



# Clones Golf Club Bullying & Harassment Policy

## Purpose

Clones Golf Club is committed to protecting the dignity of all those who work within our club. Clones Golf Club is committed to ensuring that Clones Golf Club is free from any form of bullying or harassment at work and that its work environment is conducive to operating its business in an atmosphere of respect, safety, and equality. No form of discrimination, bullying, harassment, or inappropriate conduct within or in connection with the work of the club will be tolerated. Complaints under this policy may be dealt with in a formal way or by alternative means, as described below. Any violation of this policy, including inappropriate actions or failure to act, may result in disciplinary action, up to and including termination, in accordance with Clones Golf Club Disciplinary Policy.

## Scope

Both our management committee/board and its employees have responsibilities for creating and contributing to the maintenance of a work environment free from discrimination, bullying, harassment, or inappropriate conduct. Employees also have an obligation to cooperate with the investigation of complaints of bullying or harassment in Clones Golf Club.

The policy applies to any person working (voluntary or directly employed) within Clones Golf Club including directors. For the avoidance of doubt, this policy applies to employees regardless of whether they work at a fixed location, at home or are mobile.

This policy extends to behaviour which occurs outside Clones Golf Club premises, such as at social functions or training events, provided there is a nexus with the work of Clones Golf Club and its employees.

## Policy

This policy defines bullying, harassment, and sexual harassment, and sets out the procedures that Clones Golf Club has in place and will use should any employee make a complaint that they have been the victim of bullying, harassment, or sexual harassment.

Complaints by an employee under this policy will be treated with fairness, sensitivity, respect and (as far as possible) confidentiality for all parties concerned. Any employee, who makes a complaint in good faith, supports a complainant, gives evidence in proceedings, or gives notice of an intention to do any of the foregoing, will not be victimised or subject to sanction. Any employee accused of conduct prohibited under this policy will be afforded natural justice and treated with fairness and sensitivity.

Every employee is responsible for safeguarding his/her own safety and welfare, as well as that of his/her colleagues who may be affected by his/her actions, or omissions, while at work. It should be noted that it is up to each employee to decide what behaviour is unwelcome irrespective of the attitude of others to the matter.

For the purposes of this policy, the expression "bullying and/or harassment" should be read as including "bullying, harassment and/or sexual harassment".

## Definition of Bullying

Bullying at work is 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 behavior in this definition may be an affront to dignity but as it is not "repeated" it is not considered to be bullying.

The following is a non-exhaustive list of examples of types of bullying:

- Exclusion with negative consequences.
- Verbal abuse/insults.
- Belittling a person's opinion.
- Disseminating malicious rumors, gossip, or innuendo.
- Socially excluding or isolating a person within the worksphere.
- Intrusion – pestering, spying, or stalking.
- Intimidation/aggressive interactions.
- Excessive monitoring of work.
- Withholding information necessary for proper performance of a person's job.
- Repeatedly manipulating a person's job content and targets.
- Blaming a person for things beyond their control.
- Use of aggressive and obscene language; and/or
- Other menacing behaviour.

Bullying activities involve actions and behavioural patterns, directly or indirectly and can include the use of cyber or digital means.

It is important not to confuse the legitimate raising of performance or conduct issues by Management with either bullying or harassment.

Apart from once-off behaviours, ongoing behaviours which may upset or unsettle a person may not come within the definition of bullying. The reasonableness of behaviours over time must be considered.

By way of (non-exhaustive) examples, bullying does not include:

- Expressing differences of opinion strongly.
- Offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome.
- Ordinary performance management.
- Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees; or
- Workplace conflict where people disagree or disregard the others' point of view.

### **Definition of Harassment**

"Harassment" is defined as any unwanted physical, verbal, or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them related to the Protected Grounds (as defined below).

A single incident can amount to harassment. Harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to gender, marital/civil status, family status, sexual orientation, religious belief, age, disability, race, colour, nationality or membership of the Traveller Community (the "Protected Grounds"). It extends to situations where the employee does not have the relevant characteristics, but the harasser believes that they have that characteristic.

For the purposes of the above definition, "conduct" includes acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures, or other material. The following are some specific examples of the forms such conduct might take:

- threatening, intimidating or hostile acts that relate to the Protected Grounds or any other ground protected by law;
- epithets, slurs, quips, or negative stereotyping that relate to the Protected Grounds or any other category protected by law;
- written or graphic material (including derogatory posters, cartoons, drawings, email, internet sites or other electronic communications) that denigrates or shows hostility or aversion toward an individual or group because of the Protected Grounds or any other category protected by law and that is placed on walls, bulletin boards, or elsewhere on Clones Golf Club premises, or circulated or displayed in the workplace;
- "jokes", "pranks" or other forms of "humour" that are demeaning or hostile with regard to the Protected Categories or any other category protected by law;
- harassing posts, tweets, instant messages, text messages or other form of social media with regard to the Protected Categories or any other category protected by law.

### **Definition of Sexual Harassment**

For the purposes of this policy, "sexual harassment" is defined as:

- Any form of unwanted conduct related to sex (i.e. sexual advances, requests for sexual favours and other verbal, non-verbal or physical conduct of a sexual nature) where the conduct has the purpose or effect of either violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; or
- Treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

In deciding whether conduct has the effect referred to above, Golf Club will take into account; (i) the perception of the person raising the complaint; (ii) the other circumstances of the case; and (iii) whether it is reasonable for the conduct to have that effect.

Sexual harassment may involve individuals of the same or different genders.

For the purposes of the above definition, "conduct" includes acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures, or other material. The following are some specific examples of the forms such conduct might take:

- coerced sexual acts;
- express or implied demands for sexual favours in exchange for favourable reviews, assignments, promotions, continued employment or promises of continued employment;
- touching or assaulting an individual's body, or staring, in a sexual manner; graphic, verbal commentary about an individual's body or sexuality;
- unwelcome or offensive sexual jokes, sexual language, sexual epithets, sexual gossip, sexual comments, sexual inquiries, flirtations, advances, or propositions communicated in any medium, including electronic;
- unwelcome flirtations, advances, or propositions;
- continuing to ask an employee for a date after the employee has indicated that he/she is not interested; or
- the display in the workplace of graphic and sexually suggestive objects, pictures.

A single incident may constitute sexual harassment.

### ***Characteristics of Harassment and Sexual Harassment***

To constitute sexual harassment or harassment the behaviour complained of must firstly be unwelcome by the recipient. This distinguishes unwanted behaviour from friendly behaviour which is welcome or reciprocal.

In addition, the behaviour, to constitute harassment or sexual harassment, must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Employees should be sensitive to the impact their behaviour and/or actions may have on the feelings of others. It is the impact of unwanted behaviour on the recipient and not the intention of the perpetrator of such unwanted behaviour which determines whether harassment or sexual harassment has taken place. It is therefore important for all employees to understand that, even if it was not the intention of the perpetrator to harass or sexually harass the relevant recipient, Clones Golf Club will be obliged to take appropriate action in respect of all complaints.

Harassment and sexual harassment are unacceptable, whether perpetrated by superiors, peers, juniors, non-employees or by persons of the same sex. In some circumstances, sexual harassment may be unlawful and, in such circumstances, Clones Golf Club, where it is aware that such behaviour has occurred, will take the necessary steps to inform the appropriate authorities.

### **Responsibilities of Management Committee and Employees**

Clones Golf Club will take such steps as are reasonably practicable to ensure that bullying, harassment, and sexual harassment does not occur and that complaints are addressed appropriately.

It is Clones Golf Club commitment to:

- effectively communicate this policy to all employees, and in so far as is practicable, to all non-employees including clients, customers and other business contacts including those who supply and receive goods and services;
- monitor incidents of bullying, harassment and sexual harassment;
- train employees in issues of bullying, harassment, and sexual harassment; and
- review this policy on a regular basis in line with changes in the law, relevant case-law, and other developments.

Management will:

- Provide good example by treating all in the workplace with courtesy and respect;
- Promote awareness of Clones Golf Club policy and complaints procedures;
- Be attentive for signs of bullying, harassment and sexual harassment and take action before a problem escalates;
- Respond sensitively to an employee who makes a complaint of bullying, harassment or sexual harassment;
- Explain the procedures to be followed if a complaint of bullying, harassment or sexual harassment is made;
- Take reasonable steps to ensure that an alleged perpetrator is treated fairly;
- Take reasonable steps to ensure that an employee making a complaint is not victimised for doing so; and
- Monitor and follow up the situation after a complaint is made so such behaviour does not recur.

Employees may contribute to achieving a bullying and harassment-free environment through co-operating with management to eliminate such behaviour.

Every employee is responsible for safeguarding their own safety and welfare, as well as that of their colleagues who may be affected by their actions, or omissions, while at work. It is noted that it is up to each employee to decide what behaviour is unwelcome irrespective of the attitude of others to the matter.

All employees share the responsibility for enforcement of this policy and are strongly encouraged to report

concerns regarding conduct that may be contrary to it. Employees and Managers who have learned of conduct that is contrary to this policy or who have concerns about such matters must contact Human Resources.

### **Reasonable discipline and management is not bullying or harassment**

The reasonable and essential discipline arising from the good management of the performance of an employee at work does not amount to bullying or harassment. For example, an employee whose performance is continuously signalled at a level below required targets may feel threatened and insecure in his/her work but this in itself does not indicate bullying or harassment.

Similarly, actions taken which can be justified as regards the safety, health and welfare of employees do not amount to bullying or harassment

### **Complaint Procedure**

Clones Golf Club strongly encourages the reporting of all incidents of bullying, harassment or sexual harassment, regardless of the alleged perpetrator's identity or position, so that an effective process can be conducted and corrective action can be taken when appropriate. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying and/or harassment. Therefore, while no fixed reporting period has been established, employees are strongly encouraged to promptly report any complaints or concerns so that constructive action can be taken.

Confidentiality will be maintained throughout any investigation to the greatest extent, consistent with the requirements of a fair investigation. Clones Golf Club cannot therefore guarantee anonymity.

Any employee, who makes a complaint in good faith, supports a complainant, gives evidence in proceedings, or gives notice of an intention to do any of the foregoing, will not be victimised or subject to sanction. Retaliation against those who, in good faith allege a breach of this policy or participate in an investigation concerning an alleged breach, is prohibited. Any retaliation, including, but not limited to intimidation, coercion, threats, or discrimination resulting from an employee making a complaint under this policy may result in disciplinary action against the retaliator, up to and including termination.

Clones Golf Club has both an informal and formal procedure to deal with complaints of bullying or harassment or sexual harassment.

Any meetings under the complaints procedure may take place virtually where necessary.

If any concern or allegation under this policy does not concern alleged bullying or harassment (as defined in this policy) an alternative approach may be put in place and the reasons for this recorded. If the concern or allegation is considered to be vexatious, the matter may be dealt with under the Disciplinary Policy. If there are no concrete examples given, it must be deemed that there is no complaint to be answered by the alleged perpetrator, as they have no way of responding to an accusation that does not give any specifics.

### **Preservation of rights and prevention of victimisation**

Making a complaint under this policy will not affect the statutory rights of employees. No one will be victimised for making a complaint in good faith or for acting in good faith as a witness in an investigation. Nothing in this policy limits the right of Clones Golf Club to investigate any matter which may relate to bullying and/or harassment in circumstances other than where a complaint has been made. All employees continue to have an obligation to cooperate with any such investigation.

### **Designated Contact Person**

Clones Golf Club will appoint an appropriate member of staff (the Policy Contact) who will be designated as Clones Golf Club contact person in respect of this policy. Employees will be informed in due course of the

identity of this individual. In the event that any employee has any question or query about the operation of this policy or requires any clarification about it, they may approach the designated contact person for advice, which will be given in the strictest confidence. Please note that speaking to the designated contact person is not the same as making a formal or informal complaint.

### **Malicious Complaints**

If a complaint is found to be malicious or not made in good faith, then disciplinary action (up to and including dismissal) may, if Clones Golf Club deems it appropriate, arise (in respect of all parties involved) in accordance with Clones Golf Club's Disciplinary Policy.

A malicious complaint can be described as an allegation being 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 bullying or harassment.

### **Procedure for dealing with bullying and harassment**

#### *Resolving the problem by mediation*

Mediation is an alternative method of resolving issues relating to bullying and harassment. Mediation involves the parties seeking to arrive at a solution through mutual agreement, rather than through an investigation and decision. Mediation provides a confidential opportunity for the person who feels that he/she has been bullied or harassed and the alleged perpetrator to discuss the matter and to reach an agreement on their continuing working relationship.

Mediation is conducted in private, and is directly between the parties concerned, with the support of a Mediator, who will act as an independent facilitator. Either party may withdraw from the process at any time by notifying the mediator, in writing, that he/she wishes to do so.

If Clones Golf Club deems it appropriate and both parties agree to resolve the issue by mediation, <insert Golf Club>, the Policy Contact or a member of the board of directors (the Board) will arrange the mediation process. An appropriate person, acceptable to both parties, from within or outside Clones Golf Club (at Clones Golf Club sole discretion) will be assigned as mediator.

If the mediation process results in an agreement acceptable to both parties, the mediator will draw up a written record of the terms of the settlement for signature by both parties.

If the matter is resolved by mediation no disciplinary action will be taken.

#### **Informal complaint procedure**

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt should be made to address an allegation of bullying, harassment or sexual harassment informally, by using the informal procedure. The objective of the informal approach is to stop the harassment, bullying or sexual harassment with the minimum of conflict, stress and time for the individuals involved.

#### **Initial Informal Process**

Sometimes the alleged perpetrator is genuinely unaware that the behaviour being complained of is disrespectful or unwelcome and/or causing distress. In the first instance, the unacceptable behaviour should be raised by the complainant with the alleged perpetrator, verbally or in writing. Where the concerns relate to an immediate manager, the complainant may wish to discuss the matter with the next level of management. This initial informal process can be sufficient to alert the alleged perpetrator to the effects of the alleged behaviour and can lead to a greater understanding and an agreement that the behaviour will stop.

The employee may request the assistance of a manager or supervisor in raising the issue with the alleged perpetrator. If a manager or supervisor is involved in the initial informal process, a brief written record of the matter and the agreed outcomes should be retained.

### ***Secondary Informal Process***

If the informal process is unsuccessful or if it is deemed inappropriate for the seriousness of the issues, the secondary informal process may be put in place:

- Confidentiality is crucial for this stage to be effective and any breach of confidentiality may be dealt with under the disciplinary procedure.
- An appropriate person will be nominated to deal with the complaint on behalf of Clones Golf Club
- The complaint may be verbal or written. If verbal, a written note of what is complained of should be taken by the nominated person and a copy given to the complainant.
- The nominated person will consider the complaint.
- If the complaint concerns alleged bullying (as defined) and includes concrete examples of inappropriate behaviour, the alleged perpetrator should be presented with the complaint and given an opportunity to respond.
- The nominated person will take steps as necessary to understand the facts, the context and propose the next course of action in dealing with the matter.
- Line Managers will be informed, as appropriate, about the process in train.
- Steps to stop the bullying behaviour, where it has been partly or fully identified, and monitor the situation will be considered and efforts made to implement these steps with both parties, so that both parties can return to a working environment without bullying being a factor.
- A proposal should be made, considered, and an action and timeframe established, signed, and dated, preferably by both parties.
- The nominated person will keep a nominal record of the complaint, any meetings, the action agreed and the signed proposal. These records will not include details of discussions.
- Both parties may be given support or periodical reviews, insofar as is reasonable, to assist in obtaining closure.

### ***Formal complaint procedure***

Proceeding to this formal process should not be viewed as automatic. Rather, use of this process is decided by management (a reasonable evidence based decision), taking into account the relevant circumstances, including whether an informal process has already been used. Management may decide on an alternative, appropriate course of action which could include mediation, an informal approach, or another formal method of resolution.

If the formal process is to be followed, Clones Golf Club will seek to conduct a comprehensive investigation, as quickly as reasonably practicable.

### ***Stage One – Complaint***

- The complainant should make a written, signed, and dated complaint to the Policy Contact or a member of the Board as soon as possible after the act(s) complained of. If this is not done, a written record will be taken of the complaint, signed, and dated, by the complainant.
- The complaint should be confined to precise details of alleged incidents of bullying and/or harassment, including dates and names of any relevant witnesses.
- An initial meeting will be organised, so that each party is met with separately, starting with the person making the allegation. The alleged perpetrator will be provided with a copy of the complaint.
- The complainant and the alleged perpetrator will be advised of the aims and objectives of the formal process, the procedure and approximate timeframe involved, and the possible outcomes. They will be assured of support as required throughout the process and given a copy of this Policy.

### **Stage Two – Investigation**

Clones Golf Club will endeavour to maintain confidentiality throughout the investigatory process, insofar as reasonably practicable and appropriate under the circumstances.

All employees are required to cooperate with Clones Golf Club in its investigation of any complaint of bullying or harassment.

The investigation is focussed on fact finding; what did or did not occur. The investigation will usually be conducted as follows (this may be set out in terms of reference):

- The investigation will be conducted in accordance with this policy.
- The investigation will be conducted by a designated member of management or, if deemed necessary by the company, an independent third party.
- The scope of the investigation will be confirmed i.e. the investigator will consider, based on the facts before them whether the behaviour(s) complained of, on the balance of probabilities, have occurred. To be clear, it is not the role of the investigator to uphold or dismiss allegations and/or suggest or impose sanctions.
- A proposed indicative timescale will be provided for its completion.
- All parties to the process (including any witnesses) have a responsibility to participate without undue delay.
- The investigator will meet with the complainant and the alleged perpetrator and any witnesses or relevant persons on an individual, confidential basis with a view to establishing the facts.
- The complainant and the alleged perpetrator may be accompanied by a work colleague to any meeting as part of an investigation.
- Statements from all parties, including witnesses should be recorded in writing. Copies of their own statements will be given to those who make statements to the investigator. Copies (or relevant extracts) will also be provided to the complainant and the alleged perpetrator.
- All parties are expected to continue to work normally, in a professional manner, during the investigation.
- The investigation will be conducted objectively, with sensitivity, confidentially and with due respect to the rights of both the complainant and the alleged perpetrator.

### **Stage Three – Outcome**

- The investigation will consider all relevant information and reach a decision, as to whether, on the balance of probability, the behaviours complained of occurred.
- The investigator may issue a report.
- The investigator may recommend an approach for future working relations and make other such reasonable recommendations in this regard.
- If the investigator concludes that the alleged perpetrator has a case to answer (on the balance of probability) then the investigator may recommend that consideration be given to invoking the disciplinary procedure.
- Any subsequent disciplinary process (including any sanction) is entirely separate from this Policy, is strictly confidential and parties involved in an investigation under this Policy are not entitled to receive any information on a disciplinary process.

### **Stage Four – Appeal**

- Either the complainant or the alleged perpetrator may appeal against the investigators findings, by submitting an appeal, in writing, setting out the reason for the appeal, within a specified period (usually 5 working days).

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- The parties will be notified to whom an appeal should be made and the details of how the appeal process will operate.
- An appeal is not a re-hearing of the original issues. Rather, the appeal will focus on the conduct of the investigation in terms of fair process and adherence to the formal process.

#### **External investigation**

In any situation where, by reason of the size of Clones Golf Club, seniority of a complainant or an alleged perpetrator, or for any other reason, it is not appropriate for a formal complaint, informal complaint, or appeal to be investigated by an employee of Clones Golf Club, then

Clones Golf Club reserves the discretion to appoint an appropriate external person to address the matter. Any such external person will carry out his or her functions in accordance with the provisions of this policy and Clones Golf Club will give appropriate effect to the findings of such an external person.

*Review Date: March 2022*

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