

Civil Service Conciliation and Arbitration Scheme

General Council Report 1459

(Meeting/s of 27 July 2005)

'A Positive Working Environment' - The anti Harassment, Sexual Harassment and Bullying Policy for the Civil Service.

Claim

'A Positive Working Environment' - the anti Harassment, Sexual Harassment and Bullying Policy for the Civil Service - has been revised in consultation with Personnel Officers, investigators, the Staff Panel of the Civil Service General Council and representatives of the Employee Assistance Service. Details of the revised policy and associated Circular are set out below.

This report, recording agreement was adopted on 27 July 2005

Eric Gargan
Official Side Secretary

Joan Byrne
Staff Side Secretary

Appendix

E109/112/01

August 2005

Circular 23/2005: *A Positive Working Environment*: an anti Harassment, Sexual Harassment and Bullying Policy for the Civil Service, as revised June 2005

A Dhuine Uasail

1. *A Positive Working Environment* is the Civil Service policy for dealing with harassment, sexual harassment and bullying in the workplace. It applies to all staff working in Departments and Offices, including staff on contract.

Revision of the policy

2. The original policy was introduced in July 2000 and has been revised to reflect developments at national and EU level since the publication of the original policy, as well as taking on board the experience gained in the civil service in the operation of the policy.

3. The review of the policy was carried out by the Civil Service Equality Unit in this Department and is based on discussions with Personnel Officers, investigators, the Staff Panel of the Civil Service General Council and representatives of the Employee Assistance Service. The revised policy has been agreed with the staff unions through the Equality Subcommittee of General Council.

Definitions

4. The definition of bullying has been revised to accord with the definition adopted by the Task Force on the prevention of workplace bullying. The definitions of harassment and sexual harassment are those set out in the Employment Equality Acts 1998 and 2004 and include same sex sexual harassment.

Mediation

5. The revised policy places a strong focus on mediation. Mediation must be agreed to by both parties and involves the parties being brought together to discuss the problem they face with a view to reaching an accommodation that will allow both parties to work together in the future. It is envisaged that as many complaints as possible will be resolved through informal procedures and mediation, with formal investigation being used only where necessary.

Contact Persons

6. The revised policy introduces the concept of 'contact persons'. Contact persons will have knowledge of the policy and be willing to provide information and support to staff in relation to the policy. These discussions will be confidential, non judgmental and off the record. The contact person may not act as representative on behalf of the staff member. It is envisaged that each Department /Office will display names of contact persons on their bulletin boards.

Timescales

7. There are new timescales for the procedures in the policy. A complaint must be made within 6 months of the most recent occurrence of the event complained of and an application for a review of an investigation must now be made within 42 days of receipt of the letter informing parties of the outcome. An overall timescale of three months is now provided for the conduct of an investigation but this may be extended at the discretion of the investigator.

Policy Statement

8. The civil service is committed to the development and maintenance of a positive working environment. An essential component of a positive working environment is treating colleagues with respect and dignity. Harassment, sexual harassment or bullying are totally unacceptable forms of behaviour, are in many instances illegal, in breach of civil service policy and will not be tolerated in the service.

9. The policy is a key part of the reform and modernisation of management practices in the Civil Service introduced under the Strategic Management Initiative.

10. Within the Civil Service, the procedures under the policy give practical expression to the employer's legal duty of care to ensure that staff can work in an environment free from bullying and harassment and have practical means available to them to deal with such behaviour where it occurs.

Policy Document

11. The policy document describes the behaviours concerned and provides an explanation of the detailed procedures. The document is available on the Department of Finance website and from your Personnel Section, Employee Assistance Officer or union representative.

Date of implementation

12. The revised Policy comes into effect from 1 September 2005.

13. An information leaflet on the policy will be distributed to all staff shortly.

Queries

14. Officers should address queries in relation to this Circular to the Personnel Section of their parent Department.

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John O'Connell
Assistant Secretary

Agreed report, recording agreement.

This report was adopted on 27 July 2005