



**College of Psychiatrists
of Ireland**

Wisdom • Learning • Compassion

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College of Psychiatrists of Ireland Policy on Bullying and Harassment

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Introduction

The College of Psychiatrists of Ireland recognises the right of all employees, members, trainers, and trainees to be treated with dignity and respect and is committed to ensuring that all employees, members, trainers, and trainees are provided with a safe environment which is free from all forms of bullying, sexual harassment and harassment.

Central to the delivery of the highest possible quality training is a working environment where College employees, members, trainers, and trainees feel valued, recognised and safe. The promotion and maintenance of the dignity of all involved plays a key role in ensuring this environment.

Bullying and harassment can have a devastating effect on the health, confidence, morale and performance of those subjected to it. Bullying and harassment may also have a damaging impact on employees, members, trainers, and trainees not directly subjected to inappropriate behaviour but who witness it or have knowledge of it.

This Policy is based on the Health Service Executive Policy Document *Dignity at Work* and on the following Codes of Practice which issued under the Safety, Health and Welfare at Work Act 2005; the Industrial Relations Act, 1990; and the Employment Equality Act 1998 respectively: The Health and Safety Authority's Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work ; The Labour Relations Commission's (LRC) Code of Practice Detailing Procedures for Addressing Bullying in the Workplace; The Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work.

A key objective of this Policy is to ensure that all reasonable efforts are made by the College of Psychiatrists of Ireland to deal with complaints of bullying or harassment at local level. The procedure promotes the use of mediation as an alternative to a formal investigation where both parties jointly agree to participate in this process. In the event that the complaint cannot be resolved locally or through mediation, the procedure sets out an investigation process which is designed to deal with complaints expeditiously and with minimum distress for the parties involved. The Policy has a strong preventative focus and emphasises that every College employee, member, trainer, and trainee has a duty to maintain an environment in which the dignity of everyone is respected.

The Policy also places particular emphasis on the role of the College's Council, Management Committee, Postgraduate Training Committee, Continuous Professional Competence Committee, External Affairs Committee, and Faculty Officers in promoting the Policy and ensuring a working environment free from bullying and harassment.

What is Bullying, Harassment and Sexual Harassment?

This section contains the definitions of bullying, harassment and sexual harassment as set out in the following Codes of Practice: The Health and Safety Authority's Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work; The Labour Relations Commission's (LRC) Code of Practice Detailing Procedures for Addressing Bullying in the Workplace; The Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work.

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 to be bullying. 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 (or a group) of employee(s), member(s), trainer(s), or trainee(s). It may be perpetrated by someone in a higher, lower or same grade/position as the recipient.

What Bullying is Not

The following do not constitute bullying:

- An isolated incident of inappropriate behaviour may be an affront to dignity but, as a once-off incident, is not considered to be bullying, e.g. an occasional bout of anger or a conflict of views.
- Fair and constructive criticism of an employee's, member's, trainer's, or trainee's performance, conduct or attendance.
- Reasonable and essential discipline arising from the good management of the performance of an employee at work or trainee in a training programme.
- Actions taken which can be justified as regards the safety, health and welfare of the employees, members, trainers, and trainees.
- Legitimate management responses to crisis situations which require immediate action.
- Complaints relating to instructions issued by a manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure.

Examples of Bullying

The following are some examples of the type of behaviour which may constitute bullying. These examples are illustrative but not exhaustive:

- Constant humiliation, ridicule, belittling efforts – often in front of others
- Verbal abuse, including shouting, use of obscene language and spreading malicious rumours
- Showing hostility through sustained unfriendly contact or exclusion
- Inappropriate overruling of a person's authority, reducing a job/training experience to routine tasks well below the person's skills and capabilities without prior discussion or explanation
- Persistently and inappropriately finding fault with a person's work and using this as an excuse to humiliate the person rather than trying to improve performance

- Constantly picking on a person when things go wrong even when he/she is not responsible

What is Harassment?

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 2008. These grounds are: gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership of the traveller community. 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. 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 inappropriate behaviour based on the relevant characteristic of the employee such as race, religion, age or any of the other grounds covered by the Act. Inappropriate behaviour that is not linked to one of the nine discriminatory grounds is not covered by this definition. Harassment may be targeted at one (or a group of) College employee(s), member(s), trainer(s), or trainee(s). Harassment may consist of a single incident or repeated inappropriate behaviour. The following are examples of inappropriate behaviour which may constitute harassment. These examples of harassment are illustrative but not exhaustive:

- Verbal harassment, e.g. jokes, derogatory comments, ridicule or song
- Written harassment, e.g. faxes, text messages, e-mails or notices
- Physical harassment, e.g. jostling or shoving
- Intimidatory harassment, e.g. gestures or threatening poses
- Visual displays, e.g. posters, emblems or badges
- Persistent negative body language
- Ostracising a person

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

What is Sexual Harassment?

Sexual harassment 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 (or a group of) College employee(s), member(s), trainer(s), or trainee(s). The following are some examples of inappropriate behaviour which may constitute sexual harassment. These examples are illustrative but not exhaustive:

- Physical conduct of a sexual nature, e.g. unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another person's body
- 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 / training

environment after it has been made clear that such suggestions are unwelcome, unwanted and offensive flirtations, suggestive remarks, innuendos or lewd comments

- Non-verbal conduct of a sexual nature, e.g. the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes
- Unwanted or derogatory comments about dress or appearance e.g. Leering and suggestive gestures

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

How does Sexual Harassment and Harassment differ from Friendly Workplace Banter? 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 College employee, member, trainer, or trainee to decide what behaviour is unwelcome, irrespective of the attitude of others, and from whom such behaviour is unwelcome. The fact that the College employee, member, trainer, or trainee has previously tolerated the behaviour does not stop him/her from objecting to it now.

Is Motive Relevant?

The intention of the person engaging in the unwelcome behaviour is irrelevant – the effect of the behaviour on the employee, member, trainer, or trainee concerned is what is important.

Roles and Responsibilities under the Policy

This section sets out the responsibilities of:

- The College of Psychiatrists of Ireland
- Employees of the College of Psychiatrists of Ireland
- Members of the College of Psychiatrists of Ireland (Including those acting on behalf of the College of Psychiatrists of Ireland)
- Trainees of the College of Psychiatrists of Ireland (Including those acting on behalf of the College of Psychiatrists of Ireland)

This Policy protects College employees, members, trainers, and trainees from bullying, sexual harassment or harassment during the course of activities that are directly related to the activities of the College.

Bullying, sexual harassment or harassment of College employees, members, trainers, and trainees during the course of activities that are indirectly related to the activities of the College (for example, bullying of a member or trainee in the course of their clinical work) should be addressed using the policies and procedures of the relevant organisation responsible for those activities / employment of the person in the workplace.

The College of Psychiatrists of Ireland will ensure that all approved clinical training sites have a policy to address bullying, sexual harassment, and that this is communicated within the induction programme for all new employees.

Scope of this Policy

This policy refers in particular to all activities directly relating to College business. Persons involved could be College administrative employees, members, trainees, trainers, officers. This list is not exclusive, it may be the case that a complaint not directly relating to College business may be better dealt with by employer procedures such as Dignity at Work.

Bullying/Harassment by Non-Employees, Non-Members, Non-Trainers, Non-Trainees.

This Policy protects College employees, members, trainers, and trainees from bullying, sexual harassment or harassment perpetrated by a patient/client, supplier, visitor or any other person with whom College employees, members, trainers, and trainees may come into contact during the course of their work or training.

Bullying/harassment by non-employees, non-members, non-trainers, non-trainees 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 a College employee, member, trainer, or trainee feels that s/he has been subjected to inappropriate behaviour by a non-employee, non-member, non-trainer, non-trainee, s/he should bring the matter to the attention of his/her manager (employees), Dean of Education (trainees and trainers); Director of College External Affairs Department or Director of College Professional Competence Department (members) so that the matter can be investigated and appropriate action taken.

The College of Psychiatrists of Ireland will ensure that adequate resources are made available to promote respect and dignity in the workplace / training environment and to deal effectively with complaints of bullying and harassment. This policy and procedure will be communicated throughout the organisation and all College employees, members, trainers and trainees will be made aware of their responsibilities to create a working / training environment which is free from bullying and harassment. The Policy will form part of the induction process for all College employees, members, trainers and trainees and appropriate training will be provided to supervisors and managers to enable them to communicate the Policy to College employees, members, trainers and trainees and deal with complaints.

Support Contact Persons will be appointed to provide confidential information and support to College employees, members, trainers and trainees who feel that they are being subjected to bullying or harassment. Appropriate training and ongoing support will be provided to enable Support Contact Persons to carry out their role effectively.

Progress on the implementation and effectiveness of the Policy will be regularly monitored and reviewed at local level.

Responsibilities of College employees, members, trainers and trainees.

All College employees, members, trainers and trainees have a responsibility to help maintain a working / training environment in which the dignity of all individuals is respected.

All College employees, members, trainers and trainees must comply with this policy and ensure that their behaviour does not cause offence to fellow employees, members, trainers and trainees or any person with whom they come into contact during the course of their work / training. College employees, members, trainers and trainees should discourage bullying and harassment by objecting to inappropriate behaviour.

College employees, members, trainers and trainees should inform a manager (employees), Dean of Education (trainees and trainers); Director of College Department of External Affairs or Director of College Professional Competence Department (members) if they are concerned that a colleague is being bullied or harassed.

Responsibilities of Managers, Dean of Education, and Directors of College Departments of External Affairs and Professional Competence.

These individuals have a particular responsibility to implement this policy and to make every effort to ensure that bullying and harassment does not occur, particularly in work / training areas for which they are responsible. Managers and Department Directors have an obligation to deal promptly and effectively with any incidents of bullying or harassment of which they are aware or ought to be aware. Managers and Department Directors should:

- Circulate the Policy to all employees, members, trainers, and trainees and ensure that they understand their roles and responsibilities and how the complaints procedure operates.
- Explain the Policy and complaints procedure to new employees, members, trainers, and trainees as part of their induction.
- Promote awareness of the Policy amongst employees, members, trainers, and trainees on an ongoing basis.

- Communicate the Policy to non-employees, non-members, non-trainers, and non-trainees (e.g. ensure posters and leaflets are prominently displayed and copies of the Policy are readily available).
- Set a good example by treating all employees, members, trainers, and trainees and any other person with whom they come into contact in the workplace or training environment with courtesy and respect.
- Be vigilant for signs of bullying and harassment and intervene before a problem escalates.
- Respond sensitively to any employee, member, trainer, or trainee who makes a complaint of bullying or harassment.
- Respond promptly and discreetly to requests from employees, members, trainers, and trainees to intervene and seek to resolve the matter informally where appropriate.
- Facilitate Support Contact Persons (see Appendix 1) to carry out their role.
- Ensure that an employee, member, trainer, or trainee is not victimised for making a complaint of bullying or harassment in good faith.
- Monitor and follow up the situation after a complaint is made so that the behaviour complained of does not recur.
- Keep a record of all complaints and how these were resolved.

Procedure for Dealing with Allegations of Bullying, Sexual Harassment and Harassment:

Making a Complaint

Any employee, member, trainer, or trainee who feels that s/he is being subjected to behaviour which undermines his/her dignity should let his/her objections be known, otherwise the person engaging in the unwelcome behaviour may be unaware of the effects of his/her actions. The employee, member, trainer, or trainee may either approach the alleged perpetrator directly and make the person aware that the behaviour in question is unwelcome or request a Contact Support Person to approach the person on his/her behalf.

Sometimes the alleged perpetrator is genuinely unaware that his/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 can lead to greater understanding and an agreement that the behaviour will stop.

Before deciding what course of action, if any, to take, the employee, member, trainer, or trainee may wish to discuss the matter on a confidential basis with a Support Contact Person, manager or union representative (if applicable).

Support Contact Person:

An employee, member, trainer, or trainee who feels that s/he is being bullied or harassed may wish to avail of the support of a Support Contact Person whose function is to listen, be supportive and outline the options open to him/her. Details of Support Contact Persons are displayed on the College moodle website. The Support Contact Person will explain the definitions of bullying/ harassment and the various elements of the procedure to assist the employee, member, trainer, or trainee to make an informed choice about what action, if any, s/he may wish to take.

Alternatively, the employee, member, trainer, or trainee may seek information and advice regarding the policy and procedure on a confidential basis at any time from any member of the College's Management Committee. If, having consulted with the Support Contact Person or other appropriate person, the employee, member, trainer, or trainee decides to pursue the matter, s/he may approach the alleged perpetrator directly or request the intervention of an appropriate manager / Director of College Department.

Approach the Alleged Perpetrator Directly

In this case the employee, member, trainer, or trainee may find it helpful to rehearse what s/he intends to say to the person concerned so that s/he feels more confident about initiating the discussion and articulating the precise nature of the offending behaviour and its effects.

Intervention of an Appropriate Manager or Director of the relevant College Department

Where the employee is not confident about approaching the alleged perpetrator or where a direct approach has not resolved the matter, s/he should request the intervention of an appropriate manager or the Director of the relevant College Department. The manager / Director may attempt to resolve the matter in an informal low-key and non-confrontational manner by making the alleged perpetrator aware of the effects of his/her behaviour (see Appendix 2). Where this does not bring about a satisfactory outcome,

the matter may be referred to the College Management Committee / Council which will make every effort to resolve the matter between the parties. This may include the use of mediation.

Mediation

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.

Preliminary Screening

The purpose of the preliminary screening is to decide if the alleged behaviour, which is the subject of the complaint, falls within the definition of bullying, harassment or sexual harassment as outlined in pages 3 to 5 of this 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 or have not occurred in the context of activities that are directly related to the activities of the College.

In order to carry out the preliminary screening, the complainant must set out details of the alleged behaviour in writing including approximate dates and witnesses (if any) and the context in which the alleged behaviour occurred.

The preliminary screening will be carried out by a member of the College Management Committee (or appointed by the Management Committee) who will decide whether or not it is appropriate to progress the complaint under this Policy.

This assessment will be based exclusively on the written details of the complaint as set out by the complainant. The employee, member, trainer, or trainee will be notified in writing of the outcome of the preliminary screening within 7 working days.

If the complaint is deemed not to come within the scope of this Policy, the employee, member, trainer, or trainee will be so informed and advised on the appropriate procedure for dealing with the matter (e.g. using the policies and procedures of the more relevant organisation). If the complaint is deemed to come within the scope of this Policy, the matter may be referred for mediation. If the matter cannot be resolved through mediation, a formal investigation will be carried out.

Formal Investigation

The alleged perpetrator will be advised that the complaint is the subject of a formal investigation. S/he will be given a copy of the written complaint and invited to respond to the allegations in writing within 2 weeks. A copy of the response will be forwarded to the complainant. Both parties will be offered the opportunity to avail of in-house counselling and support services.

Principles Governing the Investigation Process

- The investigation will be conducted thoroughly and objectively and with due respect for the rights of both the complainant and the alleged perpetrator.
- Both parties will be required to co-operate fully with the investigation.
- 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.
- While the circumstances may be difficult, both the complainant and the alleged perpetrator may be expected to continue with their normal duties and maintain a professional working relationship during the course of the investigation.
- The College Management Committee will however have due regard at all times for its obligations to safeguard the health, safety and welfare of employees, members, trainers, and trainees.
- A written record will be kept of all meetings and treated in the strictest confidence.
- The investigator may interview anyone who they feel can assist with the investigation.
- Employees, members, trainers, and trainees are expected to co-operate fully with the investigation and will be fully supported throughout the process.
- Employees, members, trainers, and trainees who participate 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.
- It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

Conducting an Investigation

The investigation will be conducted by person(s) who are acceptable to the parties and are not connected to the complaint in any way. These will be appointed by the Management Committee.

The investigator(s) will be issued with written terms of reference based on the written complaint and any other matters relevant to the complaint. The terms of reference shall specify that the investigation will be conducted in accordance with this Policy.

If issues persist in relation to the acceptability or otherwise of the nominated person(s), the matter may be referred to the College Council within 2 weeks for a decision regarding the nominated person(s)

1. The investigator(s) will determine:
 - (i) whether the complaint falls within the definition of bullying, harassment or sexual harassment as defined in this Policy
 - (ii) whether the complaint is upheld as the offending action amounted to inappropriate behaviour, bullying, harassment or sexual harassment. - Where appropriate the investigator(s) may make recommendations (excluding disciplinary sanction).
2. The investigator(s) may set time limits for completion of various stages of the procedure to ensure the overall timescale is adhered to.

3. Both parties will be given copies of all relevant documentation prior to and during the investigation process, i.e. - Written complaint - Written response from the alleged perpetrator - Witness statements (which should be signed) - Minutes of meetings.
4. Both the complainant and the alleged perpetrator may provide details of witnesses or any other person whom they feel could assist in the investigation.
5. The investigator(s) will conduct separate interviews with the complainant and the alleged perpetrator with a view to establishing the facts surrounding the allegations. Both the complainant and the alleged perpetrator may be accompanied by a staff representative or work colleague if so desired.
6. The investigator(s) will interview any witnesses to the alleged incidents of bullying/ harassment and other relevant persons. An agreed minute of each meeting will be issued to both parties. Confidentiality will be maintained as far as practicable.
7. Persons may be required to attend further meetings to respond to new evidence or provide clarification on any of the issues raised.
8. The investigator(s) may, depending on the circumstances of the case, convene joint hearings subject to the agreement of both parties.
9. The investigator(s) will present preliminary conclusions based on the evidence gathered in the course of the investigation and invite any person adversely affected by these conclusions to provide additional information or challenge any aspect of the evidence.
10. On completion of the investigation, the investigator(s) will submit a written report to the College Management Committee who will ensure that the terms of reference have been complied with.
11. 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 two weeks.

Outcome of the Investigation

If the complaint is upheld, appropriate action will be taken e.g. progression through a disciplinary procedure, counselling and/or mediation. The College will monitor the workplace / training environment to ensure that there is no recurrence.

Where a complaint is not upheld, no action will be made against the complainant provided that the complaint was made in good faith.

In the interests of all employees, members, trainers, and trainees 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.

Non-Employees, Non-Members, Non-Trainers, Non-Trainees

Where complaints against non-employees, non-members, non-trainers, non-trainees 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. If the complaint is upheld, appropriate sanctions will apply which may include:

- Exclusion of the individual from College premises / activities
- Suspension or termination of service or other contract.

Statutory Redress

This policy is designed to support employees, members, trainers, and trainees in the resolution of complaints of bullying/ harassment. However, it does not prevent employees from exercising their statutory entitlements under the Industrial Relations Acts, 1946 to 2004 or the Employment Equality Acts 1998 to 2008. Complaints under the Employment Equality Act must be brought within 6 months of the last act of discrimination.

Appendix 1. Support Contact Persons

- Deanery Vice-Deans
 - Higher Specialist Training Mentors
 - Clinical Training Centre Tutors
 - College Department Directors
 - College Department Managers
 - Nominee of each Faculty
 - Nominees of the Trainee Committee
 - Nominee of REFOCUS
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Appendix 2. Useful Resources

1. College of Psychiatrists of Ireland Regulations:

[http://www.irishpsychiatry.ie/Libraries/PGT_Curriculum_Regulations_ARP_docs/Regulations -
_July_2015_24_07_15.sflb.ashx](http://www.irishpsychiatry.ie/Libraries/PGT_Curriculum_Regulations_ARP_docs/Regulations_-_July_2015_24_07_15.sflb.ashx)

2. Health Service Executive: Dignity at Work:

http://www.hse.ie/eng/staff/Resources/hrppg/Dignity_at_Work_Policy.html

3. Royal College of Psychiatrists – Bullying and Harassment Information Guide:

www.rcpsych.ac.uk/workinpsychiatry/.../bullyingandharassment.aspx

4. Royal College of Psychiatrists: On Dealing with Difficult Colleagues:

<http://www.rcpsych.ac.uk/pdf/13%20-%20difficult%20colleagues%20-%20for%20web.pdf>