

## Diocese of Elphin – HR Policy Handbook

**Document Name:** Dignity at Work Complaints Procedure Policy  
**Document No:** 5.1.3 (original)  
**Effective Date:** 15<sup>th</sup> February 2019  
**Written By:** Frank Mitchell, HR Advisor  
**Approved By:** +Kevin Doran, Bishop of Elphin



*Operating under the patronage of Our Lady of the Immaculate Conception, the Diocese of Elphin aims to provide staff members with a safe, caring and supportive Christian environment in which to carry out their work. Work objectives are to be advanced with due regard to the needs and dignity of each staff member and with due regard for the individuals and communities the diocese serves.*

*This document outlines the complaints procedure for handling breaches of the Diocesan Equal Opportunities and Dignity at Work policy. It is applicable to parishes, offices, agencies and any entity operating under the governance of the Diocese of Elphin (hereafter referred to as “the employer”). Line Managers (Bishop, Priests, Deacons, Religious, Lay Personnel who supervise staff members) are responsible for communicating this policy and having it signed off by their staff member(s).*

Should a staff member experience or observe unwanted conduct, he or she is encouraged to raise the issue so that it can be resolved speedily. Informal and formal procedures are in place to deal with the issue of bullying/harassment at work. Any investigation will be completed as quickly as possible.

### **Informal Procedure**

It is 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 conducive to a positive working environment. Thus, in the first instance a person who believes that he or she is the subject of bullying/harassment should ask the person(s) responsible to stop the offensive behaviour.

A person may seek help and advice on a confidential basis from a designated contact person, (HR Advisor) or another colleague, particularly where a person finds it difficult to approach the alleged perpetrator(s) directly. The role of the designated contact person is not to judge but rather to provide advice and assistance and options to resolve a concern.

Having consulted with the contact person, the complainant may request the assistance of another priest or manager in raising the issue with the alleged perpetrator(s). In this situation the approach of the priest or manager should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal, low-key manner.

A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure. It is recognised that it may not always be practical to use the informal procedure, particularly where the bullying or harassment is serious or where the people involved are at different levels. In such instances the complainant should use the formal procedure set out below.

### **Formal procedure**

When a formal complaint is being made, the staff member or should contact his or her line manager as soon as possible. If this is inappropriate, then the staff member should contact the designated contact person. All complaints will be treated seriously, confidentially and dealt with as soon as is practicable. Where possible, formal complaints should be in writing, giving specific examples of the alleged bullying and/or harassment, the dates of any such incidents and details of witnesses.

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The complaint will be subject to an initial examination by a designated member of the diocese, who can be considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be to explore the use of mediation or to examine if the issue can be resolved informally. Should such options be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place with a view to determining the facts and the credibility or otherwise of the allegation(s).

In the interests of natural justice the alleged bully or harasser will be notified in writing of the nature of the complaint, given a copy of the allegation, informed of his or her right to representation and will be given every opportunity to rebut the allegations made.

While it is desirable to maintain utmost confidentiality, once an investigation begins it may be necessary to interview other staff. If this is so, the importance of confidentiality will be stressed to them. Any statements taken from witnesses will be presented to the person making the complaint and the alleged bully/harasser for their comments before any conclusion is reached in the investigation. A record of all relevant discussions that take place during the investigation will be maintained.

Both parties will be given a copy, in writing, of the conclusions reached by the investigating team. Both parties will be given an opportunity to comment on the conclusions of the investigation team before any action is decided upon by management. Either party can appeal the decision of the formal investigation in writing within five working days.

Strict confidentiality and proper discretion will be maintained at all times, as far as is possible.

### Action post-investigation

Should a case of bullying or harassment be proven then a disciplinary hearing will take place and "the employer" will take appropriate disciplinary action. The disciplinary action will be taken in line with diocesan disciplinary policy. This can include a warning, transfer, demotion or other appropriate action up to and including dismissal. Records of any warnings for bullying/harassment will remain on the staff member's file as appropriate.

Regular checks will be made to ensure that the bullying/ harassment has stopped and that there has been no victimisation for referring a complaint in good faith. Retaliation of any kind against a staff member for complaining or taking part in an investigation concerning bullying/harassment at work is a serious disciplinary offence.

### Malicious complaints

If a complaint is found to be malicious, then appropriate disciplinary action up to and including dismissal may be imposed, after due process.

### Breaches of the equal opportunities and dignity at work policy

Discrimination, bullying and harassment will not be tolerated. Breaches of the diocesan equal opportunities and dignity at work policy will be regarded as misconduct and may be subject to disciplinary action under the disciplinary procedure. In addition, should staff members feel that they have not been treated fairly with regard to employment equality, they may utilise the grievance procedure.

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### Victimisation

Staff members will not be penalised, treated less favourably or subject to other adverse treatment because of pursuing rights by way of taking action, supporting action or giving notice of intention to take or support action under equality legislation.

### Monitoring

The diocesan equal opportunities and dignity at work policy will be reviewed on a regular basis to assess the effectiveness of its implementation and operation in creating a truly integrated workplace.

*For further information please contact:*

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