

# ICEMT's Anti-Bullying and Harassment Policy

## Introduction

The Irish Committee for Emergency Medicine Training (ICEMT) is committed to the promotion of an environment for work which upholds the dignity and respect of all Emergency Medicine Trainees and Trainers and which supports every individual's right to work and train in an environment without the unacceptable threat of discrimination, harassment, intimidation or bullying.

Workplace bullying and harassment adversely affect the quality of patient care by undermining employee morale and can result in absenteeism, stress-related illnesses, and higher turnover of staff. Bullying and harassment may also have a damaging impact on trainees not directly subjected to inappropriate behaviour but who witness it or have knowledge of it.

Everyone involved in Emergency Medicine Training has a responsibility to treat colleagues with dignity and respect, irrespective of their sex, race, marital status, age, disability, sexual orientation, religion, political conviction, membership or non-membership of a trade union/professional organisation or real or suspected health status.

ICEMT is committed to support the education and training of doctors to prevent the occurrence of such inappropriate behaviour, and also to ensuring that appropriate procedures are in place to support any victims of discrimination, bullying and sexual harassment.

This policy is underpinned by the following legislation and Policy document:

- Employment Equality Acts, 1998 to 2015
- Equal Status Acts, 2000 and 2004
- Prohibition to Incitement of Hatred Act, 1989
- HSEs Dignity At Work Policy for the Health Service, 2009

The purpose of this document is to ensure compliance with the respective legislation and to outline ICEMT's policy and procedure relating to bullying and harassment.

## Definitions:

### Bullying

Bullying at work has been 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' ([Health and Safety Authority 2007](#)). An isolated incident of the behaviour in this definition may be an affront to dignity but as a once-off incident is not considered to be bullying.

Bullying can include conduct offensive to a reasonable person, e.g. oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emblems, graffiti or other material which state/imply prejudicial attitudes which are offensive to fellow employees.

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 employee or a group of employees. It may be perpetrated by someone in a position of authority, by employees against a manager or by employees in the same grade 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 at work 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 performance, conduct or attendance.
- Reasonable and essential discipline arising from the good management of the performance of an employee at work.
- Actions taken which can be justified as regards the safety, health and welfare of the employees.
- 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*

There are two broad categories of bullying:

**Direct** bullying – behaviour that is overt and usually involves conduct directed at a person to belittle or demean them.

Examples include:

- Aggressive and intimidating behaviour
- Belittling, degrading or humiliating comments
- Spreading misinformation or malicious rumours
- Interfering with a person's property or work equipment
- Displaying offensive material (e.g. pornography)

**Indirect** bullying – behaviour that excludes or removes benefits from a person.

Examples include:

- Assigning meaningless tasks unrelated to the job
- Setting tasks that are unreasonably below or beyond a person's skill level
- Deliberately changing work rosters to inconvenience particular employees
- Deliberately withholding information that is vital for effective work performance

## 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 or 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.

Harassment may be perpetrated by employees, clients and other professional contacts. Harassment can occur between people of the same or opposite sex. Harassment can take many forms. It may be of a visual, physical or verbal nature. The uniform characteristic is that the behaviour is unwanted and unwelcome by the recipient. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. A single incident may constitute harassment. Harassment is a very real problem to those who experience it. However it is intended, if the behaviour is unwelcome to the recipient, it is not just "good fun" or a "joke".

## 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 employee or a group of employees.

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 employee'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 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.
- Leering and suggestive gestures.

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

## Bullying and Harassment in the Workplace

Among Trainers and Trainees every possible effort should be made to create a culture of dignity, respect and kindness. Primary responsibility for prevention and responding to bullying and harassment, as well as the mechanisms for dealing with its complexities, lies with the employing healthcare agency and not with the Training Committee. Therefore, in individual cases for those who feel that they are the subject of bullying or harassment in the workplace as previously defined, ICEMT can only engage after the following employer processes have been fully considered:

### Informal Approach

A Trainee who believes they are the subject of harassment or bullying may wish to keep a diary of the details. This should include the details of the incident, date, time, place, their feelings at the time, their reactions to the incident, the reactions of the person considered to be harassing them and details of any witnesses to the incident.

It is recommended that the [HSE Dignity at Work](#) policy or local HR policy is reviewed. It is often preferable for all concerned that complaints of bullying or harassment are dealt with informally whenever possible. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality. Thus, in the first instance if a person believes that he/she is the subject of bullying or harassment, they should express that this is how they are experiencing the interaction to be and ask the person responsible to stop the offensive behaviour.

Where the trainee is not confident about approaching the alleged perpetrator or where a direct approach has not resolved the matter, he/she should request the intervention of an appropriate manager. The manager 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.

The hospital's human resources department can provide advice on the complaints and resolution process in addition to counselling and support.

A "*Support Contact Person*" is an independent employee of the HSE who has volunteered and received training to provide support and information on the Dignity at Work policy to colleagues who may feel they are experiencing bullying, harassment and or sexual harassment. Click [here](#) to get more details about the scope of this role and a full list of Support Contact Persons working in your HSE Hospital or Region.

### Formal Complaint to Employer

If the informal approach fails to deal with the behaviour a Trainee may make a formal complaint under the employer's Dignity at Work policy.

The Trainee who makes a Dignity at Work complaint should inform their local Lead Trainer or relevant Vice Dean of Emergency Medicine Training immediately. The Lead Trainer or Vice Dean of Emergency Medicine Training will assess the support required, which may differ depending on the situation. ICEMT will await the outcome of the employer's investigation before any action is taken. In some circumstances,

as part of ICEMT's duty of care, it may be necessary for the ICEMT to change a training assignment without prejudice. ICEMT does not hold the Trainee employment contract so all changes to the training assignment require agreement with the existing employer and proposed employer. In cases where no appropriate alternative training posts are available it is not the role of the ICEMT to identify funding for supernumerary training posts. In such circumstances ICEMT will escalate to the HSE National Doctors Training Planning unit in the HSE.

If the matter cannot be resolved at local level or is inappropriate to be dealt with locally and specifically relates to the Trainees training or progress, then ICEMT may investigate it. Where inappropriate behaviour relates specifically to a Trainee's training and progression, a trainee may also lodge a complaint to ICEMT. Again this should occur locally with the Trainee's Supervisor / Trainer or Vice Dean of Emergency Medicine Training. This may be escalated directly to the Dean of Postgraduate Emergency Medicine Training if the Trainee feels this is more appropriate.

In the event that a local investigation under employer's policy and procedures confirms that bullying or harassment occurred and involved an ICEMT Trainer[s] and /or Trainee[s], and the employer makes ICEMT aware of such findings, ICEMT reserves the right to conduct its own investigation and to impose any necessary sanctions arising from that investigation.

## Lodging a Grievance

ICEMT will only accept a grievance related to alleged bullying and harassment in the following circumstances:

The employer's investigation procedure has been completed, where bullying or harassment has been deemed to have occurred and where the employer brings the finding[s] to the attention of ICEMT. In such circumstances, all reasonable steps will be taken to protect those involved from intimidation, victimisation or discrimination. Retaliating against someone who complains about bullying or harassment is a serious disciplinary offence. Malicious complaints will also be regarded seriously by ICEMT and may result in disciplinary action.

Where the behaviour considered objectionable continues following a formal investigation which did not make a finding of bullying and harassment, a Trainee or a Trainer may raise a grievance which will be dealt with by ICEMT.

If a Trainee has left the employment/rotation in which the behaviour complained of occurred, ICEMT will consider the circumstances on a case by case basis before deciding on the appropriateness of an intervention.

## Confidentiality

All complaints of harassment and bullying will be treated sensitively and in confidence. This extends to information about, or provided by, the alleged harasser, complainant, representatives and any witnesses involved, either prior to or during any investigation or subsequent proceedings.

However, there may be occasions where the alleged behaviour is deemed to be extremely serious, for example a threat of physical violence, and on these occasions, ICEMT may consider taking action without the express agreement of the complainant and undertake a full investigation.

In certain circumstances, where illegal or dangerous practices are revealed, it may be necessary to disclose details of the case to a relevant authority, or where the behaviour of the harasser is considered to amount to a criminal offence, the complainant may be advised to contact An Garda Síochána. This will not preclude ICEMT undertaking its own investigation.

## Malicious Complaints

Sometimes complaints concerning bullying/harassment may themselves be false and/or maliciously motivated. If ICEMT finds this to be case, disciplinary action may be imposed.