

From Ireland Employee Handbook

Procedures Complaints of Bullying, Harassment and Sexual Harassment

All complaints of harassment, sexual harassment or bullying will be treated seriously and will take into consideration the sensitivities of the person making the complaint and the rights of the person against whom the complaint is made. Every effort will be made to work sensitively and confidentiality will be maintained insofar as is possible but a fair investigation requires that the person against whom the complaint must be informed of the nature of that complaint. They must also be given fair opportunity to respond to the allegations made. No assumptions will be made about the culpability of the alleged perpetrator until the investigation is completed.

Opting to use these procedures does not remove from the employee any rights which they may possess under statute.

Informal

If possible, an employee who believes that they are being bullied should try to explain clearly to the alleged perpetrator that their behaviour in question is unacceptable. If the employee finds it difficult to approach the person directly, then the person who wishes to make a complaint should speak to a line manager or to the contact person (Personnel Advisor on 01 686 9401). The contact person will supply information, explain the definitions above and explain the procedures which can be used in order to properly address the issues. At this stage if the complainant wishes to pursue an informal process they may go to the person about whom the complaint is being made, outline the nature of the complaint and ask for the behaviour to stop. The contact person will not approach the person complained of directly unless requested to do so.

If the behaviour persists or if the person wishes to bypass the informal process they can make a formal complaint. If their line manager is the person complained of they can contact the next level of management or provide their complaint to the Personnel Advisors at PersonnelAdvisors@jdwetherspoon.ie.

A complaint of harassment, sexual harassment or bullying must be brought as soon as reasonably possible after the date of the most recent occurrence of the behaviour to which the complaint relates. However if, for example, there are exceptional circumstances such as illness on behalf of the complainant, this time can be extended for a reasonable timeframe.

Formal Procedure

A formal complaint should be made to a line manager or can be made directly to the Personnel Advisors, who can be reached on 01 6869333 or at PersonnelAdvisors@jdwetherspoon.ie. In any event, if a complaint is made to a line manager under the formal process they will inform the personnel team immediately. If a manager wishes to make a complaint he/she should go directly to their Area Manager or Regional Personnel Manager. If the complaint is against the Area Manager or Regional Personnel Manager it should be made to the General Manager or a Senior Personnel Manager. That complaint can be lodged via the Personnel Advisors at PersonnelAdvisors@jdwetherspoon.ie. The formal procedure for handling a complaint of harassment, sexual harassment or bullying will normally be by investigation. When the manager/ personnel advisors receive the complaint in writing he/she will do the following:

- 1) tell the person complained of that a complaint has been made in writing
- 2) give him/her a copy of the complaint in writing
- 3) tell the person complained of that they will be given a fair opportunity to respond to the complaint made

No person who makes a complaint in good faith, supports a person in doing so or testifies under any of these procedures shall be victimised in any way.

Investigation

An impartial investigator will be appointed. The investigator will meet initially with the complainant to clarify the complaint. This will happen promptly after receiving the complaint.

The investigator will draw up terms of reference. The investigator will ask all parties to the complaint to maintain confidentiality.

The Process

1. The investigator will begin the process by interviewing the complainant.
2. The investigator will then have an interview with the person(s) complained of.
3. Both the complainant and the alleged perpetrator may be accompanied by a work colleague or employee/trade union representative if necessary.
4. If the person making the complaint wishes to have a copy of the statement of the person against whom the complaint is made this will be given.
5. Following the interviews with the complainant and the person complained of all witnesses named.
6. In accordance with fair procedures the person making the complaint and the person complained of will be given a copy of the statements and allowed to make comment.
7. Where there are conflicting accounts the investigator will have to consider the consistency in the statements.
8. The investigator will not discuss the case with anyone.
9. The investigator will make every effort to complete the investigation within a reasonable timeframe and not normally longer than 28 days from the formal complaint is received.
10. At the conclusion of the investigation the investigator will find one of the following:-
 - That the complaint is upheld and gives reasons
 - The complaint is not upheld and gives reasons
 - The complainant withdraws the complaint and there is no case to answer
11. If the person complained of does not cooperate with the investigation the investigator will be entitled to draw the conclusion that the complaint is upheld.
12. If the complainant wishes to withdraw the complaint and the matters are of a very serious nature the investigator may inform the complainant that the withdrawal will not be accepted until the investigator is satisfied that there are no grounds for continuing with the complaint without the cooperation of the complainant.
13. When the investigation has been completed the investigator will compile a written report.
14. An update on the outcome of the investigation will be provided to the parties concerned by the Area Manager or Regional Personnel Manager. Any comments from either party on receipt of the update should be made to the Area Manager or Regional Personnel Manager immediately.

Action post investigation

1. If the complaint is upheld a disciplinary meeting will be held.
2. The disciplinary action to be taken will be in line with the Company's disciplinary policy.

3. This action could include a transfer or any other appropriate up to and including dismissal.

4. Records of any warnings for harassment, sexual harassment or bullying will remain in the employee's file and will be used if any further offences of the same or similar nature occur.

Expected Standards

Every employee has a responsibility to behave in a way that is not offensive to others and to encourage others to do the same. You must ensure that your behaviour towards colleagues and customers does not cause offence and could not in any way be considered to be harassment.

All employees should discourage bullying, harassment and sexual harassment by making it clear to the person who is harassing them that they find such behaviour unacceptable and by supporting those who are suffering such treatment and are considering making a complaint.

All employees should alert a line manager to any incident of harassment to enable the Company to deal with the matter and prevent any further escalation of the problem.

In deciding whether or not harassment has taken place the Company will investigate the alleged comments or actions and the effect they had on the recipient, the intent to cause offence and any other relevant factors.

If an employee feels unable to bring a concern to the attention of their line manager they should inform the next level of management immediately or if the matter is of a particularly confidential nature they can also contact the regional personnel manager or the personnel advisors.

Breaches of Anti-Harassment Policy

Disciplinary action, up to and including summary dismissal, will be taken against any employee failing to fulfil their responsibilities under this policy.

Harassers, their supervisors and their line manager may be held personally liable in the event of any legal proceedings.

From the outset, or during an investigation into an allegation, the Company may relocate employees should it be considered necessary. The aim will always be to relocate the harasser not the complainant. However, in some circumstances it may be necessary to relocate the complainant but only after consultation and agreement.

Any employee who makes a harassment complaint and fails to maintain proper confidentiality at any time during the process, or an employee who is interviewed in connection with someone else's complaint and likewise fails to maintain confidentiality, may be dealt with under the Company Disciplinary and Dismissal procedures.