected to co-operate fully with the process and will be afforded fair procedures and an opportunity to respond fully to the complaint.

8.2.3. If a non employee does not cooperate and participate in the formal process, it is important that the non employee is kept informed of all developments and given an opportunity to respond to them. The outcome of the investigation and any possible sanctions/actions must also be explained to the non employee and/or any person or organisation for which the person works.

8.3 Mediation

8.3.1. Mediation is the preferred method under this Policy for resolving complaints of bullying and harassment. The objective of mediation is to resolve the matter speedily and confidentially without recourse to a formal investigation and with the minimum of conflict and stress for the individuals involved. Mediation requires the voluntary participation and co-operation of both parties in order to work effectively. It may be attempted at any or all points of these procedures to try to resolve the matter, including during or after the formal investigation but it is recognised that mediation is likely to have a better outcome when it occurs at an early stage in the complaints management process. The mediation process is strictly confidential to the parties and any information that emerges will not be disclosed regardless of the outcome.

8.3.2. Both parties will be requested to consider the use of mediation and every effort will be made to secure their agreement, including providing information on how mediation operates, and the potential outcomes/resolution and benefits. In the case of HSE employees, if both parties agree, management will contact the HSE National Mediation Service who will assign a mediator from the National Mediation Service panel. The panel consists of health service staff who are trained and accredited mediators. In some cases, an external mediator will be assigned. Section 38 organisations will use the mediation arrangements in place in their organisations.

8.3.3. An assigned mediator will meet with both parties, usually separately to begin with, to discuss the alleged offending behaviour. Following this, the mediator will usually bring both parties together to reach a common understanding and agreement on acceptable future behaviour. A mediated agreement seeks to reach an accommodation between the parties and thereby restore harmonious working relations. A mediated solution which is confidential to the parties will not result in the issues being dealt with under the disciplinary procedure. The process will normally generate minimal paperwork and/or records.

8.3.4. Further information on the National HR Mediation Services is available at <https://healthservice.hse.ie/staff/benefits-and-services/mediation/>

8.4 Support Contact Person

- 8.4.1. An employee who feels that they are being bullied, harassed or sexually harassed, or who has been accused of bullying, harassment or sexual harassment, may wish to avail of the confidential support of a Support Contact Person. A Support Contact Person is a fellow health service employee who has been trained to support other employees and is available to provide a supportive, confidential, non-judgmental and non directional off the record listening service. They will provide copies of the Policy and explain the definitions and the various elements of the procedures. The aim of the Support Contact Person is to guide employees through the Dignity at Work Policy and the options open to the employee(s)⁸ to help the employee decide what course of action they wish to take. The Support Contact Person cannot act as an advocate or representative for the employee and may not approach the alleged perpetrator on their behalf. They have no role in the investigation of complaints and they do not keep records about the discussions. Health sector employers should ensure that there are appropriate numbers of suitably experienced and trained Support Contact Persons whose contact details are communicated throughout the organisation (e.g. on staff notice boards/websites) or can be obtained from the Human Resources Department. Section 9.3 and Appendix 2 provide further details on the Support Contact Person and their role in the process.

8.5 Malicious/vexatious complaints

- 8.5.1. A malicious/vexatious complaint can be described as an allegation being made without foundation and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of bullying or harassing them, or a third party. A malicious complaint has the power to disrupt another person's life to a significant extent and cause damage. Accusations of bullying, harassment or sexual harassment can have a serious impact on any person and reduce their reputation in the eyes of others, even if later shown to not have been proven. Those making complaints, and those involved in early assessment of the circumstances of a complaint, should always be mindful of the potential of the complaint being malicious or vexatious. Complaints which are found to have been maliciously or vexatiously made at any stage of the informal or formal procedures may lead to disciplinary action.

8.6 Informal Procedure Stage 1

- 8.6.1. Any employee who feels that they are being subjected to behaviour which undermines their dignity should let their objections be known to the person engaging in the unwelcome behaviour, otherwise that person may be unaware of the effects of their actions.

⁸ If approached by the alleged perpetrator of the complaint, the Support Contact Person should support the first person who made the approach and redirect the second person to another Support Contact Person.

- 8.6.2. The employee may approach the alleged perpetrator directly and make the person aware that the behaviour in question is unwelcome. Alternatively, if the employee is not confident about raising the matter directly with the person, or if a direct approach did not resolve the matter, the employee can request a manager to approach the person on their behalf, which could be their own line manager or another manager, senior or otherwise. If the employee's concerns relate to an immediate supervisor or manager, the employee may wish to raise the matter with their manager's manager, or a more senior manager.
- 8.6.3. Sometimes the alleged perpetrator is genuinely unaware that their behaviour is unwelcome and causing distress. An informal discussion is often sufficient to alert the person concerned to the effects of their behaviour and can lead to greater understanding and an agreement that the behaviour will stop.
- 8.6.4. Before deciding what course of action, if any, to take, the employee may wish to discuss the matter on a confidential basis with a Support Contact Person. Alternatively, the employee may seek information and advice on the Policy on a confidential basis from a supervisor or manager, a union representative, or from the Human Resources department, Occupational Health Service or Employee Assistance Programme.
- 8.6.5. If the employee chooses to approach the person directly, they may find it helpful to rehearse what they intend to say to the person concerned so that they feel more confident about initiating the discussion and articulating the precise nature of the offending behaviour and its effects.
- 8.6.6. Supervisors and managers have a key role to play in the resolution of complaints of bullying and harassment. Managers approached by employees about complaints of bullying or harassment should respond promptly and sensitively to such complaints and should treat the matter seriously. The manager should establish the precise nature of the offending behaviour and the context in which it occurred. In some cases the employee may wish to discuss the complaint without any immediate intervention on the part of the manager. In such circumstances, the manager must be aware of the duty of care to and rights of both the employee and the alleged perpetrator. The manager should take appropriate action as deemed necessary and at all times be vigilant and intervene if they observe any inappropriate behaviour.
- 8.6.7. If the employee requests the manager to approach the alleged perpetrator on their behalf, the manager should speak with the person concerned without delay. Where appropriate, the manager should attempt to resolve the matter in an informal, low-key and non-confrontational manner by making the alleged perpetrator aware of the effects of their behaviour and the possible consequences. The manager should avoid labelling the person as a bully/harasser but should impress upon the person concerned that their behaviour is causing distress to the employee and outline the possible repercussions of engaging in this behaviour. The manager may facilitate a meeting between the parties to reach an accommodation. The manager should actively encourage the parties to participate in mediation, highlighting its success at resolving complaints at an early stage. The manager should acknowledge the impact of the complaint on both parties and provide advice on the supports that are available (see Appendix 3).
- 8.6.8. At this initial informal stage, the manager managing the complaint should keep a brief written record of the complaint (in line with GDPR and data protection legislation and policies), of the actions taken to try and resolve the complaint and the agreed

outcomes. The anonymised Sample Complaint Monitoring Form Template in Appendix 4 should also be completed as it will enable tracking of complaints management by employers.

- 8.6.9. It is essential that the manager continues to monitor the situation as regards reoccurrence of the behaviour or victimisation of the complainant or the alleged perpetrator e.g. hostile treatment from colleagues.

8.7. Preliminary Screening

- 8.7.1. If efforts to resolve the complaint through the first stage of the informal procedure have not resolved the matter, or if the initial informal stage is considered inappropriate given the seriousness of the matter, the complaint can be addressed through the secondary informal stage.
- 8.7.2. **Preliminary screening** should be undertaken to ascertain whether the alleged behaviour which is the subject of the complaint, falls within the definition of bullying, harassment or sexual harassment as outlined in Section 4 of the Policy. The rationale for this provision is that some complaints of bullying, harassment or sexual harassment referred under the Policy do not fall within the definition of bullying, harassment or sexual harassment, and should be addressed through another procedure (e.g. Grievance).
- 8.7.3. In order to carry out the preliminary screening, line management/an appropriate manager will ask the complainant to set out details of the alleged behaviour in writing including approximate dates of incidents and witnesses (if any) and the context in which the alleged behaviour occurred. If the employee prefers to give a verbal account, management will take a note of the behaviour complained of and give a copy to the complainant, for sign off by the complainant.
- 8.7.4. The preliminary screening will be carried out by a member of the Human Resources Department who will decide whether or not it is appropriate to progress the complaint under the Dignity at Work Policy. This assessment will be based exclusively on a desk based review of the written details of the complaint. It is not intended to establish whether the behaviour actually occurred and therefore there are no meetings with the parties to the complaint or other witnesses during the preliminary screening process.
- 8.7.5. Management and the complainant will be notified in writing of the outcome of the preliminary screening including the rationale for the decision by a named Human Resources staff member within 7 working days of receipt of the complaint by the Human Resources Department. If the complaint is deemed to come within the scope of the Dignity at Work Policy, the matter can proceed through the secondary informal procedure and formal procedure if required. If the complaint is deemed not to come within the scope of the Policy, HR should advise on alternative mechanisms to address the complaint and liaise with management to ensure that proactive, timely progression of such procedures (e.g. Grievance Procedure) is initiated. Management will engage with the complainant on the appropriate course of action.
- 8.7.6. The parties to the complaint should be actively encouraged to avail of mediation, as appropriate, regardless of the outcome of the Preliminary Screening.

8.8. Secondary Informal Procedure Stage 2

- 8.8.1. Where a complaint is found to come within the scope of the Dignity at Work Policy, progression through the Secondary Informal Procedure Stage 2 will occur where appropriate⁹. In moving to this stage, the line manager/an appropriate manager will assign a manager who has had no prior involvement, is familiar with the procedures and who has had appropriate training and experience, to act as Nominated Person¹⁰ to deal with the complaint effectively on behalf of the organisation. The Nominated Person will normally be from a work area outside of where the complaint arose. The line manager/appropriate manager will inform the complainant and alleged perpetrator that a Nominated Person has been assigned, their identity, the purpose of their role and that this person will contact them both directly. The line manager/appropriate manager will provide the alleged perpetrator with a copy of the written complaint in advance.
- 8.8.2. The Nominated Person assigned to the complaint will then seek to establish the facts, context and the next course of action in dealing with the matter under the informal procedure, collaborating with the relevant parties in the process. The alleged perpetrator will be asked for their response to the complaint and may provide this verbally, or if they prefer, in writing¹¹.
- 8.8.3. A flexible, responsive approach will be taken by the Nominated Person in efforts to resolve the complaint and restore positive working relations. The Nominated Person may meet separately as well as jointly with the parties over one or more meetings. The Nominated Person may recommend mediation to the parties and seek their agreement to participate. Behaviour change programmes, coaching or other interventions may be identified as appropriate for one or both parties. The parties to the complaint might require access to supports such as Occupational Health or the Employee Assistance Programme as they participate in or conclude this process (see Appendix 3). In efforts to resolve the complaint, the Nominated Person will identify a proposal for the consideration of the parties with actions and time frame established.
- 8.8.4. It is recognised that resolving the complaint may take reasonable time, attention and monitoring to allow the process to be successful. Relevant line managers should be kept informed, as appropriate, about the process in train. Where the complaint is resolved, the Nominated Person should engage with the line manager on relevant matters to enable line management monitoring of the situation to prevent reoccurrence.

⁹ Each case should be assessed on its own merits to identify the most appropriate means of dealing with the matter and whether stages of the procedure should be bypassed. For example, in certain circumstances, a serious complaint/allegation of harassment/sexual harassment may be referred by management for formal investigation at the outset.

¹⁰ This person should not be a Support Contact Person.

¹¹ If the complaint is not resolved during the secondary informal procedure stage and moves to the formal procedure, the written complaint and written response of the alleged perpetrator (if obtained at that point) will form part of the formal investigation process and employees should be advised of this in advance.

- 8.8.5. All parties to the complaint should be reminded of the need to maintain confidentiality at this stage and throughout the process to the greatest extent possible consistent with the requirements of fair procedures.
- 8.8.6. The Nominated Person should keep a brief nominal record of all interventions at this stage: the complaint, meetings, action agreed and signed records of the final meeting. The purpose of the records, which do not include details of discussions, is to provide evidence of the organisational response to the complaint and attempt at resolution. Records should be kept in accordance with GDPR and data protection legislation¹².
- 8.8.7. The Nominated Person should liaise with the relevant manager regarding the completion of the anonymised complaints monitoring form – see Appendix 4 - to enable monitoring of the complaint by the employer.

8.9 Formal Procedure: Investigation

- 8.9.1. Where efforts to resolve the complaint through the informal procedures or through mediation have been exhausted and are unsuccessful, or processing through the informal procedures is deemed inappropriate, the complaint may proceed to investigation where management consider this appropriate. Management of the complaint from this point rests within the line management function rather than the Nominated Person. An appropriate senior manager within the complainant's service should be assigned to act as Investigation Commissioner with responsibility for managing the investigation¹³, and communicating with the parties on relevant matters. This manager may seek the input of the Nominated Person to inform management's evidence based decision as to whether an investigation should proceed. The Investigation Commissioner is responsible for drawing up the Terms of Reference for the investigation.
- 8.9.2. As a first step in this process, the Investigation Commissioner will write to the alleged perpetrator and advise that the complaint is the subject of a formal investigation. If not already provided during the informal procedures, they will be given a copy of the written complaint and invited to respond to the allegation(s) in writing within 10 working days, if they have not done so already. A copy of the response will be forwarded to the complainant. The complainant and the alleged perpetrator should be advised of the aims and objectives of the formal process, the procedures and approximate expected timeframe involved, and the possible outcomes. They will be given a copy of all relevant documentation as they arise including the Policy, the Terms of Reference, minutes/records of meetings and signed witness statements, if applicable.
- 8.9.3. Both parties will be offered the opportunity to avail of support services available¹⁴ including those of the Occupational Health Service and Employee Assistance Programme where applicable.

¹² Any other record from the secondary informal procedure stage, apart from the written complaint and written response (if provided), will not form part of the formal investigation process, if one is required.

¹³ In the HSE, the Investigation Commissioner liaises with the HSE National Investigations Unit who facilitate and support the investigation process.

¹⁴ Each employer is responsible for informing their employees of the range of supports that are available to staff.

8.9.4. Principles Governing the Investigation Process

8.9.4.1. The investigation will be conducted thoroughly and objectively and with due respect for the rights of both the complainant and the alleged perpetrator.

8.9.4.2. All parties will be required to co-operate fully with the investigation without undue delay.

8.9.4.3. Confidentiality will be maintained throughout the investigation to the greatest extent consistent with the requirements of a fair investigation. It is not possible however to guarantee the anonymity of the complainant or any person who participates in the investigation.

8.9.4.4. A written record/minute will be kept of all meetings and will be treated in the strictest confidence. A record which represents an accurate account of the discussion will be given to the relevant party who will be invited to comment/amend. If the investigator doesn't agree with the proposed amendments/comments then both records of the meeting will be kept and appended to the final report. On some occasions, the investigator(s) may determine that a written transcript of the meeting is necessary.

8.9.4.5. Both the complainant and the alleged perpetrator may be accompanied by a staff representative or work colleague if so desired. Trade union officials and other participants are required to co-operate fully with attempts to conduct the investigation fairly and without undue delay. The investigator will determine which witnesses they meet in the course of the investigation which may include witnesses proposed by the complainant and the alleged perpetrator or those identified by the investigator. Employees are expected to co-operate fully with the investigation and will be fully supported throughout the process.

8.9.4.6. The parties to the investigation will be given a copy of all relevant documentation prior to and during the investigation process.

8.9.4.7. Any party who participates in the investigation process will be required to respect the privacy of the parties involved by refraining from discussing the matter with other work colleagues or persons outside the organisation.

8.9.4.8. The investigator determines whether the complaint is upheld or not and has no involvement in determining further action or issuing sanctions.

8.9.4.9. It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

8.9.5. Conducting the Investigation

8.9.5.1. The investigation will be conducted by an appropriately qualified, independent and experienced person(s). In the HSE, it will normally be conducted by a person nominated by senior management from the panel of investigators agreed with the health service trade unions/staff associations; Section 38 organisations will have their

own arrangements. The investigator(s) will be issued with written terms of reference based on the written complaint and any other documentation including the complaint, the alleged perpetrator's response and any witness statements.

8.9.5.2. The terms of reference shall specify that the investigation will be conducted in accordance with the Dignity at Work Policy. The purpose of the investigation is for the investigator(s) to determine whether:

- on the balance of probabilities the behaviour complained of occurred;
- whether the behaviour complained of falls within the definition of bullying, harassment, or sexual harassment as defined in the Dignity at Work Policy.

8.9.5.3. The Investigation Commissioner/investigator(s) may set time limits for completion of various stages of the procedure to ensure the overall timescale is adhered to.

8.9.5.4. Both parties, and their representatives if requested, will be given copies of all relevant documentation prior to and during the investigation process, including Terms of Reference; written complaint; written response of the respondent to the complaint; witness statements if applicable; minutes of meetings etc.

8.9.5.5. Both the complainant and the alleged perpetrator may provide details of witnesses or any other person whom they feel could assist in the investigation. The investigator(s) may also identify relevant witnesses. The investigator(s) will determine which witnesses they will meet in the course of the investigation.

8.9.5.6. The investigator(s) will conduct separate interviews with the complainant and the alleged perpetrator with a view to establishing the facts surrounding the allegation(s).

8.9.5.7. The investigator(s) will interview any witnesses they deem appropriate to the alleged incidents of bullying/ harassment/sexual harassment and other relevant persons. A minute/record of each meeting with witnesses will be issued to the witnesses and both parties. Confidentiality will be maintained as far as practicable.

8.9.5.8. Persons may be required to attend further meetings to respond to new evidence or provide clarification on any of the issues raised.

8.9.5.9. The investigator(s) may, depending on the circumstances of the case, convene joint hearings subject to the agreement of both parties.

8.9.5.10. The parties may agree to enter mediation at any stage of the process.

8.9.5.11. Should immediate safety concerns arise, the investigator(s) will convey the details of these safety concerns in writing to the Investigation Commissioner as soon as possible.

8.9.5.12. In the event other issues emerge that are outside of the scope of the Terms of Reference but give rise to concerns on the part of the investigator(s) such issues will be notified to the Investigation Commissioner by separate letter where appropriate for the Investigation Commissioner's consideration.

8.9.5.13. The investigator(s) will present preliminary conclusions based on the evidence gathered in the course of the investigation and invite the complainant and the person against whom the complaint is made to provide additional information or challenge

any aspect of the evidence within 10 working days.

8.9.5.14. On completion of the investigation, the investigator(s) will submit a final investigation report to the Investigation Commissioner who will ensure that the Terms of Reference have been complied with.

8.9.5.15. Both the complainant and the person(s) against whom the complaint is made will be given a copy of the investigation report and will be advised in writing that they may submit any comments on the report within 10 working days, including any issues or concerns they may have about the conduct of the investigation in terms of fair process and adherence to procedure.

8.9.5.16. The investigator(s) will take all appropriate steps necessary to ensure compliance with data protection legislation and GDPR. During the investigation, the investigator(s) will keep all records relating to the investigation in a secure and appropriate manner. After the conclusion of the investigation, the investigator(s) will transfer to the Investigation Commissioner (in a secure and appropriate manner) all records relating to the investigation.

8.9.6. Outcome of the Investigation

8.9.6.1. If the complaint is upheld, appropriate action will be taken as determined by an appropriate senior manager, taking into account any comments received from the parties on the final report, procedural or otherwise. Such actions might include progression through the disciplinary procedure¹⁵, counselling and/or mediation. Information on any action taken, including whether a disciplinary process is invoked in respect of the employee against whom the complaint is made, will be confidential and not shared with the complainant.

8.9.6.2. In line with the employer's health and safety responsibilities, having identified a hazard, management will monitor the work setting where the complaint arose to ensure there is no reoccurrence, and that any controls that need to be put in place to prevent such issues reoccurring are identified.¹⁶ Management may meet with the parties to the complaint as part of this process.

8.9.6.3. Where a complaint is not upheld, no action will be taken against the complainant provided that the complaint was made in good faith. In the interests of all employees, any malicious or vexatious complaints will be treated very seriously and may lead to disciplinary action against the complainant. Victimisation or retaliation against a complainant, witness or any other party will constitute a serious disciplinary offence.

8.9.6.4. Regardless of the outcome, it is recognised that investigations can result in divisive relationships and some type of reconciliation or rehabilitative meetings or mediation

¹⁵An employee who has been the subject of an investigation process under this Policy will not be subject to a separate investigation under the disciplinary procedure. The investigation report under this Policy will form the basis of management's decision to convene a disciplinary hearing at the appropriate stage.

¹⁶Risk assessments must be undertaken and controls identified to eliminate or minimise the risk. Further information in this area can be found in the HSE Integrated Risk Management Policy/Framework and associated risk assessment documentation. Support is available from the HSE National Health and Safety function.

may be considered as appropriate to restore healthier working relationships for the future. Equally, both parties will be offered supports such as those provided by Occupational Health Services or the Employee Assistance Programme where applicable.

8.9.6.5. Appropriate records will be kept, in line with GDPR and data protection legislation.

8.9.6.6. The Sample Complaint Monitoring Form Template (Appendix 4) should be completed to facilitate complaint monitoring by employers.

8.10 Statutory Redress

8.10.1. This Policy is designed to support employees in the resolution of complaints of bullying/harassment/sexual harassment. However, it does not prevent employees from exercising their statutory entitlements under the Industrial Relations Acts, 1946 to 2015, the Employment Equality Acts 1998 – 2015, or the Safety, Health and Welfare at Work Act 2005. In sexual harassment and other gender-based complaints, employees may bypass the Workplace Relations Commission and refer the matter to the Circuit Court.

9. Roles & Responsibilities

9.1 Employees

Employees have responsibility to:

9.1.1. Comply with their duties under the Safety Health and Welfare at Work Act 2005 including to not engage in improper conduct, endangering their own or another's health and to cooperate with their employer in its efforts to carry out its health and safety responsibilities¹⁷.

9.1.2. Treat everyone they encounter in the course of their work with courtesy, dignity and respect and ensure that their behaviour does not cause offence.

9.1.3. Discourage bullying, harassment and sexual harassment when witnessed by objecting to inappropriate behaviour. Employees should inform a manager or supervisor if they are concerned that a colleague is being bullied, harassed or sexually harassed.

9.1.4. Make themselves aware of this Policy, and the options which are available to them if they are subjected to, or accused of, bullying, harassment or sexual harassment.

9.1.5. Cooperate with the provisions of the Policy in terms of the prevention measures (e.g. attending training) and in the management of complaints, both in the informal and formal procedures.

¹⁷ Employees' responsibilities under the Safety, Health and Welfare at Work Act are outlined in Section 2.5.

Policy title: Dignity at Work Policy for the Public Health Service

- 9.1.6. Cooperate and engage in a proactive and meaningful way with management efforts to resolve a complaint including where directly involved, attending meetings/interviews as required at various stages of the procedures and giving appropriate consideration to participation in mediation.
- 9.1.7. Continue to work as normal where directly involved in a complaint, unless otherwise advised.
- 9.1.8. Not engage in victimisation, intimidation or hostility towards an alleged perpetrator of bullying, harassment or sexual harassment, or a complainant.
- 9.1.9. Maintain confidentiality where directly involved or aware of a complaint of bullying, harassment or sexual harassment.

9.2 Line Managers

Line managers have responsibility to:

- 9.2.1. Comply with responsibilities under the health and safety legislation in terms of preventing improper conduct; conducting risk assessments and the identification and management of controls where bullying and harassment have been identified as hazards in the workplace; and facilitating their inclusion in site specific safety statements.
- 9.2.2. Implement this Policy and make every effort to create a positive work environment where diversity is valued, and ensure that bullying and harassment do not occur in their areas of work.
- 9.2.3. Set a good example by treating all employees and any other person with whom they come into contact in the course of their work with dignity and respect, and ensure that their behaviour does not cause offence.
- 9.2.4. Foster a positive, supportive work environment, where good communication, support and mutual respect are the norm.
- 9.2.5. Implement good people management and supervision systems. Be vigilant to team members' behaviour. Where inappropriate behaviour is observed on the part of any team member, act promptly and address the behaviour with the individual.
- 9.2.6. Deal promptly and effectively with any incidents of bullying or harassment of which they are aware or ought to be aware.
- 9.2.7. Respond sensitively to any employee who makes a complaint of bullying or harassment.
- 9.2.8. Respond promptly and discreetly to requests from employees to intervene and seek to resolve the matter informally where appropriate.
- 9.2.9. Explain the Policy to all employees and ensure that they understand their roles and responsibilities and how the complaints procedure operates. Revisit the Policy in team meetings, reminding staff of their obligations.

Policy title: Dignity at Work Policy for the Public Health Service

- 9.2.10. Encourage the use of mediation as a means of resolving complaints from early in the complaint management process and throughout the process where appropriate.
- 9.2.11. Explain the Policy and complaints procedure to new employees as part of their induction.
- 9.2.12. Monitor the behaviour of new employees during their probationary period to ensure compliance with the Policy.
- 9.2.13. Promote awareness of and communicate the Policy to non-employees including those under their direct supervision in various ways including making copies of the Policy available.
- 9.2.14. Facilitate preliminary screening, and the Support Contact Persons and Nominated Persons to carry out their roles.
- 9.2.15. Ensure that an employee is not victimised for making a complaint of bullying or harassment in good faith, and that there is not victimisation or retaliation against any other party or witness.
- 9.2.16. Monitor and follow up after a complaint is made so that the behaviour complained of does not reoccur, liaising with the Nominated Person as required if a complaint is resolved at the secondary informal procedure stage. Cooperate with monitoring guidance and templates provided.
- 9.2.17. Cooperate with the organisation in terms of the employer's record keeping requirements.
- 9.2.18. Cooperate with training and other policy implementation measures.

9.3 Support Contact Persons

Support Contact Persons have responsibility to:

- 9.3.1. Provide information and emotional support in a confidential, non-judgmental and off-the-record discussion(s) to any employee who feels that they are being subjected to bullying or harassment or against whom a complaint of bullying or harassment has been made.
- 9.3.2. Help the employee to clarify what they are experiencing and to decide what course of action, if any, they may wish to take.
- 9.3.3. Confine the support and advice to issues relating to alleged workplace bullying or harassment, and not other forms of workplace grievances or personal problems.
- 9.3.4. Not act as an advocate or representative on behalf of the employee they are supporting nor can they direct the person as to the best course of action to take.
- 9.3.5. Not approach the alleged perpetrator/complainant on behalf of the person they are supporting.
- 9.3.6. Treat these discussions as completely confidential; they will not be requested to disclose information to a third party. If a Support Contact Person believes that there

is a potential risk to an employee, they may contact the HR department so that appropriate professional assistance can be sought.

- 9.3.7. Note that if a Support Contact Person is approached by both parties to a complaint, they should support the first person who requests support and refer the second person to another Support Contact Person.

9.4 Nominated Persons

Nominated Persons have responsibility to:

- 9.4.1. Manage complaints on the organisation's behalf at the secondary informal procedure stage.
- 9.4.2. Engage with the complainant and the alleged perpetrator, including seeking the alleged perpetrator's response to the complaint.
- 9.4.3. Establish facts, context and next course of action regarding the complaint with both parties ensuring both parties are fully informed of all options including mediation.
- 9.4.4. Identify a proposal for resolution with actions and time frame.
- 9.4.5. Maintain a brief record of the complaint and how it was managed.
- 9.4.6. Liaise with the relevant manager regarding completion of anonymised complaint monitoring form (see Appendix 4).
- 9.4.7. Liaise with line management who have the responsibility for monitoring of the situation to prevent reoccurrence.

9.5 Investigation Commissioners

Investigation Commissioners have responsibility to:

- 9.5.1. Be accountable for the commissioning and conduct of an investigation¹⁸.
- 9.5.2. Determine whether an investigation should proceed, seeking the input of the Nominated Person to inform management's evidence based decision.
- 9.5.3. Commission the investigation process on behalf of the organisation.
- 9.5.4. Draw up Terms of Reference for the Investigation.
- 9.5.5. Communicate with the complainant and alleged perpetrator on matters relevant to the investigation, ensuring that they are provided with all relevant documentation.

¹⁸ In the HSE, the Investigation Commissioner will liaise with the HSE National Investigations Unit who facilitate and support the investigation process.

Policy title: Dignity at Work Policy for the Public Health Service

- 9.5.6. Procure investigator(s) and ensure they are provided with all relevant documentation, and supports needed throughout the investigation process.
- 9.5.7. Receive and review the investigation report and ensure compliance with terms of reference.
- 9.5.8. Send final investigation report to the parties inviting comments on report and any procedural issues.
- 9.5.9. Manage the outcome of the investigation with the parties including engaging on next steps and supports available, liaising with other relevant managers as appropriate.
- 9.5.10. Receive and maintain records on the investigation and maintain in accordance with data protection and GDPR requirements.
- 9.5.11. Maintain confidentiality as appropriate throughout the investigation process.
- 9.5.12. Contribute to the completion of the anonymised complaint monitoring forms for monitoring by the employer.

9.6 National Directors (NDs), Chief Officers (COs) of Community Healthcare Organisations (CHOs), Chief Executive Officers (CEOs) of Hospital Groups (HGs) and Section 38 Intellectual Disability/Social Care Agencies, or their equivalents/delegates

National Directors, Chief Officers of the Community Healthcare Organisations and Chief Executive Officers of the Hospital Groups and Section 38 ID/Social care agencies, or their equivalents/delegates have responsibility to:

- 9.6.1. Ensure arrangements are in place for compliance with health and safety obligations with regard to bullying, harassment and sexual harassment including risk assessments and Site Specific Safety Statement¹⁹.
- 9.6.2. Oversee the development, provision and communication of resources and supports locally to assist the implementation of this Policy, in conjunction with appropriate personnel. This includes the identification and resourcing of Support Contact Persons and Nominated Persons, ensuring training and instruction to staff, and communication materials.
- 9.6.3. Endorse and support local implementation of the Policy.
- 9.6.4. Ensure cooperation with monitoring and reporting requirements as may be required by the employer.
- 9.6.5. Set a good example by treating all employees and any other person with whom they come into contact in the workplace with dignity and respect and ensure that their behaviour does not cause offence.
- 9.6.6. Ensure this Policy is brought to the attention of all staff, and non employees.

¹⁹ Statutory health and safety responsibilities are outlined in Section 2.4 and 2.5.

9.7 The CEO

The CEO has responsibility to:

- 9.7.1 Ensure that governance arrangements are in place in order that legislative, professional and organisational obligations are met in relation to the Dignity at Work policy. The CEO may delegate accountability for coordinating and monitoring implementation of this Policy and any associated procedures to senior managers such as National Directors, Assistant National Directors, Hospital Group Chief Executive Officers, Chief Officers Community Health Organisations.
- 9.7.2. Ensure that all staff are aware of the Dignity at Work policy.

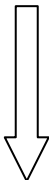
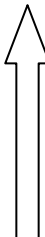
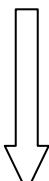
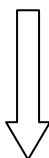

10. Implementation

- 10.1. Communications: Develop and implement a communication plan on the revised Policy to inform all key stakeholders including senior managers, staff, patients/service users, contractors, suppliers, agency staff and agency staff providers, and any visitors. Key provisions include:
- 10.2. Liaison with HSE Communications on appropriate communications including website and social media.
- 10.3. Senior managers and other manager/supervisors have a key role in the communications rollout ensuring a copy electronically or otherwise is available and understood by all staff under their remit; a signature sheet is provided for this purpose. The revised Policy should be addressed through a team meeting and through all other management processes such as induction, probation management and performance management. Managers/staff also have responsibility for using opportunities with non employees to communicate the Policy. Reference to the Policy should be addressed through contracts/service level agreements with non employees/contractors.
- 10.4. Resources: Senior managers to obtain resources necessary for implementation of the Policy including appropriate number of trained and skilled Support Contact Persons, and Nominated Persons; roll-out of training initiatives to support the Policy; and appropriately trained staff to implement the health and safety related actions including risk assessments required.
- 10.5. Training supports: Relevant Training programmes such as People Management Legal Framework and the HSE Land Dignity at Work module to be updated in line with the revised policy; training to enable Support Contact Persons and Nominated Persons to undertake their roles.
- 10.6. Monitoring: Identify and communicate monitoring systems to enable monitoring by the employer of the Policy and incidents of bullying, harassment or sexual harassment. This information will be used to assist health sector organisations take corrective action or achieve continuous improvement in the Dignity at Work Policy. A Sample Complaint Monitoring Form Template is included as Appendix 4 which provides for anonymised collation of information on complaint management under the Dignity at Work policy.

11. Revision

- 11.1 This Policy will be reviewed two years after its implementation and thereafter every three years. The Policy may be reviewed more frequently as circumstances or legislation require.
- 11.2 A review process will be agreed with the Human Resources Division and will incorporate obtaining feedback on local implementation of the Policy.
- 11.3 The collection of data locally on an ongoing basis will be central to monitoring and reviewing.
- 11.4 Review will be the responsibility of National HR Director and relevant stakeholders.

Appendix 1: Summary of Complaint Management Procedures²⁰

<p>Informal procedure Stage 1</p> 	<p>Employee who is subjected to offending behaviour (complainant) can seek advice from Support Contact Person, supervisor/manager, HR, Occupational Health, trade union.</p> <p>Complainant can approach the alleged perpetrator, or ask an appropriate manager to do so. The alleged perpetrator should be told that their behaviour is causing offence, and should stop. If asked to help, the manager should respond promptly, and try to resolve the matter locally, meeting individually or jointly with the parties, and encourage mediation.</p> <p>Manager should record actions, and monitor for reoccurrence. If the matter is not resolved, the complaint should proceed to preliminary screening.</p>	
<p>Preliminary Screening</p> 	<p>Management should obtain details of the complaint from the complainant. If it is not in writing, management should make a written account, for sign off by the complainant.</p> <p>HR will undertake preliminary screening, responding within 7 working days, and informing management and the complainant whether the alleged behaviour meets the definition of bullying, harassment or sexual harassment. Where definitions are not met, HR should advise on alternative mechanisms to address the complaint and liaise with management to ensure proactive, timely progression of such procedures (e.g. Grievance). Management will engage with the complainant on appropriate course of action. The parties should be encouraged to participate in mediation, as appropriate.</p> <p>If complaint meets definitions, complaint may progress to informal procedure stage 2.</p>	<p>M E D I A T I O N</p>
<p>Secondary Informal Procedure Stage 2</p> 	<p>Management should identify an appropriate manager to act as Nominated Person (NP) and deal with the complaint in the next stage. Management should inform the parties that the complaint is moving to this stage, and provide information on the role and identity of the NP. Management should provide the alleged perpetrator with a copy of the complaint.</p> <p>The NP should engage with the complainant and the alleged perpetrator and seek the alleged perpetrator's response to the complaint, verbally or in writing. The NP should engage with both parties to provide relevant information, identify facts, context and try to agree a course of action, encouraging option of mediation, over one or more meetings, operating flexibly and responsively in trying to resolve the complaint. The NP should keep brief records. Line management to monitor for reoccurrence.</p>	
<p>Formal Procedure – Investigation</p>	<p>Where issues are unresolved, management may determine that the matter progresses to an investigation. The Investigation Commissioner (IC) manages this procedure, drawing up Terms of Reference, procuring the investigator(s), and engaging with the parties²¹.</p> <p>The investigator(s) will interview the parties and witnesses and complete a draft report on which the parties may comment within 10 working days.</p> <p>The final report is sent to the IC. The IC will send the report to the parties, inviting comment including on any procedural concerns, within 10 working days.</p> <p>Appropriate senior manager will consider the responses obtained, and determine the appropriate actions depending on the outcome of the investigation.</p> <p>Records are kept and monitor for reoccurrence.</p>	

²⁰ Depending on the nature/seriousness of the complaint, the informal stages of the complaint management procedure may be bypassed and referred directly for formal investigation.

²¹ In the HSE, the Investigation Commissioner liaises with the HSE National Investigations Unit who facilitate and support the investigation process.

Appendix 2: Role of the Support Contact Person

The role of the Support Contact Person is to provide information and emotional support in a confidential, non-judgmental and off-the-record discussion(s) to any employee who feels that they are being subjected to bullying, harassment or sexual harassment or against whom a complaint of bullying, harassment or sexual harassment has been made.

The Support Contact Person only offers emotional support and advice for issues relating to alleged workplace bullying or harassment. The role does not extend to any other forms of workplace grievances or personal problems.

The Support Contact Person may not act as an advocate or representative on behalf of the person they are supporting nor can they direct the person as to the best course of action to take.

The aim of the Support Contact Person is to help the employee to clarify what they are experiencing and to help the employee to decide what course of action, if any, they may wish to take.

A Support Contact Person may not approach the alleged perpetrator/complainant on behalf of the person they are supporting.

The Support Contact Person may offer support to an employee who feels that they are being subjected to bullying/harassment or against whom the complaint of bullying/ harassment has been made but not both. If a Support Contact Person is approached by both parties, they should support the first person who requests support and refer the second person to another Support Contact Person.

The Support Contact Person will treat these discussions as completely confidential and will not be requested to disclose information to a third party. However, where the Support Contact Person believes that there is a potential risk to an employee, they may contact the HR department so that appropriate professional assistance can be sought.

Prior to taking up the role of Support Contact Person, the person's line manager will be made aware of what the role entails to ensure that they are fully supportive and facilitate time off for meetings.

Meetings between the Support Contact Person and the employee seeking support should normally take place during normal working hours when the Support Contact Person is rostered for duty. The Support Contact Person should notify their line manager in advance to ensure cover during his/her absence.

Meetings should take place in a suitable room where privacy can be assured. Where it is not practicable to meet on the work premises, an alternative suitable venue may be used. Under no circumstances should meetings be held where alcohol is served.

The Support Contact Person will not retain any notes or records of these discussions.

Meetings should generally last no longer than 45 minutes to an hour and no more than 3 to 4 meetings with any one individual should ever be needed. More than this number could mean that the Support Contact Person is being drawn into a counselling relationship.

No home or personal mobile phone numbers should be exchanged with the person seeking support.

Appendix 3: Supports to Employees and Managers

The following supports are available to employees who are party to a complaint, and managers seeking support in managing complaints and implementing their responsibilities under the Policy. The role of the Support Contact Person is addressed in sections 6.4, 6.6, 8.4, 9.3 and Appendix 2. The role of the Nominated Person is addressed in sections 8.8.1 to 8.8.7, 8.9.1, and 9.4.

Workplace Health and Wellbeing Supports

Employees should be informed of the specific supports that can be accessed internally within their organisation or other arrangements that may apply. Employees should also be advised that they can contact their relevant trade union/staff association for advice and support. Each Section 38 employer will inform their employees of the services that are available within their organisation and how these can be accessed. In the case of HSE employees the following services are available:

Occupational Health Services

Occupational Health Services aim to promote and maintain the physical, mental and social wellbeing of employees. Occupational Health (OH) provides a confidential independent advisory service. The emphasis of the service is on the protection of employees from the possible adverse effects of work related activity and on health promotion.

Employees or managers seeking support or advice should access further information from: <http://www.hse.ie/eng/staff/Workplace-Health-and-Wellbeing-Unit/>

Employee Assistance Programme

The HSE Employee Assistance Programme (EAP) is a work-based support service for staff and the organisation which provides a range of services including short term counselling to HSE staff²². This is a confidential, independent service which supports employees with psychosocial issues (psychological and social factors that influence mental health). These issues may be personal or work-related, affecting the employee's job performance or home life. The service is free and available to all HSE employees. The service is provided by trained and experienced counsellors who are professionally qualified and bound by the conduct of the professional bodies to which they belong.

Inspire Workplaces are the external staff counselling partner of the HSE. All HSE employees have access to Inspire Hub. Employees can log onto to Inspire Hub at any time to access a host of online resources that may be helpful while awaiting an appointment with a counsellor. [Access the suite of useful resources here and get instructions on how to sign up here](#)

Managers can use the EAP service to get advice on staff wellbeing and welfare issues. For any managers with concerns about their staff's mental health, the EAP recommends the following module on HSELand: **Supporting Your Staff's Mental Health: A Programme for HSE Managers**.

Employees can access the services of the EAP through self referral, or with consent, their manager or the Occupational Health Service. Alternatively employees can call **0818 327 327** to speak to someone who can help.

²² Section 38 organisations may have their own access to EAP services.

Policy title: Dignity at Work Policy for the Public Health Service

[Referral Form Employee Assistance Programme \(PDF, 521 KB, 2 pages\)](#)

Regional Employee Assistance contact details are available on HSE website or from local HR departments.

For further information see: www.workwell.ie

HSE National Health and Safety Function

The HSE National Health and Safety Function which is part of the HSE Human Resources Directorate provides a range of health and safety services within the organisation.

Where there have been incidents of bullying, harassment or sexual harassment in the workplace, managers can obtain support on fulfilling their statutory health and safety obligations including undertaking Risk Assessments and addressing these hazards in the Site Specific Safety Statements from the Information and Advisory Team of the National Health and Safety Function.

The Information & Advisory Team is the first point of contact for all health & safety services such as Advice and Support, Training, Policy and Audit and Inspection.

Information and Advisory Team offers the following supports:

- Standardised/national documentation (aids/templates, etc.) and guidance
- Timely access to specialist health and safety expertise and advice, regardless of geographical location
- A single point of access for all services provided by the function
- A structured & prioritised response to support requests
- Health and Safety information and documentation
- Access to health and safety templates, guidance and other resources to assist Responsible Persons in managing day to day health and safety tasks and complying with statutory duties
- Periodic, ad hoc alerts and updates on emerging health and safety issues/ issues of concern
- Access to an on-line health and safety information resource/dedicated web site

To log a request for health & safety information, advice or support please log your request to the health and safety helpdesk at: <http://pndchssdweb02.healthirl.net/Health.WebAccess/ss>
Alternatively contact the National Health & Safety Helpdesk Tel: 1850 420 420

Human Resources

Advice and support for individual employees or managers in relation to the Policy can be obtained from local HR/Employee Relations Departments.

Appendix 4 – Sample Complaint Monitoring Form Template

Parties involved: (*Names not needed; refer to roles/grades of individuals involved*)

Area of Work: (*Name of CHO, Hospital, Agency or Corporate/National division*).

Nature of complaint: (*short description*):

Date management informed of complaint:

Informal Procedure Stage 1:

Did parties engage in this stage?	Yes/No
Was the issue resolved?	Yes/No
Was mediation used?	Yes/No (If not, outline reason in comments box)

Date informal stage 1 concluded:

Any comments :

Secondary Informal Procedure Stage 2:

Did parties engage in this stage?	Yes/No
Was the issue resolved?	Yes/No
Was mediation used?	Yes/No (If not, outline reason in comments box)

Date informal stage 2 concluded:

Any comments:

Formal Procedure: Investigation

Did complaint proceed to investigation?	Yes/No
Was complaint upheld?	Yes/No
Was mediation used:	Yes/No (If not, outline reason in comments box)

Date investigation concluded:

Any comments:

Name and job title of returning manager:

Date:

Note: This is a sample anonymised template which can be adapted by employers. The form should be kept locally in accordance with data protection and GDPR requirements and a copy forwarded to local HR when the processing of the complaint has been completed which may occur at any stage of the procedure.

