

[INSERT COMPANY HEADER]

[NAME OF COMPANY]

EQUAL OPPORTUNITIES & ANTI-DISCRIMINATION POLICY (Template)

1.1 Introduction

- 1.2 The Company is an equal opportunities employer. It has a strong commitment to the principle of equal opportunities and is committed to maintaining a culture that respects and values the differences of individuals while also preventing and eliminating discrimination, harassment, sexual harassment, and bullying in the workplace.
- 1.3 The Company does not tolerate harassment, sexual harassment, or bullying in the workplace or in the course of any employees employment. Employees who raise complaints in relation to a breach of this policy will be treated fairly, sensitively and, as far as possible, the Company will protect the confidentiality of the process.
- 1.4 The Company shall, where reasonable and applicable, adhere to the principles of the Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020 S.I. No. 674 of 2020 (the "**2020 Code**").
- 1.5 The purpose of this policy is to create a workplace which provides for equal opportunities for all employees and potential employees and where their dignity is protected and respected at all times and aims to ensure that no job applicant or employee receives less favourable treatment on any grounds which cannot be shown to be justified. This applies to recruitment and selection, training, promotion, pay and employee benefits, employee grievances, and all policies and procedures as well as terms and conditions of employment.
- 1.6 The Company shall review this policy on a regular basis to ensure that it is in line with changes in the law, relevant case law, and other relevant developments. **[INSERT DETAILS]** shall be responsible for ensuring that monitoring, training, and reviews of this policy take place on a regular basis. The Company reserves the right to alter or amend the procedures set out below where the particular circumstances merit a deviation, provided that the overall fairness of the process is not undermined.
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2 What Is Discrimination, Harassment, Sexual Harassment, Bullying, and Victimisation?

- 2.1 Discrimination is treating a person less favourably than another is, has been or would be treated. Discrimination may occur where an employee is treated less favourably than another for one or more of any of the following reasons:- Gender (including gender identity), civil status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community.
- 2.2 If you consider that you are suffering from unfair treatment on any of the grounds set out above you are encouraged to raise a complaint through the **[Company's Grievance Procedure]** or directly with your immediate manager. Any discussions with your immediate manager will be kept entirely confidential and no investigation will be carried out or action taken unless you decide to make a formal complaint.

- 2.3 Harassment is unwanted conduct relating to any of the above 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 that person.
- 2.4 Examples of harassment include but are not limited to verbal harassment (jokes, comments, ridicule, songs), written harassment (social media messages, emails, notices), physical harassment of any description including pushing and jostling, up to more serious forms of assault, intimidatory harassment (threatening gestures or poses), isolation or exclusion from social activities.
- 2.5 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 that person. Examples of sexual harassment include but are not limited to unwanted physical contact of any description, verbal conduct of a sexual nature, non-verbal conduct of a sexual nature including the sharing, circulation or display of sexually suggestive or pornographic material and making sexually suggestive gestures or gender-based conduct including conduct which denigrates or ridicules or is intimidatory or physically abusive of an employee because of their gender.
- 2.6 Bullying is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical, written or otherwise (including by cyber or digital means), conducted by one or more persons against another or others 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 would not be considered bullying. Examples of bullying include but are not limited to physical assault, menacing behaviour, undermining behaviour, withholding work related information or humiliation. This list is non-exhaustive and regard should be had to the examples of bullying set out in the 2020 Code of Practice. ¹
- 2.7 Victimisation occurs where an individual suffers unfavourable treatment because they have taken some action, in good faith, to access their legal employment rights or assisted another employee in asserting their legal employment rights. ²

3 Reporting Complaints of Harassment, Sexual Harassment And Bullying at Work

- 3.1 The Company will work to ensure that any complaint received in respect of harassment, sexual harassment and bullying in the workplace is dealt with promptly, fairly and in as sensitive and confidential manner as possible.
- 3.2 Any employee who bullies, harasses, or sexually harasses another individual while in work will be liable to disciplinary action and sanctions under the [Company's Disciplinary Policy], up to and including dismissal. Punishment for any such behaviour will depend on the severity of the offence.
- 3.3 The Company reserves the right to alter or amend the procedures set out below where the particular circumstances merit a deviation from the procedures explained below, provided that the overall fairness is not undermined.

¹ **RDJ Comments:** I have deleted this as it is slightly repetitious and given the length of the policy I have tried to condense as much as possible.

² **RDJ Comments:** I have deleted this as I think it reads as limiting to only bullying and harassment claims etc. whereas it should cover any complaints.

3.4 Making a Complaint - Reporting Procedure

- (a) If an employee believes they have been the recipient of harassment or sexual harassment or bullying by an employee, client or business contact the matter should be reported as soon as possible after the occurrence of the first incident. Prompt reporting is necessary to ensure that any issues are dealt with swiftly and that the matter can be fully investigated.³
- (b) An employee who believes that they have a bullying or harassment or sexual harassment complaint should contact [a member of Human Resources] (the “**Contact Person**”).⁴ The Contact Person can explain the options open to an employee and may assist in considering options but will not direct an employee to one option above any other nor will they get involved in the complaints procedure. The Contact Person is not an advocate for any party.

3.5 Confidentiality

- (a) The Company will investigate all claims discreetly and will not disclose the identity of any individual who makes a complaint nor will it provide any information that may help others identify any individual involved in a complaint. All parties involved in a complaint are required to keep all details relating to the complaint confidential. Any breach of this requirement may be treated as a disciplinary matter.
- (b) It is not possible to guarantee anonymity to a person making a complaint. There may be situations where the Contact Person or investigator may believe they have a duty to disclose information to another person, particularly where s/he has a serious concern regarding the risk to the health and safety of an employee or to another person.
- (c) With the exception of complaints falling under the statutory definition of Protected Disclosures contained in the Protected Disclosures Act 2014 (as amended), the Company will endeavour to keep confidential, any complaints made under the informal procedure and will only escalate complaints to the formal procedure where necessary and as agreed by the employee making the complaint.

3.6 Informal Process

- (a) The objective of the initial informal process is to allow scope for resolving problems quickly with minimum stress and conflict. The informal process does not involve a full investigation to determine whether bullying, sexual harassment or harassment occurred. Where possible a complaint of bullying or harassment or sexual harassment should be resolved through an informal procedure if acceptable to both parties.
- (b) In the first instance, an employee who believes that s/he is being bullied or harassed or sexually harassed should, where possible, explain directly to the other party, that the behaviour at issue is unacceptable and must stop. Where an employee would find it difficult to confront the person(s) directly, s/he should seek support and assistance from the Contact Person.

3.7 ⁵Formal Procedure

³ **RDJ Comments:** I have deleted this as is it repetitious with the initial paragraph.

⁴ **RDJ Comments:** Given some of the companies may be startups, they may not have HR department.

⁵ **RDJ Comments:** I have deleted the second informal procedure as again the company will most likely be a small entity without the functions for such procedures.

- (a) The formal procedure will apply if the matter is not resolved informally, if either party does not wish to have it dealt with informally, or if in the opinion of the Company it is not appropriate to deal with the matter under the informal procedure.
- (b) The person making the allegation (the “**Complainant**”) shall submit the complaint to their immediate manager, or where their immediate manager is the person complained of, the complaint should be made to [the Head of Human Resources] (the “**Designated Person**”). The complaint should only include details of the alleged incident(s) including dates, actions constituting the alleged bullying or harassment or sexual harassment and names of witnesses, where possible.
- (c) An initial meeting shall be organised by the Company at which each person is met with separately, starting with the Complainant. The responding party (the “**Respondent**”) shall then be met with and given a copy of the complaint in full along with any relevant documents. The objective of the investigation is to establish whether, on the balance of probabilities the behaviour complained of occurred.
- (d) At the earliest opportunity both the Complainant and the Respondent will be advised of the steps in the formal process, the procedure to be followed, the likely time frame and the possible outcomes.

3.8 Investigation

- (a) The investigation shall be conducted impartially, thoroughly, objectively, with sensitivity, confidentiality, and with due respect for the rights of both the Complainant and the Respondent in accordance with this policy.
- (b) The scope of the investigation will be governed by terms of reference which will be set out before the investigation commences. The terms of reference will include but are limited to; an acknowledgement that the investigation will be conducted in accordance with this policy; an indicative timescale for the completion of the investigation; and the scope of the investigation. The time it takes to investigate a matter will depend on the particular circumstances and the number and availability of any witnesses.
- (c) The investigation shall be conducted by member of management or, if necessary, (for example in the case of any possible conflict of interest) an independent third party (the “**Investigator**”). The Investigator shall have the appropriate training and shall be familiar with this policy.
- (d) The Investigator shall meet with the Complainant and the Respondent and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts. A note will be taken of each meeting and will be circulated to the relevant person after the meeting for their approval. The Complainant and the Respondent will be furnished with the notes of witness interviews and will have access to each other's interview notes, however, witnesses will only have access to their own interview notes.
- (e) The Complainant and the Respondent will have the option to be accompanied by a work colleague at any meeting, if so desired. Anyone accompanying either party may clarify procedural issues, but their presence is to provide support and they shall not be permitted to intervene in the meeting in any other capacity. All parties must maintain confidentiality.

- (f) If possible, all parties should continue to work normally during the investigation. However, where necessary pending the completion of the investigation, the Company may request one or both parties to relocate to a different business unit or location, take a period of leave with full pay or any other steps which the Company considers appropriate. Such arrangement will not, in any way, imply any wrongdoing on either party.

3.9 Report

- (a) The Investigator will prepare a draft report once the investigation is concluded and will provide a draft of the report including any findings to the Complainant and the Respondent. The draft report will include any witness statements and other information relied on in the report where appropriate.
- (b) The Complainant and the Respondent will have 5 days from the date on which the draft report is given to them to submit comments in writing on the Investigator's findings. Comments submitted by each party will be shared with the other party and both parties will have a further 3 days to submit final comments. Where appropriate, the Investigator will make changes to their findings as a result of the submissions and ensure to reflect the comments and submissions in the report before finalising it. When finalised, a copy of the report will be sent by the Investigator to a designated member of the Company's management team (the "**Decision Maker**").
- (c) The Decision Maker will decide on the appropriate response and action to be taken in relation to the complaint. The Decision Maker will communicate the decision and the next steps in writing to the Complainant and Respondent.
- (d) If the Decision Maker decides that it is necessary for the disciplinary procedure to be invoked the matter will progress to a disciplinary meeting with the relevant party. Any disciplinary meeting will be conducted in accordance with the [Disciplinary Policy]⁶.

3.10 Appeal Procedure

- (a) Following the issuance of the decision to the Complainant or the Respondent may appeal the Investigator's findings and/or the Decision Maker's decision.
- (b) The request for an appeal must be submitted in writing, detailing the exact ground(s) for the appeal, to [the Head of Human Resources] within 10 working days of the decision.
- (c) The appeal will be undertaken by a senior member of management who was not involved in the initial investigation or decision, or an appropriate third party (the "**Appeal Decision Maker**").
- (d) The appeal shall focus only on the process of the investigation (i.e., fair process and adherence to procedure) however, it is not a re-hearing of the original complaint.
- (e) The appeal may be dealt with by way of oral/written submissions and the Appeal Decision Maker shall decide whether it is appropriate to meet any party (including witnesses) involved in the initial investigation. The outcome of the appeal shall be final.

⁶ **Maples note to draft:** TBC if appropriate equivalent.

3.11 False, vexatious, or malicious complaints

- (a) A false or malicious complaint is an allegation which is made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of allegedly bullying, harassing, or sexually harassing them.
 - (b) Complaints related to bullying or harassment or sexual harassment which are deemed to be false, malicious, or vexatious can have serious implications for the employment of the Complainant and will be dealt with through [the Disciplinary Procedure].
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4 **Monitoring**

The Company commits to monitoring and recording incidents of bullying at work with a view to ascertaining what corrective action may be required and in order to achieve continuous improvement in this policy.

5 **Training**

The Company provides periodic training on compliance with this policy. All employees are required to attend the training. Training shall be provided for all employees including managers and supervisors at induction and through awareness raising initiatives from time to time.
