

Castleknock Community Centre Association



A community partnership serving
Ashleigh, Bramley, Carpenterstown Park, Laurel Lodge, Laverna, Oaktree

Bullying and harassment

Dignity at work

Castleknock Community Centre is a workplace. The following charter, which is designed for display in the workplace, is a declaration of Castleknock Community Centre Association's commitment to creating and maintaining a positive work environment where the right of each individual to dignity at work is recognised and protected.

Scope

The Charter applies to all users of the community centre, who we define as the management committee, the BASC Staff that operate the centre, the individuals and organisations who rent our facility for events, the people who attend events, the parents who bring their children to and from events and contractors who maintain our centre or perform construction work..

Charter for Dignity at Work

- We at the CCCA commit ourselves to working together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work here are expected to respect the right of each individual to dignity in their working life. All will be treated equally and respected for their individuality and diversity. Bullying or harassment in any form is not accepted by us and will not be tolerated. Our policies and procedures, will underpin the principles and objectives of this Charter.
- All individuals, whether directly employed or contracted by us, have a duty and a responsibility to uphold this Dignity at Work Charter.

Bullying and harassment

Purpose

The aim of this policy is:

- To indicate what constitutes bullying and harassment
- To advise all parties on good practice in this area
- To set out the appropriate disciplinary action, including dismissal for serious offences, which the CCCA will take against tenants, sub-contractors or staff who violate this policy.

The Law

- *Employment Equality Acts, 1998 - 2004*

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- *Safety, Health and Welfare at Work Act, 1989*
- *Unfair Dismissals Act, 1977-(2001) 1993*
- *Industrial Relations Acts, 1946-(1990) 2004*

Scope

- This policy is applicable to all centre users, both in the workplace and at associated events such as meetings, conferences or office parties, whether on or off the premises.
- This policy is applicable to bullying or harassment to or by all users of the centre.

Policy

- As part of our commitment to the fairness, dignity and respect due to each employee, the individuals and organisations who rent our facility for events, the people who attend events, the parents who bring their children to and from events and contractors who maintain our center or perform construction work, any form of bullying or harassment will not be tolerated by CCCA. Incidents of bullying or harassment will be dealt with in an effective and efficient manner.
- In cases where bullying or harassment is proved to be repeated and consistent, causing unnecessary stress and anxiety, this will be considered gross misconduct. The management of Castleknock Community Centre Association reserves the right to invoke disciplinary procedures in these cases up to and including dismissal, or in the case of center users who are not employees of BASC or other contractors, termination of user agreements and denial of access to the community center.
- As part of CCCA's Charter for Dignity at Work, it is imperative that all centre users respect the dignity of every colleague. Each person is requested to consider the multi-cultural beliefs of all of their colleagues regarding their code of conduct, with particular reference to remarks, dress code, posters, emails and anything which may cause offence to a person on the basis of their gender, marital status, race, religion, family status (i.e. number of dependents, etc.), age, sexual orientation, membership of the traveller community and disability.
- Employees and centre users (including contractors) will be protected against intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation into same. Any party guilty of intimidating or victimising another party for complaining about bullying or harassment or taking part in an investigation, will be subject to disciplinary action as appropriate, up to and including dismissal (or termination of user agreements and denial of access to the community centre).
- Any frivolous, vexatious or malicious allegations will be treated seriously by the CCCA and may lead to disciplinary action for the complainant involved.

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Definition - Bullying / Harassment

Bullying or harassment is defined as '*any form of repeated, unwelcome and unacceptable conduct that could be regarded as offensive, humiliating or intimidating*'. It can be viewed under the following headings:

- *Verbal abuse*
Shouting at, making fun of, unfair and excessive criticism of, or ridiculing an employee, tenant or subcontractor in front of other employees and individuals; setting unrealistic and unattainable targets for the individual; spreading false rumours about the individual around the organisation, etc.
- *Non-verbal abuse*
Looks, gestures, displaying emblems on clothing, exclusion, whistling, deliberate isolation, e-mail and network messaging.
- *Physical abuse*
Hitting, bodily contact that is abusive in nature, shaking fists in a threatening manner, sabotaging a colleague's personal belongings, etc.

This is non-exhaustive list and may be added to as deemed necessary.

Any one of the above examples may occur in isolation and may be 'out of character' for a person who engages in such behaviour. However, a 'bully' consistently engages in certain forms of behaviour in order to intimidate and humiliate his/her victim.

WHAT BULLYING OR HARASSMENT IS NOT.

The following behaviours do not constitute bullying:

- Constructive and fair criticism of any employee's conduct or work performance
- Legitimate management responses to pressurised situations that require immediate action or which arise from staff shortages and consequently an increased workload.

The CCCA management committee's expectations of all supervisory staff are, that poor work performances shall be dealt with through the operation of fair procedures and not through an aggressive management style.

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Definition - Sexual Harassment

Sexual harassment can be defined as '*conduct towards another person which is sexual in nature, or has a sexual dimension, and is unwelcome to the recipient*'. Examples of this type of harassment include:

- Sexual gestures;
- Displaying sexually suggestive objects, pictures, calendars, etc;
- Sending suggestive and pornographic correspondence;
- Unwelcome sexual comments and jokes;
- Unwelcome physical conduct such as pinching, unnecessary touching, etc.

PROCEDURE FOR DEALING WITH ALLEGATIONS OF BULLYING.

The management of our anti-bullying policy and procedures lies with the management team. Our procedures for the management of allegations of bullying and harassment are in compliance with the Dignity at Work Policy Statement issued by the Health & Safety Authority, the Employment Equality Authority and the Irish Congress of Trade Unions.

This procedure falls into two categories ; internal complaints within an organisation and inter group complaints (example between users of our community centre).

Internal complaints; each organisation is expected to have a procedure where, employees / individuals can bring a formal written complaint to their direct supervisor/ organisation chairperson.

Informal Complaints Procedure

- Bullying can constitute grounds for disciplinary action (and ultimately dismissal) and all employees must be aware of this. There is both an **informal** and a **formal** procedure to deal with the issue of bullying and harassment at work.
- It is often preferable for all concerned that complaints of bullying or harassment are dealt with informally wherever possible. This is likely to produce solutions that are speedy, effective, and that minimise embarrassment. Sometimes the alleged perpetrator is genuinely unaware that his or her behaviour is unwelcome and causing distress. An informal discussion is often sufficient to alert the person concerned to the effects of his/her behaviour and lead to greater understanding and an agreement that the behaviour will stop. Thus, in the first instance, a person who believes that they are the subject of bullying or harassment should ask the person responsible to stop the unwelcome or offensive behaviour which is an interference with their work. The alleged offender can be made aware that if the issue does not stop the matter will be escalated to the chairperson of CCCA.

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Informal Procedure: Stages

1. A complainant should refer to the definitions contained in above to consider if the conduct in question constitutes bullying/harassment.
2. The complainant then raises the issue informally with the person creating the problem, pointing out that their conduct is unwelcome, offensive or interferes with their work.
3. If the complainant feels uncomfortable with the direct approach, or if this approach has failed, he/she can raise the issue with their supervisor where the bullying takes place within an organisation. Where the complaint arises from a person in another group (for example between users of our community centre or between a BASC employee and an event organiser) he/she can raise the issue with the chairperson of CCCA. The chairperson (or his nominee) will then act as mediator/facilitator in a meeting between the two parties, the aim being to resolve the matter quickly and sensitively.
4. When these actions do not result in a cessation of the harassment or bullying, or where a more serious incident has arisen, the complainant should use the formal complaints procedure below.
 - It is also recognised that it may not always be practical to use the informal procedure, particularly where the harassment or bullying is serious or where the people involved are at different levels in the organisation. In such instances, the complainant should use the formal mechanism.

Formal Complaints Procedure

- If after the informal stage, the bullying persists or it is not appropriate to resolve the problem informally due to the severity of the bullying, the following formal complaints procedure should be invoked.
- All complaints received will be treated seriously, sensitively, confidentially and dealt with as soon as is practicable. Strict confidentiality and proper discretion will be maintained, as far as is possible, in any necessary consultation to safeguard both parties from innuendo and harmful gossip. Should a complainant wish, they have a right to involve representation or a colleague throughout this process.
- Castleknock Community Centre Association has a right to nominate an independent external third party to investigate a grievance or disciplinary matter on behalf of the CCCA where CCCA believes it is advantageous to both parties.
- Where the bullying allegation is internal to an organisation, the Castleknock Community Centre Association reserves the right to be an observer to the investigation process.
- While CCCA will endeavour to deal with formal complaints as soon as possible, the procedure may take between 4 to 6 weeks to be concluded.

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- If CCCA becomes aware that a complaint is false and malicious in nature, a further investigation will take place which may lead to disciplinary procedures.

Formal Procedure Inter group complaints:

1) Written Complaint

- To make a formal complaint, the complainant (complainant) should inform the committee in writing of the allegation as soon as possible.

2) Investigation

- The investigation will begin with two members of the management committee (as appointed by the chairperson) or a nominated person meeting with the complainant to gather full details of the allegation and explain the stages of the formal procedure. The management committee representatives will lead a thorough and objective investigation. This will commence, unless extraordinary circumstances do not allow, within two weeks of receipt of the complaint. Where one party to the complaint is an employee of BASC or a contractor, the supervisor shall be invited to be an observer.
- In the interests of natural justice, the alleged bully or harasser will be made aware of the nature of the complaint and have the stages of the formal procedure explained to them.
- The investigation will be confidential in nature having regard to the complainant's right to information on the complaint(s) against them, representation throughout the stages, and the facility to make statements, submissions, or comments on the allegations made against them before any decision is made.
- Whilst it is desirable to maintain the utmost confidentiality, once an investigation begins it may be necessary to interview other parties. If this is required, the importance of confidentiality will be stressed to them and all evidence provided will be treated as confidential.
- It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

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3) Decision

- The outcome of the investigation will be conveyed in writing to the complainant, the person against whom the complaint is made, the supervisor (if an employee of BASC or a contractor), and if appropriate, any other person with a significant involvement in the matter at issue.
- If, following an investigation, the complaint is considered to be substantiated, Castleknock Community Centre associations' Disciplinary Procedures will be invoked. If, following an investigation, a complaint is found to be untrue, reckless or malicious, the CCCA Disciplinary Procedures will be invoked against the complainant. No action will be made against the complainant provided that the complaint was made in good faith.

Appeals

- Any complainant against whom a disciplinary finding is made has the right to appeal against the disciplinary decision. This appeal should be put in writing to the committee within 5 working days of the disciplinary meeting. An appeal committee will be formed with two people from management committees of other community centres in the Dublin 15 area and an observer from the Castleknock Community Centre.
- Disciplinary penalties will differ, depending on the severity of the bullying or harassment. However, action may include transfer or other appropriate action up to and including summary dismissal or termination of the user's right to use the centre.

Action Post-investigation

- Regular checks will be made by the chairperson of Castleknock Community Centre Association management committee investigating the complaint to ensure that the bullying or harassment has stopped, and that there is no victimisation of the complainant as a result of the complaint being made.
- Retaliation of any kind against a complainant for complaining or taking part in an investigation concerning bullying or harassment will be treated as a serious disciplinary offence and procedures in this regard will be invoked.