

Special Grievance Bullying, Harassment and Sexual Harassment Policy and Procedures

1. What to do if you have a complaint

1.1. *Informal Procedure*

In the first instance, where possible, make it clear to the offending person that their behaviour is unwelcome and ask them to stop. It is irrelevant whether the offending person is a colleague, a client/customer, or a business contact of the Employer. If it is difficult for you to approach the offending person directly, you should seek help and advice, on a strictly confidential basis, from a contact person which could be the Designated Contact Person (Tom Ryan) or HR Coordinator (Lorna Mc Grath). If you or the contact person is raising the issue with the offending person, your approach should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal, low-key manner.

In many cases, this intervention will be sufficient to stop the offending behaviour. Where it is not sufficient and the behaviour continues, or if it is felt that the informal procedure is inappropriate in the first place because of the seriousness of the behaviour complained of or otherwise, Employees should resort to the formal procedure outlined below. It may be beneficial to keep a written record of the behaviour as it occurs and to ask any witnesses to also note the behaviour.

1.2. *Formal Procedure*

If the behaviour persists, or immediately if the behaviour seems serious, you should report it promptly to your supervisor or, if there are good reasons for not doing so, to their HR Coordinator or General Manager. This person is then your Reviewing Officer.

The report will in all cases be treated sensitively and in confidence. The Reviewing Officer may, where appropriate, try again to resolve the problem informally with the consent of the parties involved. If this is not appropriate, because of the seriousness of the conduct or otherwise, she/he will ask you whether you wish to make a formal complaint.

If you do so wish, you will be asked to provide full information in writing about the complaint, including details to help the Employer investigate, such as the dates of incidents and names of any witnesses. The Employer will assist you in putting this information into writing, if appropriate.

Complaints will be investigated by the Reviewing Officer, or by a person appointed by them. The investigation aims to establish the facts in a way which is fair both to the complainant and to the person against whom the complaint is made, and to reach a decision as quickly as practicable. The Reviewing Officer will give the complainant a realistic timeframe for investigation and update this information if the investigation is likely to take more or less time than initially expected. In appropriate circumstances, terms of reference for an investigation will be drawn up in advance of the investigation.

The person(s) against whom the complaint has been made will be notified in writing of the nature of the allegations which have been made against them. They will be given a copy of the complainant's statement and advised that they will be given a fair opportunity to respond to the allegation(s) and

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invited to reply, in writing, to the allegations within [two] weeks. This response will be given to the complainant.

At the commencement of or during the investigation, the Employer may require either or both of the complainant and/or alleged harasser(s) to remain away from their usual workplace on full pay and benefits, or temporarily re-deploy them should the Employer consider this to be necessary to ensure confidentiality and/or security, or otherwise assist the Employer in carrying out the investigation.

Confidentiality will be maintained, as far as this can be done consistent with a fair and thorough investigation.

All staff are expected to co-operate with investigations, whether as complainant, person complained of or as witnesses.

All staff are expected to respect the confidentiality of any report or complaint, and avoid irresponsible gossip.

All staff are expected not to make malicious or frivolous complaints, which could inflict unnecessary distress.

No person making, co-operating with, or giving evidence about a complaint under this procedure will be penalised or victimised in any way for doing so, if they acted in good faith. Penalising or victimising the person in such circumstances is considered as unacceptable behaviour, equivalent to bullying, harassment or sexual harassment, and will be subject to the Employer's Disciplinary Procedure.

If the investigation concludes that any employee (or other person) has bullied, harassed or sexually harassed any other person, a written recommendation will be issued specifying whether disciplinary or other action (including, with the consent of the perpetrator, counselling) is considered appropriate to the seriousness of the conduct. The final decision on this recommendation shall be taken by the [Managing Director]. If the investigation concludes that the employee has been exonerated, a written recommendation to that effect shall be issued.