

| Irish Colleges Training Centre | | |
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| Procedural Manual | | |
| Title Respect and Dignity Policy Updated 19/01/2025 | Section Issue Page | QAP 20 1 1 of 6 |

Respect and Dignity Policy

This policy statement applies to all training programmes run by Irish Colleges Training Centre (ICTC).

1. The Policy

ICTC recognises that its entire staff, staff members, apprentices, visitors, contractors and sub- contractors and any others associated with ICTC have the right to work and study in an environment which is completely free of bullying, harassment and sexual harassment.

ICTC is committed to providing a working environment free from harassment and will do its best to ensure that all relevant parties comply with the policy outlined below.

Any person who experiences sexual harassment, harassment or bullying will have the support of ICTC dealing with such issues. Complaints will be addressed as quickly as possible and treated in confidence as much as possible. This policy will be communicated to all staff members as part of the induction process.

This policy will be reviewed regularly in light of changes in statute law, relevant case law and ICTC's own monitoring of incidences of sexual harassment, harassment and bullying.

2. Scope

This policy applies in respect of all allegations made by ICTC Administrative staff, teaching staff and course participants against another person.

This policy applies during normal college hours in the college buildings and campus and also other course related activities, whether or not they take place on campus premises and whether or not they take place during normal college hours.

3. Code of Conduct

Appropriate behaviour is expected from all staff at all times. ICTC requests that all staff act with sensitivity, tolerance, respect and impartiality towards other members of staff.

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4. What are harassment, bullying and sexual harassment?

Harassment

Harassment is any form of unwanted conduct related to any of the discriminatory grounds. These grounds are marital status, family status, sexual orientation, religion, age, disability, race, and membership of the travelling community.

It is conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

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

Harassment is prohibited in the workplace or on any programme by:

- Another staff member.
- The employer.
- Clients, customers or other business contacts of ICTC including any other person with whom ICTC might reasonably expect the victim to come into contact and the circumstances of the harassment are such that ICTC ought reasonably to have taken steps to control it.

The Employment Equality Acts prohibit the victim being treated differently by reason of rejecting or accepting the harassment (or it could reasonably be anticipated that he or she would be so treated).

Sexual Harassment

Sexual harassment is prohibited in the workplace or in the course of employment by:

- Another staff member.
- The employer.
- Clients, customers or other business contacts of ICTC including any other person with whom the employer might reasonably expect the victim to come into contact and the circumstances of the harassment are such that ICTC ought reasonably to have taken steps to control it.

The Employment Equality Acts prohibit the victim being treated differently by reason of rejecting or accepting the sexual harassment (or it could reasonably be anticipated that he or she would be so treated). Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. It is conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

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

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Bullying

Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others which could reasonably be regarded as undermining the individual's right to dignity. An isolated incident of the behaviour described in this definition may be an affront to dignity but as a once off incident is not considered bullying.

Bullying comes in many forms, some obvious, some not so obvious and some virtually undetectable and all the more insidious and damaging to the victim for that.

- **Physical Bullying:** Includes assaults, persecution in its various forms, threats and threatening behaviour, including deliberate pushing and jostling. It also includes damage to a person's property or work area.
- **Verbal Bullying:** Includes slandering, ridiculing or maligning another staff member, apprentice or his/her family; shouting or swearing at other staff members and apprentices both publicly and in private, or constantly cutting in on or across an individual in conversation. It also includes using a person as the constant butt of jokes; uncomplimentary or offensive remarks; persistent negative attacks on personal or professional performance.
- **Gesture Bullying:** includes such matters as:
 - **Non-verbal** threatening gestures which can convey threatening and frightening messages.
 - **Aggression**, usually over quite unimportant matters.
 - **Exclusion Bullying:** Includes non-cooperation with or ostracising, excluding or disregarding a fellow staff member.
 - **Extortion Bullying:** The deliberate extraction of money or favours concessions from another staff member or apprentice under threat.

This listing of forms and examples of bullying is neither exhaustive nor prescriptive.

5. Victimisation

A person who complains that they have been bullied or harassed should not be subjected to any form of sanction for making a complaint in good faith. No element of penalty will attach to a complainant whose complaint is found to be valid or well based.

6. Complaints Procedure

6.1 All complainants of harassment, sexual harassment and bullying will be treated seriously by ICTC, with due regard to the sensitivities of the complainant and the rights of the person against whom the complaint has been made.

6.2 Where an individual feels that they are being sexually harassed, harassed or bullied, they should keep a record of the initial and subsequent incidents, if

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any, including dates, times, witnesses, the nature and details of the incident, and feelings and responses at the time.

6.3 Where the conduct complained of is of a violent or criminal nature, both the directors and Gardai should be contacted immediately.

6.4 To the extent possible, a complaint of harassment, sexual harassment or bullying will be handled in confidence. However, it is not possible to promise anonymity to persons who report harassment, sexual harassment or bullying. The principles of natural justice require that a person who is accused of harassment, bullying or sexual harassment be given sufficient details of the allegations to adequately defend themselves.

7. Informal Complaints Procedure

7.1 While in no way diminishing a complaint or the effects on an individual, an informal approach is in many cases the best way to solve an issue particularly for less serious cases. Where appropriate, an attempt may be made to seek to resolve the matter informally with the consent of the parties involved. Staff should firstly contact their Senior with their complaint who will in turn discuss it with their Director. Where the complaint relates to the Senior, Manager the college director with responsibility for the college should be contacted. Staff are given these contact names as part of the induction process on all programmes and in Lecturer Staff Handbook. This can result in the issue being resolved in a quick, effective manner with minimal embarrassment.

7.2 A staff member making a complaint against another staff member may invoke the Informal Complaints procedure. They should do this by contacting the Operations Director.

The objective of an Informal Complaints procedure is to:

- Resolve the matter with the minimum amount of conflict
- Restore a working relationship between all parties
- Allow the person complained about to change their behaviour

8. Formal Complaint

8.1 A formal complaint may be initiated where the:

- Complainant or respondent wants the complaint to be dealt with formally
- Informal procedure has not been successful
- Informal procedure is not appropriate
- Alleged complaint of bullying, harassment or sexual harassment is too serious

8.2 It is important to note that if the complainant has chosen to bypass the Informal procedure, this should not be viewed negatively on their complaint.

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8.3 The complaint should be made in writing to the manager or Director and it should include where relevant:

- Accurate details of the alleged incident(s)
- Times and dates of the alleged incident(s)
- Names of witnesses
- Description of how the behaviour has affected them
- Details of any personal responses at the time of the alleged incident(s)
- Any other information that the complainant deems relevant

8.4 What if the allegation is made against the manager or director?

8.5 Once the complaint has been received by the relevant person, and it has been determined that informal resolution is not possible, it should then be passed to the Operations Director or to the Director of ICTC. A copy of any complaint made by a staff member will be sent to the College Directors. All staff members are given these contact names as part of the induction process.

8.6 Whilst it is the wish of ICTC to maintain the utmost confidentiality, once an investigation begins it may be necessary to interview other witnesses. Any statements taken will be shown only to the person making the complaint and the respondent, for their comments.

8.7 All complaints received will be treated seriously, confidentially and as soon as practicable. Strict confidentiality and proper discretion will be maintained in any necessary consultations, to safeguard both parties from innuendo and harmful gossip.

8.8 The Board of Directors of ICTC will then notify the alleged perpetrator in writing letting them know that a complaint has been made against them. In the interest of fairness, the person against whom the allegation is made will be made aware of the nature of the complaint, their right to representation and the procedure to be followed. They will also be informed that an investigation will commence within 10 days and that they will be given every opportunity to respond to the allegations made. A copy of this policy will be sent with this letter.

8.9 An investigator should be appointed within 3 days to investigate the complaint. This person will be impartial and independent and appointed by the College Director.

9. The Investigation of a Formal Complaint

9.1 Due regard must be had at all stages of the investigation to the rights of the complainant, the person against whom the complaint has been made and any witnesses, bearing in mind that a complaint is no more than an allegation unless and until the facts have been satisfactorily established by the investigation.

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9.2 The investigation should be both independent and objective. The rights of both the complainant and alleged perpetrator should be respected at all times.

9.3 The investigator should begin the investigative process with a thorough interview of the complainant to ascertain the facts behind the complaint. The complainant should be requested not to discuss the case with any other party to the investigation. The complainant has a right to be accompanied at interviews held during the investigation (e.g. fellow staff member, family member, friend), but such an accompanying person must not be a witness in the case. The complainant should be informed that a copy of their statement will be furnished to the person against whom the complaint has been made.

10. Action Post Hearing

10.1 Once the investigation is completed, both parties will be informed of the decision.

10.2 Where a complaint is upheld, a disciplinary meeting will take place and appropriate action will be taken in line with ICTC disciplinary procedure, up to and including dismissal.

10.3 Where dismissal is not the remedy, regular checks will be made for a period of time by management to ensure that the harassment has stopped and no victimisation has ensued. Retaliation of any kind against a course participant or apprentice for complaining or taking part in an investigation concerning harassment or bullying at work is a serious disciplinary offence, and if proven, will result in dismissal from ICTC.

10.4 Even if the complaint is not upheld, staff can be assured that bona fide complaints will not be viewed as malicious. In cases where it is discovered that false accusations against an employee have been made, appropriate action will be taken following a disciplinary meeting.

10.5 If either party is not satisfied with the conduct of the investigation or the outcome, they can appeal to ICTC, stating in writing the grounds on which they are not satisfied. The designated officer will carry out a review and inform the relevant person of their decision within 14 days of the appeal being submitted.

10.6 If you have any questions regarding this policy, please do not hesitate to contact the College Director.

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