



Bullying Prevention Policy

Roles of Employees

Employees have rights and duties as regards safety, health and welfare at work under the **2005 Act**.

Employees have rights to be treated with dignity and respect at work and not to have their safety, health or welfare put at risk through bullying by the employer, by other employees or other persons. They have a right to complain to the employer if bullied and not to be victimised for so doing. They have a right under safety and health laws to be represented in raising this with the employer.

Employees have duties to behave and conduct themselves so as to respect the right of employers and other employees to dignity, courtesy and respect at work and the right not to be placed at risk as regards to their safety, health and welfare from bullying at work. Employees should also cooperate by providing any relevant information when an allegation of bullying at work is being investigated whether in an informal or formal stage.

Role of the Employer

Every employer has a duty to manage and conduct work activities in such a way as to prevent any improper conduct or behaviour likely to put at risk employee's safety, health or welfare at work. The prevention of bullying must therefore be part of the management system.

Employers must prepare a **Safety Statement** under **section 20** of the **2005 Act**, based on an identification of the hazards to safety, health and welfare at the place of work, an assessment of the risks involved and setting down the preventive measures necessary to protect safety, health and welfare. Risk is the likelihood of a hazard causing harm and the extent of that harm.

The employer must consider if bullying at work is likely to be a hazard, the extent of risk involved and what preventive measures are necessary.

Statement of ISACS's Policy

ISACS is committed to working together to maintain workplace environments that encourage and support the right to dignity at work. All who work in ISACS, its members and business contacts, are expected to respect the right of each individual to dignity in their working life and have a responsibility to ensure that these rights are respected at all time. The best way to seek to eliminate bullying is to foster an environment which discourages such behaviour. All persons at all levels working in ISACS have an important role to play in creating a working environment where personal dignity is respected. All employees are expected to comply with this policy and management will take appropriate preventative measures.

Any individual who experiences bullying will be supported by ISACS in bringing such behaviour to an end. Breach of this policy can be subject to disciplinary action up to and including dismissal. Bullying infringes the provisions of this policy and is a form of misconduct which undermines the integrity of the employment relationship. ISACS will not tolerate such conduct by an employee or other individual in connection with work or the workplace.

Scope

The policy applies to all ISACS staff:

- In the workplace
- At work-associated events such as meetings, conferences
- At work-related social events, whether on the ISAC's premises or off-site. It is important to note that the complaint procedure in this policy is not a legal process.

Definition of Bullying

Bullying at work has been defined as:

“Repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour in this definition may be an affront to dignity but as a once-off incident is not considered to be bullying”. (Code of Practice for Employers

and Employees on the Prevention and Resolution of Bullying at Work, Health & Safety Authority, March 2007)

A key characteristic of bullying is that it usually takes place over a period of time. It is regular and persistent inappropriate behaviour which is specifically targeted at one employee or a group of employees.

The following does not constitute bullying:

- An isolated incident of inappropriate behaviour may be an affront to a person's dignity at work but, as a once-off incident, is not considered to be bullying.
- Fair and constructive criticism of an employee's performance, conduct or attendance.
- Reasonable and essential discipline arising from the good management of the performance of an employee at work.
- Legitimate management responses to crisis situations which require immediate action.

Examples of Bullying

A pattern of the following behaviours are examples of types of bullying.

Verbal forms of bullying include:

- Shouting, swearing, name calling, personal insults, use of nicknames, or malicious gossip
- Public reprimand, ridicule, sarcasm or humiliation
- Belittling or patronising comments
- Singling out
- Unnecessary telephone calls made to someone's home, invading their privacy

- Taking credit for another's ideas
- Using a person as the butt of jokes

The list is not exhaustive

Non-verbal forms of bullying include:

- Undermining a person's authority, work or achievements
- Removing for no justifiable reason, areas of work responsibility from an individual
- Setting impossible objectives, i.e. setting someone up to fail
- Deliberately blocking another staff member's development
- Cyber bullying (e.g. whether through emails, websites, SMS messaging, posting messages through social media or any other ICT communication) or electronic device/medium.
- Modifying images, recording digital images for the production and or display on any form of ICT or electronic device/medium (without consent)
- Changing priorities or objectives unreasonably; "moving the goal posts"
- Deliberate wrongful attribution of blame
- Damage to a person's work area
- Ostracising or freezing out; withholding information, resources or training
- Pushing, shoving
- Threatening non-verbal gestures.

The list is not exhaustive.

Should any employee experience or observe unwanted conduct, s/he is encouraged to raise the matter so that it can be processed.

This procedure does not aim to address physical assault at work.

Protection and Support

Staff shall be protected from intimidation, victimisation or discrimination for filing an allegation of bullying or assisting in an investigation. Retaliation against a member of staff for complaining about bullying/harassment is considered a disciplinary offence.

Regular checks will be made by management to ensure that the bullying has stopped and that there has been no victimisation for referring a complaint in good faith. Retaliation of any kind against a staff member for complaining or taking part in an investigation is a serious disciplinary offence.

Communicating the Policy

ISACS is committed to promoting and fostering dignity in the workplace. ISACS will provide this policy to all staff through appropriate means e.g. direct correspondence, staff handbook.

Complaints Procedure

Complaints of bullying can often be resolved on an informal basis and no further action may be required.

However, in circumstances where a staff member who believes s/he is being bullied may choose to discuss the matter on a confidential basis

Informal Procedure

Raise the grievance with the ISACS appointed Contact Person explaining that you wish to use the informal procedure. The Contact Person will arrange a meeting with you to discuss the matter fully with you and listen to your concerns. The Contact Person is to act as an initial facilitator. If your grievance relates to the Contact Person or is of a kind you feel unable to raise with them, you should discuss the problem with a member of ISACS board or senior member of staff.

The complaint may be verbal or written. If verbal, a written note of what is complained of should be taken by the Contact Person and a copy given to the complainant. The Contact Person will keep a record of all stages and will be kept in accordance with the Data Protection Act.

If the complaint concerns bullying as defined and includes concrete examples of inappropriate behaviour, the person complained against should be presented with the complaint and his/her response established. If there are no concrete examples given, it must be deemed that there is no complaint to be answered by the person complained of as they have no recourse to repudiating an accusation that doesn't give any specifics.

The informal process, steps to stop the bullying behaviour, where it has been identified, and monitor the situation along specified lines should be agreed with both parties.

Formal Procedure

If the problem is not resolved informally, the complainant should make a formal complaint, ideally in written form and signed and dated. The complaint should be confined to precise details of alleged incidents of bullying, including their dates, and names of witnesses, where possible.

The complainant will be advised of the aims and objectives of the formal process, the procedures and the possible outcomes. They will be assured of support throughout the process. They will also be given a copy of the Bullying Prevention Policy.

The person complained against will be notified in writing that a formal allegation of bullying has been made and that ISACS will presume their innocence of wrongdoing at this stage. They will be made aware of the formal procedure, assured of support and also given a copy of the Bullying Prevention Policy.

Formal Procedure – Investigation.

The objective of an investigation is to ascertain whether or not, on the balance of probabilities, the behaviours complained of occurred. Evidence and witness statements are relied on for this purpose.

The investigation will be conducted by either a designated member(s) of management or, if necessary, (for example in the case of any possible conflict of interest) an agreed, external third party. In either case, the person nominated should have appropriate training and experience and be familiar with the procedures involved. The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the person complained of.

The investigator should meet with the complainant and the person complained of and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts. A work colleague may accompany the complainant and the person complained of, if so desired.

The investigation will be completed as quickly as possible, preferably within an agreed timeframe. The investigator will submit the report to the employer which should include their conclusions. The complainant and the person complained of should be given a copy of the report as soon as possible by ISACS and given an opportunity to comment, within a set deadline, before ISACS decides on any action to take.

During the period when a grievance is being investigated, normal working practices must continue in all circumstances.

Outcomes

ISACS will decide in the light of the investigator's report and the comments made, if any, what action is to be taken arising from the report. ISACS will inform the complainant and the person complained against in writing of the next steps. At the end of the process the documentation will be kept by ISACS in line with the Retention guidance within the Data Protection Act.

ISACS will decide what further action as regards the complaint is necessary, including specific remedies to eliminate exposure to the hazard in future and to reduce the effects of the prior exposure for the complainant. ISACS will keep the situation under review to ensure that there is no victimisation or appearance of victimisation of a complaint following an investigation.

Where a complaint is not upheld, it will be made clear to both parties that the complaint is not upheld, and no wrongdoing has been found. All efforts will be made to ensure that anyone with a prior knowledge of the complaint is made aware of the finding that it is not upheld.

Appeals

Failing the outcome of the investigation, the matter will be referred to a Rights Commissioner. Rights Commissioners can assess how procedures were applied in bullying cases and thereafter intervene in a range of ways, including, where appropriate, carrying out a new investigation. Application for a Rights Commissioner hearing must be made directly by the appellant, citing the Industrial Relations Acts 1969 – 2001.

Findings of Rights Commissioners, which are delivered in the form of a recommendation, can be appealed to the Labour Court.

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