

## **Anti-Bullying, Sexual Harassment & Harassment Policy**

Rosslare Golf Club is committed under legislation to providing a work environment which is free from harassment, sexual harassment and bullying. Accordingly, there is a clear onus on each and every employee and member, regardless of position, to ensure that no behaviour of this type is tolerated. Appropriate disciplinary action, including dismissal, suspension or, expulsion for serious offences, will be taken against any employee or member who violates this policy. The Management Committee of the Joint Club has a particular responsibility to ensure that bullying, harassment, sexual harassment or similar inappropriate behaviour does not occur and that complaints are taken seriously and are addressed speedily. Allegations of bullying, harassment or sexual harassment will be dealt with in an objective and sensitive manner and the utmost confidentiality will be preserved for all parties involved.

The policy applies to employees both in the workplace and at work associated events such as meetings, conferences, business trips and office parties whether on the premises or off site. The policy applies not only to employees but also to members, contractors, agency staff, clients, customers, visitors or other business contacts to which an employee might reasonably expect to come in contact within the course of their employment.

### **Definition of Sexual Harassment**

Sexual harassment is defined in the Employment Equality Acts 1998 to 2008 (“EE Acts”) as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

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

The following are examples of unacceptable and inappropriate behaviour, which may be construed as sexual harassment:

- Physical – Unwelcome physical contact of a sexual nature, kissing, groping etc;
- Verbal – Unwelcome sexual advances, pressure for social contact, suggestive jokes, remarks or innuendo etc.; and/or
- Non-verbal/visual – sexually suggestive or pornographic pictures and calendars, leering or offences.

### **Definition of Bullying**

Under the Safety, Health and Welfare at Work Act, 2005, Rosslare Golf Club has a duty to provide its workers and members with a safe environment. This includes a place free from bullying and intimidation.

**Bullying can be 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 described in this definition may be an affront to dignity at work but as a once off incident is not considered bullying.

Examples of bullying behaviour include but are not limited to:

- Verbal abuse/insults and name calling;
- Persistent unjustified criticism and sarcasm;
- Exclusion with negative consequences;
- Being treated less favourably than colleagues;
- Public or private humiliation;
- Shouting at staff in public and/or in private;
- Sneering;
- Humiliation;
- Instantaneous rage, often over trivial issues;
- Unfair delegation of duties and responsibilities;
- Setting impossible deadlines;
- Unnecessary work interferences;
- Making it difficult for staff to have access to necessary information; (Peter - HCCAP forms)
- Undermining behaviour;
- Aggression;
- Menacing behaviour;
- Not giving credit for work contribution;
- Continuously refusing reasonable requests without good reasons;
- Intimidation and threats in general; and/or
- Intrusion – pestering, spying or stalking.

### ***Definition of Harassment***

The EE Acts define harassment (other than sexual harassment) as any form of unwanted conduct related to any of the discriminatory grounds (gender, civil status, family status, race, age, religious belief, sexual orientation, disability or membership of the Traveler Community)...being 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.

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

Many forms of behaviour can constitute harassment including:

- Verbal harassment – Jokes, comments, ridicule or songs.
- Written harassment – Text messages, emails or notices.
- Physical harassment – Jostling, shoving or any form of assault, pinching, unnecessary touching etc.
- Non-Verbal/Intimidatory harassment – Gestures, posturing or threatening poses.
- Visual displays such as posters, emblems or badges;
- Isolation or exclusion from work related social activities; and/or

- Pressure to behave in a manner that the employee thinks is inappropriate.

**NOTE:** The above examples of bullying, harassment and sexual harassment are not exhaustive and any behaviour of a similar nature will also be dealt with under this procedure.

The intention of the perpetrator(s) of the bullying, harassment or sexual harassment is irrelevant. The effect of the behaviour on the employee is what is relevant.

### **Complaints Procedure**

In many cases the Rosslare Golf Club will not be aware of the conduct that is taking place, and unless the employee or member concerned takes the appropriate steps, as outlined below, it may not be possible to do anything to prevent the conduct from continuing.

An employee or member who feels he/she is being sexually harassed, bullied or harassed should elect to use either the informal or formal procedure below.

Regardless of the procedure adopted, Rosslare Golf Club is committed to treating all complaints seriously and with the utmost confidentiality. However, at all times, due regard must be given to the rights of the alleged perpetrator(s), always bearing in mind that the complaint amounts to no more than an allegation, unless and until the facts have been satisfactorily established.

### **Informal Procedure**

The Management Committee of Rosslare Golf Club is of the view that an informal approach to solving matters can sometimes be effective. In the first instance, an attempt should be made to address an allegation of bullying, harassment and/or sexual harassment on an informal basis through the procedure set out below.

1. If an employee or member believes they are being bullied, harassed or sexually harassed, they should raise the issue informally with the person who is creating the problem and point out that their conduct is unwelcome, offensive or interfering with work. If the employee or member is uncomfortable with a direct approach, he/she should raise the issue with any member of the Management Committee of Rosslare Golf Club. A Designated Person will then be appointed by the Management Committee to deal with the specific issue.
2. The employee or member will then be required to refer their informal complaint to the Designated Person verbally or in writing giving concrete examples of the alleged inappropriate behaviour, the dates of any such incidents and details of witnesses, where possible. The Designated Person will work discretely with both parties with a view to resolving the issue in an informal, low-key and acceptable manner. If the complaint has been made verbally, the Designated Person will take a note of the complaint, a copy of which will be provided to the employee or member. A reasonable time frame for the carrying out of the investigation will be determined following consultation with the employee or member.

3. A copy of the complaint will also be provided to the alleged perpetrator(s) and his/her response established.
4. The Designated Person will deal with the complaint on behalf of the Management Committee by establishing the facts, the context of the complaint and the next course of action in dealing with the matter under the informal procedure. This will be done within a timeframe determined by the Designated Person following consultation with the employee or member.
5. The Designated Person, following consultation with the complainant and the alleged perpetrator(s), will determine a method to progress the issue to resolution so that both the complainant and the alleged perpetrator(s) can return to a harmonious working environment together. The Designated Person will keep a written record of all stages of the informal procedure.

It is recognised that it is not always practicable to deal with a complaint under the informal procedure particularly where the bullying or harassment is serious or where the people involved are at different levels in the organisation. In such circumstances, or if the employee or member is not satisfied with the outcome of the informal procedure, the employee or member should use the formal procedure set out below.

### **Formal Procedure**

1. If the informal procedure is not possible or appropriate, the employee or member should make a formal complaint in writing to any member of the Management Committee, giving concrete examples of the bullying, harassment and/or sexual harassment, the dates of any such incidents, where the incident (s) occurred and details of witnesses where possible.
2. The individual(s) against whom the allegations are made under the formal procedure will be:
  - i. advised in writing of the nature of the complaints against them;
  - ii. given a copy of the written complaint together with a copy of this policy;
  - iii. given the opportunity to be heard in a detailed meeting;
  - iv. given the opportunity to reply to each allegation at the meeting and/or in writing;
  - v. allowed representation if requested, at the meeting.
3. One or more members of the Management Committee of the Joint Club will then undertake a thorough investigation into the complaint. The investigator will endeavour to agree the terms of reference of the investigation with both the complainant and the alleged perpetrator(s) in advance and the complainant and the alleged perpetrator(s) will be notified of the likely timescale for completion. This initial meeting will take place within 5 days of receipt of the complainant's complaint, or as soon as possible thereafter. If the Management Committee of the Joint Club considers it appropriate to do so, it reserves the right, at its discretion, to appoint or engage an external third party to conduct the investigation.

4. Where the allegations made are of a severe and immediate nature, the Management Committee reserves the right to suspend the alleged perpetrator(s). In the case of employees. on full pay pending an investigation.
5. Whilst it is desirable to maintain utmost confidentiality, once an investigation of an issue begins, it may be necessary to interview other staff or members. If this is so the importance of confidentiality will be stressed to them. Any statements taken from witnesses will be circulated to the person making the complaint and the alleged harasser for their comments before any conclusion is reached in the investigation. The investigator will meet the complainant, the alleged perpetrator(s) and any witnesses or other relevant persons on an individual basis to try to establish the facts surrounding the allegation. The complainant and the alleged perpetrator(s) may be accompanied to such meeting by a colleague or trade union representative.
6. Every effort will be made to carry out and complete the investigation as quickly as possible and preferably within the agreed timeframe. Once the investigation is complete, the investigator will present a written report to the Management Committee. Both the complainant and the alleged perpetrator(s) will be informed in writing of the investigator's report and both parties will be given the opportunity to comment on the report before any action is decided on by the Management Committee.
7. If, following the investigation, the complaint is found to be valid, prompt action will be taken to stop the sexual harassment, bullying or harassment. The Management Committee will meet formally with the alleged perpetrator(s) to determine an appropriate course of action. Such action can and may include counselling, monitoring and/or action under the Golf Club's disciplinary procedure, up to and including dismissal or suspension.
8. If bullying or harassment is found to have been perpetrated by a non-employee of the Golf Club, the Golf Club will decide what appropriate sanctions should be taken against such non-employees including exclusion from the premises, suspension or termination of service/contract etc.
9. If the Golf Club decides that the complaint is not well founded, the Management Committee will formally meet with the complainant, again to determine an appropriate course of action. It may be that some kind of counselling session is required between the complainant and the alleged perpetrator(s).
10. Either party may appeal the findings of an investigation under this procedure to the the Chairperson of the Joint Golf Club or a person nominated by him/her in writing within 5 working days of the Golf Club's decision in respect of the investigation findings outlining the reasons for the appeal. The appeal will be heard on the points raised and will not involve a re-investigation of the complaint.

### **Confidentiality**

Confidentiality by Rosslare Golf Club and all those involved in the process should be maintained to the greatest effort consistent with the requirements of a fair investigation.

**Retaliation against a Complainant**

It is Rosslare's Golf Club's policy to protect any employee or member making a complaint against intimidation, victimisation or discrimination. Any victimisation of, or retaliation by another worker or member against a complainant, a worker or member supporting a complainant, or a worker or member who gives evidence regarding the allegation of bullying, harassment or sexual harassment, will be subject to disciplinary action up to and including dismissal or expulsion.

**Malicious / False Claims**

If a complaint is found to be false, intentionally exaggerated or malicious, then the appropriate disciplinary action, up to and including dismissal, suspension or expulsion, will be taken against the complainant.

**Monitoring and Support**

The Management Committee of Rosslare Golf Club will continue to monitor the situation after a complaint has been made to ensure that the inappropriate behaviour does not recur.

The Management Committee of Rosslare Golf Club is committed to ensuring that all parties are supported during and in the aftermath of a complaint and investigation. In some circumstances this may involve counselling.

**February 2021**