

## SOLVERIDGE HR BLOG – ISSUE 4 – DECEMBER 2013

### Dignity and Equality at Work

At this time of year there are lots of social activities taking place including Christmas parties, its an opportunity for people to relax and have some well earned fun. Its also an opportunity for companies to remind all its management and staff of their obligations and responsibilities in relation to Dignity and Equality at work. Management have a duty of care not only in the workplace but also at social events organised by the company. It is important that everyone understands where the line is drawn between having “fun” and falling foul of the legislation, otherwise it could turn out be a very costly event.

As part of a company’s end of year review, management should ensure that they have a Dignity Charter in place, essentially giving the right to every employee to be respected for their individuality and diversity. It should also highlight that Bullying, Harassment or any form of disrespect or ill treatment will not be tolerated by the company. As well as doing everything in their power to create this culture in their organisation the owners and their management team should have procedures in place for dealing with any incident that may arise under this heading. These procedures should outline how such a complaint can be reported by employees and explain the steps that will be taken to carry out a proper investigation and resolution.

There are two key acts that should be considered when drafting your charter; firstly The Employment Equality Acts provide definitions for Discrimination, Harassment and Sexual Harassment. It is important to note that there are 9 defined grounds for discrimination: Race, Gender, Marital Status, Family Status, Religious Belief, Age (16+), Sexual Orientation, Disability or Membership of the Traveller Community. The legislation also differentiates between Direct, Indirect and Discrimination by Association. As well as employees and employers this legislation applies to clients, customer, contractors, volunteers etc..

In addition The Health, Safety and Protection at Work Acts clearly highlight the duty of the employer to manage and conduct work activities to prevent any improper conduct or behaviour that may put the safety, health or welfare at work of an employee in danger. While most organisations are aware of the normal Health and Safety requirements (re : lifting, fire regulations, hazard sheets, first aid..) it is important to note that this act also refers to the treatment of staff and their welfare. A definition for Bullying is provided as follows:

**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 or in the course of employment which could reasonably be regarded as undermining the individual’s right to work.**

Unlike, for example, Sexual Harassment where one incident may create a breach, bullying is a repeated and ongoing behaviour.

Companies must ensure that they have proper procedures in place to deal with all of the items referred to in this article. It should indicate an initial informal procedure to be followed in an attempt to alleviate a situation rather than jumping directly into a formal process.

For companies to protect themselves they must demonstrate that they are actively working to create a positive culture in their organisation and ensure that they have documented procedures outlining a complaints and resolution process.

Some of the lessons observed from companies who have had legal cases brought against them show that:

- ✓ Incidents that were informally reported were initially overlooked or not dealt with effectively by the organisation
- ✓ No grievance or dignity at work policies were in place or the policies were documented but not known by or accessible by employees
- ✓ Care should be taken with regard to incidents that may take place at company social events
- ✓ The organisation in question underestimated the impact that the bullying / harassment was having on the health / wellbeing of the employee
- ✓ When a company fails to adequately manage a process internally the bad publicity received by a company can be extremely damaging
- ✓ Significant fines ranging between 10's and 100's of thousands of Euro were awarded against organisations

This article introduces the topic of Dignity and Equality at work and highlights some of the avoidable risks. For further information on how to effectively deal with these issues in your organisation or to receive training on this topic please contact [ronan@solveridge.com](mailto:ronan@solveridge.com) or [sean@learningcurve.ie](mailto:sean@learningcurve.ie)

**Note: All content in this article represents an overview of a topic and does not constitute specific advice. For specific solutions or guidance please make contact using the details provided.**