

P2 S2 C1 Equality Policy

Version 1 – Publication Date 18/02/2020 – Next Review Date 18/02/2022

PURPOSE AND POLICY CONSIDERATIONS

FORUS TRAINING HAS FIVE CORE VALUES DRIVING OUR CULTURE:

1. **Put people first** – At Forus Training we put the needs and the voices of people who use and work in our training services at the centre of all of our work.
2. **Be fair and objective** – At Forus Training we strive to be fair and objective in our dealings with people and organisations, and undertake our work without fear or favour.
3. **Be open and accountable** – At Forus Training we share information about the nature and outcomes of our work, and accept full responsibility for our actions.
4. **Be committed to excellence** – At Forus Training we seek to continually improve and strive for excellence in our work.
5. **Work together** – At Forus Training we engage with those funding, planning, providing and using our training services in developing all aspects of our work.

In line with these values, Forus Training is committed to providing an environment in which all members of our community should expect to be able to thrive and to be respected and valued for their unique perspectives and contributions so that they can achieve their fullest potential.

We are committed to the promotion of a culture for work and study which upholds the dignity and respect of the individual and which supports the individual's right to learn and/or work in an environment which is free from discrimination. This includes any form of bullying, sexual harassment or other forms of harassment.

All members of Forus Training are expected to work to develop and maintain a high degree of respect and to participate in creating a positive environment.

PRINCIPLES

The key principles of the policy are to:

- Support the five values of Forus Training as above,
- Ensure that Forus Training has proactive measures in place in order to promote a positive culture of dignity and respect,
- Create a positive working and learning environment, support good communications amongst our people managers, colleagues and learners and make clear the expectations of members of our community with regard to respecting each other,
- Promote understanding of our definitions of bullying, sexual harassment, or other forms of harassment,

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- Promote awareness of steps which individuals may take if they believe that they are being bullied or harassed,
- When complaints are made, provide methods of resolution for our people managers, colleagues and learners in which they have a number of opportunities, both informal and formal, to resolve individual situations or complaints.
- Set out key steps in a complaints procedure that are simple, user friendly and easy to operate,
- All parties are required to cooperate with all efforts to resolve complaints under the policy and without undue delay.
- Have an effective monitoring and analysis process that supports this policy

SCOPE

This policy applies to all members of our community - employees, learners and others. In this policy, “others” shall be taken to include, but is not limited to the conduct of contractors, subcontractors, vendors, those who engage and/or who interact with Forus Training and/or its associated bodies, those who provide services to Forus Training, those who avail of services and/or are visitors of and to Forus Training or any of its associated bodies.

This policy applies to all areas of Forus Training operations and programmes. It applies to conduct which takes place:

- At our training centre(s) or any other place where our employees or learners are representing Forus Training or are engaged in a learning connected activity,
- At events such as social functions, conferences, sporting events, field trips or work assignments which are related to Forus Training,
- In person, in writing, on the telephone, by e-mail or on the internet and social media in relation to any Forus Training related activity.

Where Forus Training’s learners or employees are on placement in other organisations, they need to be aware of the dignity and respect policies of these organisations. Where a complaint is made whilst they are on placement or secondment, our learners or employees may be subject to the policies of these organisations as well as under this policy.

A complaint of bullying, harassment or sexual harassment made under this policy should be made within 12 months of the alleged incident(s) giving rise to the complaint or within 12 months from the date of the alleged last recurring incident.

Forus Training promotes and encourages the resolution of dignity and respect complaints through informal means so far as possible. To achieve this, Forus Training is committed to training and supporting members of the community in understanding the importance of dignity and respect and how their roles are integral in promoting a culture where work and study is free from discrimination and any form of bullying, sexual harassment or other forms of harassment.

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DEFINITIONS

We expect the members of Forus Training Community to be committed to the promotion of a culture for work and study which upholds the dignity and respect of the individual and which supports the individual's right to study and/or work in an environment which is free from discrimination. Positive feedback, celebrating success and recognition of successes helps engender a positive dignity and respect culture amongst our employees and learners.

It is important that any learner or employee makes themselves aware of the definitions below as it will help them determine whether the policy applies to their own situation. These definitions have been developed based on a review of best practice.

BULLYING

Bullying is 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/study and/or in the course of employment/study which could reasonably be regarded as undermining the individual's right to dignity at the place of work/study. An isolated incident is not considered to be bullying.

The intention of the person against whom the complaint is being made (the respondent) is irrelevant. The fact that the respondent may not intend to bully/harass/sexually harass an employee or learner is not a defence. The effect of the behaviour on the employee or learner is what is relevant.

The following are common, but not exclusive examples of bullying behaviour:

- Verbal abuse/insults,
- Physical abuse,
- Being treated less favourably than colleagues,
- Intrusion – pestering, spying or stalking,
- Exclusion,
- Menacing behaviour,
- Intimidation,
- Aggression,
- Undermining behaviour,
- Excessive monitoring of work,
- Humiliation,
- Withholding work-related information,
- Blame for things beyond the person's control.

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Bullying at work does not include reasonable and essential feedback or constructive criticism or discipline arising from the management of the conduct or performance of an employee at work or actions taken which can be justified on grounds such as safety, health and welfare at work. For example, an employee whose performance is justifiably signalled in a proper and reasonable manner as being below required standards may feel threatened and insecure in their work but this in itself does not indicate bullying. In addition, differences of opinion, arguments or other interpersonal conflict can occur in the workplace, classroom, in learner clubs, teams and in learner societies. Bullying/harassment/sexual harassment should not be confused with these situations.

Bullying in the course of a programme of studies does not include reasonable and essential feedback or constructive criticism or discipline arising from the management of the conduct or performance of a learner or actions taken which can be justified on grounds such as safety, health and welfare at work. For example, a learner whose performance is justifiably signalled in a proper and reasonable manner as being below required standards may feel threatened and insecure in their programme of study but this does not indicate bullying.

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 that person. Sexual harassment can be a one-off incident.

The following are examples of sexual harassment:

- Physical contact such as unnecessary touching, patting or pinching or brushing against another body, assault or coercive sexual intercourse,
- Sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments,
- The display of pornographic or sexually suggestive pictures, objects, written materials including posters, emails, text-messages, social media messaging or faxes,
- Leering, whistling or making sexually suggestive gestures,
- Conduct that denigrates or ridicules or is intimidatory or physically abusive of a person because of their sex.

The Employment Equality Acts 1998 - 2011 do not prohibit all relations of a sexual or social nature at work. To constitute harassment/sexual harassment the behaviour complained of must firstly be unwelcome. It is up to each employee/learner/other (e.g. visitor or sub-contractor) to decide

- (a) what behaviour is unwelcome, irrespective of the attitude of others to the matter and
- (b) from whom such behaviour is welcome or unwelcome, irrespective of the

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attitudes of others to the matter

The fact that an individual has previously agreed to the behaviour does not stop them from deciding that it has become unwelcome. It is the unwanted nature of the conduct which distinguishes harassment/sexual harassment from behaviour which is welcome and mutual.

In addition, to constitute harassment/sexual harassment under the Employment Equality Acts 1998 - 2011, the behaviour must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

HARASSMENT

Harassment is defined as any form of unwanted conduct related to any of the discriminatory grounds under the Employment Equality Acts which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment can be a one-off incident. The discriminatory grounds in Forus Training include:

- **Gender (including gender identity):** a person's gender identity including male, female, other,
- **Civil status:** a person's civil status be it single, married, separated, divorced, widowed, civil partnered and formerly civil partnered,
- **Family status:** being a parent of a person under 18 years or the resident primary carer or parent of a person with a disability,
- **Socio-economic status:** a combined economic and sociological measure of a person's work experience and of an individual's economic and social position in relation to others, based on [income](#), [education](#), and occupation,
- **Sexual orientation:** a person's sexual orientation including gay, lesbian, bisexual, non-binary, intersex and heterosexual,
- **Religion:** a person's religious belief, background, outlook or none,
- **Age:** a person's age, this does not apply to a person aged under 16. Children are covered by Child Protection legislation and Forus Training's Child Protection Policy,
- **Disability:** includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions,
- **Race:** includes race, skin colour, nationality or ethnic origin,
- **Membership of the Traveller community:** now recognised as an ethnic

group. The following are examples of harassment:

- Verbal harassment – jokes, comments, ridicule or songs,
- Written harassment – including text messages, emails or notices,

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- Verbal or written harassment based on socio-economic status,
- Physical harassment – jostling, shoving or any form of assault,
- Intimidatory harassment – gestures, posturing or threatening poses,
- Visual displays such as posters, emblems or badges which may be deemed as sexual harassment,
- Inappropriate scrutiny of the activities of others,
- Isolation or exclusion from social activities,
- Unreasonably changing a person's job content or targets,
- Pressure to behave in a manner that the person thinks is inappropriate,
- Inappropriate use of social media as set out below.

Electronic bullying/sexual harassment/harassment and the use of Social Media (Blogs, Wikis, Forums, Email etc.)

This policy also encompasses electronic bullying/sexual harassment/harassment. This is a term used to refer to bullying/harassment/sexual harassment through electronic media and/or in the use of social media. In sending emails and in the use of all social media, all employees, learners and others should consider the content, language and appropriateness of such communications and must adhere to the Acceptable Usage Policy. The Acceptable Use Policy has been formulated to ensure that employees, learners and others are aware of their obligations when using for example, social media, the need to ensure that the use of same does not affect Forus Training, its employees, learners and/or others and outlines the sanctions for those who do not comply with same. For example, employees, learners and/or others shall not use social media to bully, harass, sexually harass or unlawfully discriminate against employees, learners and/or others, that confidential information is not disclosed and that the personal use of social media by employees during working hours does not interfere with employment responsibilities and/or productivity etc.

VICTIMISATION

It is considered a breach of this policy and a disciplinary matter for any employee or learner to attempt to victimise or otherwise retaliate against an individual because that individual, whether as a witness or complainant or in any other role, participates in good faith in procedures for addressing issues of bullying, sexual harassment or harassment.

ROLES AND RESPONSIBILITIES

All members of our community are expected to work to develop and maintain a high degree of respect in our diverse community and to participate in creating a positive environment.

Bullying, sexual harassment and harassment can affect an individual's wellbeing, for example, there can be:

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- Damage to morale,
- Poor performance in work or study,
- Culture of fear,
- Loss of respect,
- Increased absenteeism and ill health,
- Poor services to staff and learners,
- Damage to Forus Training's reputation.

There are a range of roles across Forus Training that will champion a positive culture of dignity and respect.

FORUS TRAINING MANAGEMENT TEAM

The Managing Director and Operations Manager has overall formal responsibility for this policy. They have the responsibility to:

- Lead and champion a positive culture of dignity and respect,
- Ensure that adequate resources are allocated to support a positive culture of dignity and respect,
- Set appropriate standards of acceptable behaviour through their own actions and deeds,
- Take action when required based on monitoring and reporting.

The Managing Director and Operations Manager have a responsibility to ensure that the dignity and respect policy is upheld. They should:

- At all times, treat all members of Forus Training community with dignity and respect,
- Be familiar with Forus Training policy and proactively promote ongoing awareness of dignity and respect. It is particularly important that awareness of the policy is promoted to front-line employees in learner facing roles,
- Undertake appropriate training and be able to explain the policy to all members of the community,
- Be vigilant for signs of bullying, sexual harassment or harassment through observation and by getting feedback and by taking action before a matter escalates,
- Deal sensitively with those involved in a complaint whether as complainant (the person making a complaint) or respondent (the person against whom a complaint is being made),
- Work with those involved in a complaint in a proactive manner to provide options and potential pathways for resolution of issues in a positive, solution focused manner,
- Where unwelcome behaviour has occurred, and is admitted, be clear that it is not

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acceptable and take appropriate action,

- Seek advice from relevant bodies (e.g. HR Consultants, Equality, Diversity and Inclusion Units etc),
- Monitor and follow up on the situation to ensure that unwelcome behaviour does not occur or recur.

WELFARE OFFICER

Our Welfare Officer, Leona Monaghan, who is responsible for supporting learners under our welfare support policy. Maximising the training experience for each learner is an essential objective for Forus Training.

1. All learners,
2. Learners who experience a traumatic or tragic event,
3. Learners with specific learning difficulties,
4. Learners with specific behavioural issues,
5. Learners who experience poor health,
6. Learners who experience difficult family relationships,
7. Learners who experience difficult financial circumstances.

The Welfare Officer is a key point of contact, support and referral for all learners throughout their studies. The welfare Officer works closely with the managing director and staff to ensure that each learner's experience at Forus Training is as fulfilling and enjoyable as possible.

All members of the Forus Training community are responsible for the care of others, not least the learners themselves and all teaching and other staff. It is important that all staff are confident in;

- Raising Dignity and Respect awareness and develop best practice,
- Providing referrals to the Welfare Officer and other services as appropriate,
- Providing management support to investigators in the Dignity and Respect Complaints process.

INDIVIDUALS

All individual members of Forus Training Community including employees, learners and others have a responsibility to:

- At all times, treat all members of Forus Training community that they interact with dignity and respect,

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- Positively contribute to a culture of dignity and respect,
- Engage in respectful conduct or behaviour that will not endanger their own safety, health and welfare or work or that of any other person including obligations under the Safety, Health and Welfare at Work Act, 2005,
- Be aware of the effects of their own behaviour,
- Challenge bullying, sexual harassment or other harassment and report any incidents witnesses,
- Not make false, malicious or vexatious complaints. It is important to be aware that where reasonable belief exists that a complaint is false or malicious, disciplinary action may be taken against the complainant.

POLICY STATEMENT

We are committed to working towards the elimination of discrimination and exclusion through the achievement of equality of opportunity, participation and positive outcome for all learners.

It is the policy of Forus Training to identify, understand and tackle discrimination, to promote equality of opportunity and inclusion in the workplace

It is our policy to work towards the elimination of discrimination and exclusion through the achievement of equality of opportunity, participation and positive outcome for all our learners, staff, clients and other stakeholders who have a current or potential interest in working with us or participating in our programmes.

All our learners, staff, clients and other stakeholders are of equal value, regardless of their sex, race, religion, age, background culture, political beliefs, physical or mental ability, sexual orientation or age. All participants must be afforded equal access to the resources and opportunities available in the learning environment. All participants are entitled to agreed high quality, well planned and organised learning experiences.

IMPLEMENTATION

Communication procedures that follow this overview, as listed below.

- Any infractions of this policy in relation to communication will not be tolerated and management will act quickly in correcting the issue if the policy or procedures are not followed,
- Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

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RELATED DOCUMENTS

LEGISLATION

This policy is designed to ensure compliance with the Codes of Practice issued under the Safety, Health and Welfare at Work Act 2005, the Industrial Relations Act 1990 (as amended) and the Employment Equality Act (as amended). The provisions of the Work Relations Commission (WRC) Codes of Practice S.I. No.17/2002 and S.I. 208/2012 for addressing bullying in the workplace and harassment/sexual harassment respectively and the Health & Safety Authority 2007 Code of Practice on the prevention and resolution of bullying at work have been incorporated into this policy.

The following legislation is relevant to bullying/ harassment/sexual harassment:

- Safety, Health and Welfare Act 2005,
- Non-Fatal Offences Against the Person Act, 1997,
- Equal Status Acts, 2000 - 2015,
- Prohibition to Incitement of Hatred Act, 1989,
- Employment Equality Acts, 1998 – 2015.

This policy has also been developed to ensure compliance with the learner Code.

CONFIDENTIALITY

Confidentiality will be observed as far as practicable and in accordance with the provisions of the Data Protection Act 2003 and the Children First Act, 2015 which governs child protection. Employees responsible for implementing this policy need to be aware of their obligation to respect confidentiality. Respect for an individual's request for confidentiality will be maintained (as far as practicable) except in any or all of the following situations:

- Where the reported incident is so serious that it warrants a formal investigation,
- Where there is a risk that the Respondent may repeat his/her actions and this would put the Complainant or others at risk of mental or physical danger,
- Where there is a potential risk to Forus Training,
- Where failure to disclose information may be a breach of statute,
- Where an individual is a minor.

In situations where there is a risk that a Respondent may repeat their actions and pose a real physical/mental threat to the well-being of others, the HR Director or the Registrar, as appropriate,

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must be contacted and there will be full disclosure to them.

Forus Training reserves the right to alert An Garda Síochána if it believes the circumstances warrant its involvement.

NEUTRAL ACTION

Forus Training reserves the right to take any necessary preventative steps which could include neutral suspensions. Such suspensions do not imply a presumption of guilt and are not a disciplinary sanction to an employee or a learner that is suspended. Where an employee is suspended, they will remain on full-pay. Forus training will exercise this with due care after giving the matter proper consideration. Wherever possible, alternatives to suspension will be carefully considered prior to initiating suspension.

INVESTIGATIONS BY AN GARDA SÍOCHÁNA

Should a complaint submitted to Forus Training be investigated by An Garda Síochána, Forus Training reserves the right to suspend its own investigation until the investigation by An Garda Síochána has come to an end.

GENERAL

1. Strict observance of the Procedure is not appropriate in all cases. Circumstances may warrant that the procedure is abridged or varied and Forus Training reserves the right to do so at any time. Forus Training also reserves the right to amend this policy and the procedure from time to time in line with guidelines as set out in the Policy Management Framework.
2. This policy will operate parallel to other company policies and procedures, including the appropriate disciplinary procedures and acceptable use policies.
3. Where there is more than one company procedure (and/or policies) applicable to any one matter, this will be reviewed by the managing director (or nominee), and Operations Manager. This group shall decide which of Forus Training's procedures (and/or policies) should have priority or be the most appropriate in the circumstances, and may direct the continuation of some procedure(s) (and/or policies) and the suspension of others pending the outcome of the former.
4. Forus Training is committed to reviewing this policy on a regular basis in line with changes in the law, relevant case-law or other developments.