

WORKPLACE RELATIONS

Respect and Dignity at Work Policy (Bullying & Harassment)

WFT recognises the right of all employees to be treated with dignity and respect and is committed to ensuring that all employees are provided with a safe working environment which is free from all forms of bullying, sexual harassment and harassment.

Bullying, sexual harassment and harassment can have a devastating effect on the health, confidence, morale and performance of those subjected to it. Bullying, sexual harassment and harassment may also have a damaging impact on employees not directly subjected to inappropriate behaviour but who witness it or have knowledge of it.

This policy covers sexual harassment and harassment as outlined by the employment equality acts 1998 to 2008. It is based on the following codes of practice:

- The Safety Health and Welfare at Work Acts 2005
- The Industrial Relations Act 1990
- The Employment equality Act 1998 respectively
- The Health and Safety Authorities Code of Practice for Employers and Employees on the prevention and resolution of bullying at work
- The Labour Relations Commission (LRC) Code of Practice Detailing Procedures for addressing Bullying in the workplace
- The Equality authority's code of practice on sexual harassment and Harassment at Work

A key objective of this policy is to ensure that all reasonable efforts are made by WFT to deal with complaints of bullying, sexual harassment or harassment.

The policy promotes the use of informal processes including mediation as an alternative to formal investigation where both parties agree to participate in this process.

In the event that an issue cannot be resolved informally, or through mediation, the grievance procedures outlined below are used to resolve the issue. These grievance procedures are designed to deal with complaints expeditiously and with minimum distress to both parties involved

Understanding The Differences Between Bullying and Harassment

The interchangeable use of the words harassment and bullying can lead to a misunderstanding of what each one relates to. They are legally distinct concepts and so a behaviour can be deemed *either* bullying, sexual harassment *or* harassment, not all.

Definition of Bullying

Workplace bullying is 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 and/or in the course of employment, which could be reasonably regarded as undermining the individual's right to dignity at work.

Behaviour which makes for a bullying pattern will likely include not just one but a range of the following behaviours:

- Exclusion with negative consequences
- Verbal abuse/insults
- Being treated less favourably than colleagues in similar roles

- Belittling a person's opinion
- Disseminating malicious rumours, gossip or innuendo
- Socially excluding or isolating a person within the work sphere
- Intrusion – pestering, spying or stalking
- Intimidation/aggressive interactions
- Excessive monitoring of work
- Withholding information necessary for proper performance of a person's job
- Repeatedly manipulating a person's job content and targets
- Blaming a person for things beyond their control
- Use of aggressive and obscene language
- Other menacing behaviour

This list is not exhaustive.

Bullying does not include:

- An isolated incident of inappropriate behaviour may be an affront to dignity at work but, as a once-off incident, is not considered to be bullying, e.g. an occasional bout of anger.
- Fair and constructive criticism of an employee's performance conduct or attendance, which is not of itself welcome, does not constitute bullying.
- Ordinary performance management
- Complaints relating to instructions issued by a Line Manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure do not constitute bullying. Complaints that are appropriate for referral under the normal grievance procedure are usually relatively straightforward to formulate as they refer to a specific issue or incident.
- Legitimate management responses to crisis situations which require immediate action, or which arise from staff shortages, increased workload etc.
- Expressing differences of opinion strongly,
- Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees (for example managing a employee's performance, taking reasonable disciplinary actions, or assigning work), or
- Workplace conflict where people disagree with or disregard others' point of view.

Definition of Harassment

Harassment (other than sexual harassment) is any form of unwanted conduct related to any of the discriminatory grounds covered by the Employers Equality acts 1998 to 2008. These grounds are:

- Gender
- Marital status
- Family status
- Sexual orientation
- Religion
- Age
- Disability
- Race
- Membership of the traveller community.

Harassment is defined in the act as any form of unwanted conduct related to any of these discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Harassment is inappropriate behaviour based on the relevant characteristic of the employee such as race, religion, age or any of the other grounds covered by the act.

Harassment may be targeted at one employee or a group of employees. Harassment may consist of a single incident or repeated inappropriate behaviour.

Definition of Sexual Harassment

Sexual harassment can be defined as conduct towards another person which is sexual in nature, or which has a sexual dimension, and is unwelcome to the recipient. Examples of sexual harassment include:

- Requests or demands for sexual favours.
- Suggestive remarks
- Degrading abuse and insults
- Innuendo and jokes of a sexual nature
- Gesturing of a sexual nature
- Unnecessary touching
- Indecent exposure
- Actual assault
- Displaying pornographic or sexually suggestive material in the workplace.

It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is mutual and welcome. It is up to each employee to decide what behaviour is unwelcome irrespective of the attitude of others and from whom such behaviour is unwelcome. The fact that the employee has previously tolerated the behaviour does not stop them from objecting to it now. The intention of the person engaging in the unwelcome behaviour is irrelevant – the effect of the behaviour on the employee concerned is what is important

Procedures For Dealing With Bullying, Harassment, Sexual Harassment or Inappropriate Behaviour:

The aim of our policy is to ensure that all employees have the right to raise concerns in the knowledge that there is a process in place to ensure that appropriate action will be taken and issues of concern will be dealt with.

Dignity & Respect Statement:

To demonstrate this commitment WFO will read the following statement at the beginning of each rehearsal process during the annual Opera Festival:

“Wexford Festival Opera is committed to providing a safe, creative, productive working environment to all staff, visiting artists and crew working at the festival.

We as a company will treat one another with dignity and respect at all times. Whilst acknowledging that the rehearsal and technical delivery processes will be robust, demanding and at times challenging, if we are subjected to or witness bullying or harassment, we will speak out knowing that our voices will be heard and we will be taken seriously. Together we can create a safe space.

Wexford Festival Opera’s Dignity and Respect Policy is available on our website outlining steps that any employee can take should they be concerned throughout this production.”

Safe to Create

WFT is a signatory to the industry-wide *Safe to Create* initiative. The processes and procedures that follow are fully compliant with the Safe to Create framework.

Contact Persons

If an employee or volunteer has a concern about possible bullying, harassment, sexual harassment or inappropriate behaviour they should seek help and advice, on a strictly confidential basis by contacting either:

their Line Manager;

or

the Executive Director (WFO)/General Manager (NOH)

The Line Manager or Executive Director (WFO)/General Manager (NOH) will listen patiently, be supportive and discuss the various options open to the employee or volunteer and help them to determine whether they would like to pursue an informal or formal process to deal with the issue raised.

If the issue concerns your Line Manager you should contact the Executive Director (WFO) or General Manager (NOH). If the issue concerns the Executive Director (WFO) you should contact the Chair of the WFO Board on chairman@wexfordopera.ie. If the issue concerns the Artistic Director (WFO) you should contact either the Executive Director or the Chair of the WFO Board. If the issue concerns the General Manager (NOH) you should contact the Chair of the NOH board on chairman@nationaloperahouse.ie.

Festival Artists and Productions Teams

Freelance employees joining WFO for the annual Opera Festival can approach the Contact Persons outlined above or bring their concerns directly to the Artistic Director. But please note that any formal complaints, which are addressed using the Grievance Procedures outlined below, will be managed by either the Executive Director or Chair only.

The WFO Line Manager for all freelance crew, stage managers and production personnel is the Production Manager. The Line Manager for all WFO singers and chorus is the Head of Artistic Administration. The Line Manager for all WFO orchestra members is the Orchestra Manager. The Line Manager for all volunteers is the Chair of the Volunteers Committee.

Informal and Formal Complaint Procedures

The Company has both formal and informal procedures for dealing with any concerns raised.

Informal Procedures

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters faster and easier than a formal process. As a general rule therefore, an attempt to address an allegation of bullying or harassment informally should always be considered in the first instance before deciding to proceed to a formal process. The objective of the informal approach is to resolve the difficulty with the minimum of conflict and stress for all the individuals involved.

WFO has identified three options by way of an Informal Process:

1. Firstly, if an employee or volunteer feels comfortable doing so, they will be encouraged to speak to the other party directly. Sometimes the alleged perpetrator is genuinely unaware that their behaviour is unwelcome and causing distress. An informal discussion is often sufficient to alert the person concerned to the effects of their behaviour and can lead to a greater understanding and an agreement that the behaviour will stop. Employees or volunteers can seek the support of their Line Manager or the Executive Director (WFO)/General Manager (NOH) before making such an approach, or they can decide to do so without first approaching a Contact Person for support.
2. In circumstances where the complainant finds it difficult to approach the alleged perpetrator(s) alone, or where a direct approach has already failed, the Line Manager or Executive Director (WFO)/General Manager (NOH) will offer to approach the other party together with the employee or volunteer in a safe and supportive environment.
3. Finally, if an employee or volunteer is not comfortable addressing the issue directly with the person concerned (with or without their Line Manager or the Executive Director (WFO)/General Manager (NOH) present), or if the situation is already deemed too serious to be resolved in this manner, the Line Manager or Executive Director (WFO)/General Manager (NOH) will offer to

meet with the other party alone to address the concerns raised to the satisfaction of the complainant. If this informal option is agreed upon, the Line Manager or Executive Director (WFO)/General Manager (NOH) will continue to meet the complainant separately until they are happy with the resolution proposed, or until a decision is made to proceed to a formal process.

A complainant may decide, for whatever reason, to bypass the informal process. Choosing not to use the informal process will not reflect negatively on a complainant in the formal procedure.

Formal Procedures

For serious complaints or where the problem is not resolved through any of the informal methods outlined above, the formal Grievance Procedures may be used. All formal complaints are managed by the Executive Director (WFO)/General Manager (NOH) (unless the complaint is made against the Executive Director (WFO)/General Manager (NOH) or Artistic Director (WFO) (WFO) when the formal complaint will be managed by the Chair of the relevant Board or a nominated member of the Board). A formal complaint involves providing a written statement outlining the precise details of the allegations. The alleged perpetrator will be notified in writing that an allegation of bullying, sexual harassment or other form of harassment has been made against them. They will be advised that they shall be afforded a fair opportunity to respond to the allegations.

Formal complaints will be investigated by an appropriate member of staff or the Board with the agreement of the complainant. Independent investigations, carried out by external HR experts, will also be considered at the discretion of the Executive Director (WFO)/General Manager (NOH) and the Board.

Full details of WFT's Investigation Processes and Grievance Procedures are outlined in detail below. Should an employee or volunteer consider making a formal complaint, the details of these processes will be explained in detail by their Line Manager or the Executive Director (WFO)/General Manager (NOH) in advance of a decision to proceed with a formal complaint.

Bullying, Harassment or Sexual Harassment by Third Parties

This policy also protects employees and volunteers from bullying, sexual harassment or harassment perpetrated by a patron, sponsor, supplier, visitor or any other person with whom employees or volunteers may come in contact with during the course of their work. Bullying/Harassment by non-employees may result in the termination/nonrenewal of business contracts, the suspension and non-renewal of services, exclusion from the premises or imposition of other appropriate sanctions.

What To Do If You Are Accused of Harassment, Bullying or Sexual Harassment

Differences in attitude, background and culture or misinterpretation of social signals mean that what is perceived as harassment by one person, may not be or seem so to another. Even though your behaviour may seem harmless to you, the other person's reasonable reaction to your behaviour is important. Listen carefully to the complaint and the particular concerns expressed and consider whether the complaint can be justified in any way, and whether it would be advisable or appropriate to change your behaviour. The first indication you may have that there is a problem may be when a colleague tells you that they are offended or upset by certain aspects of your behaviour and asks you to stop behaving towards them in a particular manner, which is insulting, degrading or offensive to them. Alternatively, you may first be made aware that there is a problem when approached by a member of staff attempting to resolve the issue or informing you that a formal complaint has been made.

If you are accused of bullying, harassment or sexual harassment, you may wish to consult your Line Manager or the Executive Director (WFO)/General Manager (NOH) who can offer you further advice and support.

Monitoring & Reporting

The Executive Director (WFO) and General Manager (NOH) will present an annual report to their respective boards detailing the issues and concerns that have been raised under this policy each year. The report will anonymize all issues raised so that no member of staff will be identifiable. The report will, however, draw the Board's attention to any recurring patterns of bullying, harassment, sexual harassment or inappropriate behaviour that may need further investigation.

Grievance Procedure

Purpose

The purpose of this formal process is to ensure that The Company's resolves any issues/problems that employees may encounter during the course of their employment as quickly as possible and at the source of the problem/issue.

As this policy is designed to assist all employees in solving their issues at source, the Company encourages problems to be resolved between the parties involved at the earliest possible opportunity. It is expected that every effort and method will be exhausted to do this before formal action needs to be taken to resolve an issue. It is the responsibility of all senior staff to listen and respond efficiently and effectively to all employees' concerns.

Please note that you may also use this procedure to deal with any matter relating to your employment other than bullying or harassment, such as your terms and conditions, health and safety issues, relationships at work, new working practices, organisational change and fair treatment. In addition, if you have any concerns about workplace practices or if you have any suspicions in relation to criminal acts or miscarriages of justices, you should raise them through this procedure.

Informal Procedure

Every effort will be made by the Company to resolve issues as quickly as possible and as informally as possible. The Company encourages all employees to do the same and to seek to resolve any issues by talking directly with their Line Manager or the Executive Director (WFO)/General Manager (NOH) and using internal informal communication channels to seek speedy and satisfactory resolution to problems.

Formal Procedure

In cases where a problem cannot be resolved using informal methods the following procedure applies to all employees. This involves progressing the matter up through the four stages listed below:

Stage 1 Executive Director (WFO)/General Manager (NOH):

In order to file a formal grievance, an employee should prepare a written statement detailing their grievance (and the basis for it) to the Executive Director (WFO)/General Manager (NOH). If the grievance is with the Executive Director (WFO) or General Manager (NOH) this process will be managed by the Chair of the relevant board whose contact details are listed above.

Upon receipt of this written statement, the Executive Director (WFO)/General Manager (NOH) or Chair will invite the employee to attend a meeting to explain and discuss the grievance. At this stage, the employee will be informed of their rights to natural justice and will be given the option to be accompanied to the meeting by a work colleague. The Executive Director (WFO)/General Manager (NOH) or Chair will first complete an initial assessment of the written complaint to determine if a formal investigation is appropriate.

Stage 2: Investigation

Where appropriate, the Executive Director (WFO)/General Manager (NOH) or Chair will conduct a full and thorough investigation into the facts of the case. The investigation will begin with the written complaint being shared with the other party to the complaint who will also be given the right to respond in writing. Witness may also be interviewed if deemed appropriate. It is on the basis of the totality of this objective evidence, following this full and thorough investigation, that a decision to uphold the complaint or not will be mad. If the complaint is upheld disciplinary action will then be taken as outlined below.

The Executive Director (WFO)/General Manager (NOH) or Chair will communicate the outcome of the grievance, both verbally and in writing, within 20 working days to the employee. In addition, a copy of the formal grievance written statement and the written response to this grievance will be placed on the employee's personnel file.

Stage 3: Appealing the outcome of a Formal Investigation:

If the employee is dissatisfied with the outcome of the formal investigation they have the right to appeal the decision. The employee should submit an appeal letter to the Chair of the relevant Board within 5 working days, setting out the reasons for the appeal. The Chair will communicate a decision on the appeal within 20 working days. If the appeal is upheld, the Company will then determine whether to seek third party intervention or independent mediation to assist with the resolution of the matter. The involvement of a third-party person or mediator will be solely at the discretion of the company. If the investigation was carried out by the Chair of the relevant Board, the appeal will be considered by a nominated Board member who has had no involvement in the investigation to date.

Stage 4: External Public Body

If the employee is dissatisfied with the outcome of the appeal or the further involvement of third-party intervention, he/she has the right to refer the matter to an External Public Body such as the Workplace Relations Commission. In this case the employee must inform the Executive Director (WFO)/General Manager (NOH) within 10 working days that the grievance has been referred externally and identify the external body to which it has been referred

No form of industrial action may be taken until all procedures outlined above have been exhausted. Any employee engaging in unofficial industrial action, be it strike, go slow, work-to-rule, deliberate uncooperation or otherwise against the Company, shall be liable to disciplinary action up to and including dismissal. All work will continue, under protest, if necessary, while the above procedures are being utilised and until all formal grievance procedures have been exhausted

Disciplinary Procedure

The relationship that is envisaged between the Company and its employees is one of mutual respect and responsibility. As an employee of the Company, you are expected to contribute high standards of performance, attendance, co- operation and levels of productivity.

This disciplinary procedure outlines the process by which the Company will handle, in a fair and consistent manner, failure to meet standards. The objective of the Company is to support the employee in addressing the performance or behaviour issue and provide time to improve accordingly. Dismissal, except in the case of gross misconduct, is seen as a last resort.

Process

The Company operates on a basis of strong mutual trust with and between its employees. Breaches of any of the Company's policies and procedures, including the Dignity at Work Policy, will be regarded as grounds for disciplinary action. Depending on the level and frequency of misconduct, discipline will be applied as appropriate, and may in serious cases lead to dismissal. Where an employee's performance, standards of work, behaviour or attitude fall below or outside those expected of all employees at the Company, this will also be regarded as grounds for disciplinary action.

Where appropriate, before the employee is exposed to the formal disciplinary process the Executive Director (WFO)/General Manager (NOH) may counsel them and a record of the incident/situation will be kept. Where possible, an employee will be given opportunities to improve their personal performance or conduct.

Informal Disciplinary Procedure

As part of everyday feedback and on-going management of performance and behaviour, Line Managers will provide both positive and negative feedback as appropriate. Should there be a matter of concern, the Company will normally first seek to resolve the matter using informal processes. In the course of an informal discussion, the Line Manager or Executive Director (WFO)/General Manager (NOH) may outline the disciplinary procedure and indicate that it may be invoked should the employee fail to address the issue or if there is no improvement in the situation.

If, after the above efforts have been made to improve the issue, conduct or behaviour or rectify the issue,

conduct or behaviour and the situation remain unsatisfactory, the formal Disciplinary procedure (as outlined below) may be invoked.

Formal Disciplinary Procedure

If efforts to improve the issue, conduct or behaviour using the informal procedure have failed, or if the issue, conduct or behaviour is of a serious nature so as to skip the informal process, the Executive Director (WFO)/General Manager (NOH) will resort to the formal Disciplinary procedure. Should this be the case, the Executive Director (WFO)/General Manager (NOH) will invite the employee to attend an initial meeting (giving the employee at least 24-hours' notice) to discuss the issue, conduct or behaviour in question. At this stage, the employee will be informed of their rights to natural justice and will be given the option to be accompanied to the meeting by a person of their choice.

Once the meeting has been conducted, and all parties have had their say, the initial meeting will be suspended for between 5 and 20 minutes to allow the Executive Director (WFO)/General Manager (NOH) time to review the facts, to take into consideration what the employee has said and to consider the appropriate outcome.

If a decision to proceed with disciplinary measures is decided upon the following Stages will be considered:

Stage 1: First Written Warning

Should the Executive Director (WFO)/General Manager (NOH) deem that a first written warning is required in order to correct the issue, conduct or behaviour, they will inform the employee of this in the meeting and issue them with two signed copies of the first written warning (one for the employee's information and the other to be signed and returned by the employee so that it can be placed on the employee's personnel file).

The first written warning will remain active on the employee's personal file for a period of 6 months. If the employee has corrected the issue, conduct or behaviour, the first written warning will expire after this time. However, if there is no improvement in the situation or if there is a re-occurrence during this timeframe, then there will be progression to Stage 2.

Stage 2: Second Written Warning

For more serious incidences of misconduct or in the event of further minor incidences of misconduct or a failure to improve performance, the Executive Director (WFO)/General Manager (NOH) may resort to Stage 2 of the formal Disciplinary procedure.

Should the Executive Director (WFO)/General Manager (NOH) deem that a second written warning is required in order to correct the issue, conduct or behaviour, they will inform the employee of this in the meeting (or a subsequent meeting if required) and issue them with two signed copies of the second written warning (one for the employee's information and the other to be signed and returned by the employee so that it can be placed on the employee's personnel file).

The second written warning will remain active on the employee's personal file for a period of 12 months. If the employee has corrected the issue, conduct or behaviour, the second written warning will expire after this time. However, if there is no improvement in the situation or if there is a re-occurrence during this timeframe, there will be progression to Stage 3.

Stage 3: Final Written Warning

In the event of further misconduct or failure to improve your performance, or in the case of misconduct which does not amount to gross misconduct, but which warrants an immediate reference to this stage, the Executive Director (WFO)/General Manager (NOH) may resort to Stage 3 of the formal Disciplinary procedure.

Should the Executive Director (WFO)/General Manager (NOH) deem that a final written warning is required in order to correct the issue, conduct or behaviour, they will inform the employee of this in the meeting (or a subsequent meeting if required) and issue them with two signed copies of the final written warning (one for the employee's information and the other to be signed and returned by the employee so that it can be

placed on the employee's personnel file).

The final written warning will remain active on the employee's personal file for a period of 12 months. If the employee has corrected the issue, conduct or behaviour, the final written warning will expire after this time. However, if there is no improvement in the situation or if there is a re-occurrence during this timeframe, there will be progression to Stage 4.

Stage 4: Suspension or Dismissal

If there is a further repetition of the misconduct or continued failure to comply with a requested improvement or in the case of gross misconduct, the Executive Director (WFO)/General Manager (NOH).may resort to Stage 4 of the formal Disciplinary procedure.

Should this be the case, the Executive Director (WFO)/General Manager (NOH).and the Chair of the relevant Board will invite the employee to attend a meeting (giving the employee at least 24-hours' notice) to discuss the issue, conduct or behaviour in question. At this stage, the employee will be informed of their rights to natural justice and will be given the option to be accompanied to the meeting by a person of their choice.

Once the meeting has been conducted, and all parties have had their say, the initial meeting will be suspended for between 30 and 60 minutes so as to allow the Executive Director (WFO)/General Manager (NOH).and the Chair of the relevant Board time to review the facts, to take into consideration what the employee has said and to consider the appropriate outcome.

Should the Executive Director (WFO)/General Manager (NOH) and the Chairperson deem that the employee should be suspended without pay or dismissed, the Executive Director (WFO)/General Manager (NOH).and the Chair will inform the employee of this in the meeting and issue them with two signed copies of a statement to this effect (one for the employee's information and the other to be signed and returned by the employee so that it can be placed on the employee's personnel file).

Misconduct

The following are examples of misconduct which may result in disciplinary action up to and including dismissal. These examples are not exhaustive and any offences of a similar nature will be dealt with under this policy.

- Damage to Company property
- Failure to observe or breach of any of the Company rules, regulations, policies and procedures.
- Regular and / or unexplained/ unauthorised absences or punctuality issues.
- Poor work performance – unacceptable quality and quantity of work.
- Poor timekeeping.
- Disruptive behaviour.
- Abusive language.
- Smoking in areas where it is prohibited.
- Failure to maintain the required dress code.
- Unprofessional behaviour.
- Bullying and harassment deemed to have been carried out in a sense of fun or jest.
- Misuse of Company equipment, property, facilities, computers.

Gross Misconduct

Gross misconduct is behaviour so serious in its nature that it may warrant the severe discipline of the employee. Outlined below are examples of Gross Misconduct which may result in disciplinary action up to and including dismissal. These examples are not exhaustive and any offences of a similar nature will be dealt with under this policy.

- Discrimination (direct or indirect) against colleagues or clients based on the 9 grounds in legislation.
- Theft or unauthorised possession of any of the Company's or employees' property.
- Serious damage to the Company and / or employees' property.
- Serious damage to employee property on the Company premises.
- Serious breach of the Company policies, procedures, rules or regulations.
- Falsification of reports, accounts, expenses, claims, etc.
- Submitting false or misleading information to the Company.
- Defrauding or attempting to defraud employees, managers, customers, or suppliers.
- Intoxication by reason of drink unless at an reception or Company celebration at which alcohol is served.
- Intoxication by reason of drugs
- Having illegal drugs in one's possession, custody or control on the premises.
- Physical violence, dangerous or threatening behaviour.
- Physically and / or verbally assaulting a client, employee or related person.
- Deliberate failure to carry out instructions or refusal to obey reasonable instructions.
- Deliberate misrepresentation.
- Gambling or money lending on the premises.
- Divulging or misusing confidential information.
- Serious misuse of Company equipment, property, facilities, computers.
- Bullying, harassment or sexual harassment of a fellow employee, client, supplier, contractor, etc.
- Refusal to observe health and safety regulations.
- Conviction of a criminal offence, which may render the employee unsuitable for employment.
- Misuse of telephone, e-mail or Internet systems.
- Malicious or vexatious bullying and harassment complaints.
- Targeting of the complainant as a result of bullying and harassment complaints.
- The soliciting or accepting of gratuities from clients or suppliers without permission.
- Abuse of any type of leave.
- Distribution or sale of literature or goods on the premises.
- Possession of firearms or weapons.
- Bringing the Company into disrepute.

If it is found, upon investigation, that an employee has breached one or more of the above list (or indeed any other issue, conduct or behaviour which the Company feels is of such a serious nature as to be deemed 'Gross Misconduct'), the Company will revert to Stage 4 of the Disciplinary procedures without recourse to Stages 1, 2 or 3 above.

Suspension

The Company reserves the right to suspend an employee with pay at any time to investigate any allegation of misconduct, gross misconduct or unsatisfactory performance or pending the outcome of any disciplinary decision.

The decision to suspend an employee will be made by the Executive Director (WFO)/General Manager (NOH). Should they deem that the employee should be suspended with pay, they will request the employee to attend a meeting and inform the employee of the allegations and their suspension. In this meeting, the employee will be issued with two signed copies of a suspension statement (one for the employee's information and the other to be signed and returned by the employee so that it can be placed on the employee's personnel file).

Appeals

An employee has a right to appeal a decision of the disciplinary process at any time. At all stages, should an employee wish to appeal a decision made, they should do so in writing within 5 working days to the relevant person.

The person(s) hearing an appeal will not have been involved in any way in the disciplinary procedure to date. As such, if you wish to appeal a decision made in Stage 1, 2, 3 you should submit your written appeal to the Executive Director (WFO)/General Manager (NOH). If you wish to appeal a dismissal you will be advised at the time of the dismissal of the name and contact details of the external person to whom you should submit your appeal.

If necessary, the person(s) hearing the appeal may request to meet with the employee. If this is the case, the employee will be given at least 24 hours' notice of the meeting, informed of their rights to natural justice and will be given the option to be accompanied to the meeting by a person of their choosing.

The person(s) hearing the appeal will communicate the outcome of the appeal, both verbally and in writing, within 10 working days to the employee. In addition, a copy of this appeal will be placed on the employee's personnel file.