



Rabobank in Ireland

Dignity and Respect at Work



1.0 POLICY STATEMENT

- 1.1 All employees have the right to be treated with dignity and respect at work and Rabobank in Ireland is committed to creating a culture in which the dignity of all employees at every level within the organisation is maintained at all times. Through its practices and policies, the Bank strives to ensure that all employees have the necessary support to perform their work in a respectful and non-threatening work environment.
- 1.2 All employees will be expected to comply with this policy and management will take appropriate measures to ensure that bullying/harassment does not occur or are dealt with promptly where they do arise. Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates this policy.
- 1.3 This policy applies to all employees of Rabobank in Ireland, namely ACC Loan Management Limited, Rabobank Ireland plc and Rabobank International Dublin Branch. The policy applies to employees both in the workplace and at work associated events, examples of which include, meetings, conferences and work related social events, whether on the premises or off site.
- 1.4 This policy applies to bullying/harassment not only by fellow employees but also by a client, customer or other business contact to which an employee might reasonably expect to come into contact with in the course of their employment. Bullying/harassment by non-employees 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.

2.0 DEFINITION OF BULLYING

- 2.1 Bullying is 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*'. (Source: HSA Code of Practice, 2006)
- 2.2 Examples of Bullying

Bullying comes in many forms, some obvious and some not so obvious, and some virtually undetectable which is all the more insidious and damaging to the victim. The Code of Practice on the Prevention of Bullying by The Health & Safety Authority outlines the following forms of bullying;

- *Physical Bullying*: It 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 an employee or his/her family; shouting or swearing at employees 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.
- *Humiliation of a person*: Uncomplimentary or offensive remarks; repeated requests giving impossible deadlines or impossible tasks; persistent negative attacks on personal or professional performance without good reason or legitimate authority.
- *Gesture Bullying*: includes such matters as:
 - non-verbal threatening gestures which can convey threatening and frightening messages;
 - aggression, usually over quite unimportant matters;
 - unreasonable or inappropriate monitoring of performance;
 - unfair selection for difficult or unpleasant tasks;
 - placing unreasonable demands on a particular individual;
 - removing areas of responsibility and imposing menial tasks on the individual;
 - unnecessarily undermining a colleague's work;
 - undermining another's authority;
 - open aggression, threats, shouting abuse and use of obscenities.
- *Exclusion Bullying*: Includes non-co-operation with or ostracising, excluding or disregarding a fellow worker.
- *Extortion Bullying*: The deliberate extraction of money or favours/concessions from another under threat is also bullying.
- *Intimidation*: Through the use of unspoken or spoken threats or the use of sanctions to harass a person.
- *Intrusion*: Through pestering, spying or stalking.

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

Please note that normal management in the course of employment is not considered to be bullying.

3.0 SEXUAL HARASSMENT

3.1 Sexual harassment is defined as *“any form of unwanted verbal, non-verbal or physical conduct of a sexual nature...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 conduct may include acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.”* (Source: Equality Act 2004)

Under legislation the employer is liable for the discriminatory action of employees, occurring in the course of employment, unless reasonable steps are taken to prevent the discrimination.

3.2 Sexual harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one employee or a group of employees.

3.3 One of the critical tests is that the behaviour is unwelcome and it is up to the employee to decide what behaviour is unwelcome and from whom it is unwelcome. The intention of the perpetrator is not relevant.

3.4 Examples of Sexual Harassment include;

Examples of Sexual Harassment include;

- Sexual Gestures
- Displaying sexually suggestive objectives, pictures, calendars etc
- Sending suggestive and pornographic correspondence including faxes, text messages or emails
- Unwelcome sexual comments or jokes
- Unwelcome physical conduct such as pinching, touching, etc.
- Unwanted or derogatory comments about dress or appearance

This list is illustrative rather than exhaustive or comprehensive.

5. HARASSMENT

5.1. Harassment is defined as *“any form of unwanted conduct relating to any of the discriminatory grounds (civil status, marital status, sexual orientation, religion, age, disability, race or membership of the travelling 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 conduct may include acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.”* (Source: Equality Act 2004)

5.2. Harassment is inappropriate behaviour based on a relevant characteristic of the employee. These characteristics are marital status, civil status, sexual orientation, religious belief, age, disability, race, colour, nationality, or ethnic or national origin or membership of the travelling community.

5.3. Harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one employee or a group of employees.

5.4. Examples of Harassment

- *Verbal or written:* Includes jokes or email
- *Physical:* Includes jostling or shoving
- *Intimidatory:* Includes gestures or threatening poses.
- *Visual displays:* Includes posters, badges, clippings from magazines or newspapers.
- *Persistent negative body language*
- *Ostracising a person*

This list is illustrative rather than exhaustive or comprehensive.

6.0 WHAT DOES A PERSON DO IF THEY THINK THEY ARE BEING BULLIED OR HARASSED? – THE PROCEDURES

There is both an informal and formal procedure to deal with the issue of bullying/harassment at work. Any investigation will be completed as quickly as possible.

It is 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 with the minimum of embarrassment and the least risk of breaching confidentiality.

1. The Informal Procedure

6.1.1 The purpose of the informal procedure is to resolve the difficulty with the minimum of conflict and stress to the individuals involved. A person who believes they are being bullied or harassed should in the first instance explain clearly to the alleged perpetrator(s) (the person against whom the complaint is being made) that the behaviour in question is unacceptable and request them to stop.

6.1.2 If a person finds it difficult to approach the alleged perpetrator directly then a person should seek help and advice on a confidential basis from a designated '**Contact Person**'. The Bank has a number of trained 'Contact Persons' who will listen and advise about complaints of bullying at work and explain the procedures in place to resolve it. The contact person does not get directly involved in the resolution of issues. Please see the list of contact persons on the Human Resources Sharepoint Website.

6.1.3 Having consulted with the contact person, the complainant may request the assistance of one of the following ('**Support Person**') in raising the issue with the alleged perpetrator(s).

- a work colleague
- a team leader, line manager or any other manager
- a Human Resources Relationship Manager, or another in Human Resources, or if necessary
- an employee/trade union representative

The Support Person should listen patiently, be supportive and discuss the various options open to the employee concerned. The Support Person may recommend that immediately after an incident the complainant write down the following information;

- what the complainant observed to have happened
- what was said or done
- how they felt during the incident – complainant should record their feelings of fear, hurt etc
- the names (if any) of the witnesses to the incident

With the complainant's agreement, the Support Person may approach the alleged perpetrator by way of a confidential, non confrontational discussion with a view to resolving the issue in an informal low key manner. The Support person may also seek the advice or assistance of a HR Relationship Manager before approaching the alleged perpetrator who may also be able to assist or may recommend a mediated or some other intervention.

- 6.1.4** A complainant may decide, for whatever reason, to bypass the informal procedure and move directly to the formal procedure. Choosing not to use the informal procedure should not reflect negatively on a complainant in the formal procedure.

2. The Formal Procedure

If an informal approach is inappropriate or if after the informal stage, the bullying/harassment persists, the following formal procedures should apply;

- The complainant should make a formal complaint in writing to his/her immediate team leader, manager, or if preferred, their HR Relationship Manager. The complaint should be confined to the precise details of the alleged incidents of bullying/harassment which have occurred. The team leader or manager receiving the complaint must immediately notify their HR Relationship Manager.
- As in the informal procedure, the complainant may avail of the assistance of a Support Person (see 6.1.3 above).
- The alleged perpetrator(s) (the person against whom the complaint is being made) will be notified in writing that an allegation of bullying has been made against him/her. He or she will be given a copy of the complainant's statement and requested to respond to the allegation(s) in writing.
- The complaint will be given an initial examination by the Head of Human Resources (or a nominated other in Human Resources) who can be considered impartial with a view to determining an appropriate course of action in relation to the formal procedure. At this point, the Head of Human Resources (or nominated other in Human Resources) may try again to solve the issue on an informal basis by either, talking to both parties again, exploring a mediated solution or getting further advice from inside or outside the

organisation. When this informal approach is deemed to be inappropriate or is inconclusive, a formal investigation of the complaint will then take place.

7.0 INVESTIGATION

The Head of Human Resources (or nominated other in Human Resources), in consultation with the complainants Support Person, will appoint an investigator. Where possible, the investigation will be governed by terms of reference (including a timeframe), preferably agreed between the parties in advance.

The investigation will be conducted thoroughly, objectively, with sensitivity, with the utmost confidentiality and with due respect for the rights of both the complainant and the alleged perpetrator(s) and will decide if bullying/harassment has occurred.

The alleged perpetrator (a person against whom a complaint of bullying has been made) can access a Contact Person who will advise about complaints of bullying at work and explain the procedures in place to resolve it. The alleged perpetrator can also access a Support Person (see 6.1.3 above) to help and support them throughout the process.

The investigator will meet with the complainant and the alleged perpetrator(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s). Both the complainant and the alleged perpetrator(s) may be accompanied if desired, by a Support Person (see 6.1.3 above). The role of the support person is primarily to give emotional support during an investigation but they may comment on the complainant's behalf.

Employees requested to give witness statements are required to do so in a fair and honest way. Copies of witness statements will be given to the complainant and the alleged perpetrator(s) for their comment. Strict confidentiality will be maintained at all times by any witnesses and all the parties.

The complainant and the alleged perpetrator(s) will be given an opportunity to comment on the conclusions of the investigation before any action is decided upon by management. Both parties will be given a copy in writing of the findings of the investigation.

8.0 AFTER THE INVESTIGATION

The investigator will submit their findings to the Head of Human Resources. For the avoidance of doubt, the investigator does not decide what action, if any, is taken against the alleged perpetrator(s).

The Head of Human Resources will decide on the basis of the investigators report if disciplinary action is warranted in the circumstances.

Where the investigator has determined that bullying/ harassment has taken place and the Head of Human Resources has decided that disciplinary action is warranted, the Bank will commence disciplinary action against the perpetrator(s) in accordance with the Bank's Disciplinary Procedure. The possible outcome of disciplinary action includes:

- The issue of a written warning
- The transfer or relocation of the perpetrator(s)
- The suspension of the perpetrator(s)
- The demotion of the perpetrator(s)
- The dismissal of the perpetrator(s)

Where the complaint is not upheld, management will ensure that the career of the person against whom the complaint was made does not suffer by reason of the complaint brought against them. If it is found that the complaint was made maliciously or without any reasonable grounds then disciplinary action will be taken against the complainant.

Counselling may be arranged for a complainant who has been the subject of bullying or, where appropriate, for alleged perpetrator(s) who have been subject to allegations of bullying or harassment.

Rabobank in Ireland will consider it a disciplinary offence to victimise or retaliate against an employee who brings a complaint of bullying or harassment in good faith, or assists the investigation of a bullying complaint.

9.0 APPEAL

Both parties have the right to appeal any decision arising. In a situation where the Rabobank in Ireland disciplinary procedure is invoked under the policy and a disciplinary penalty is imposed, parties have a period of ten working days in which to lodge an appeal in writing to the Chief Executive. The decision of the Chief Executive will be final.

10.0 FURTHER INFORMATION

All questions relating to the interpretation of this policy should be referred to the Head of Human Resources

11.0 REVIEW

This policy will be reviewed by Bank from time to time. In the event that it is changed you will be advised of this and the updated document will be published on the Human Resources Sharepoint Website.