



**Stiúrtóra Náisiúnta
Acmhainní Daonna**
Feidhmeannacht na Seirbhíse,
Sláinte Ospidéal Dr. Steevens',
Baile Átha Cliath 8, D08 W2A8.

**National Director
Human Resources**
Health Service Executive,
Dr Steevens' Hospital,
Dublin 8, 08 W2A8

**www.hse.ie
@hselive**
t 01 6352319
e nationalhr@hse.ie

Holly Cairns T.D.

4th May, 2023

PQ 18459/23 To ask the Minister for Health the steps he is taking in relation to the high volume of cases of alleged sexual harassment and workplace bullying in the HSE; and if he will make a statement on the matter. - Holly Cairns

Dear Deputy,

I refer to your recent Parliamentary Question which was sent to the HSE for response.

The management of these cases is the responsibility of line managers. Complaints are made to appropriate service managers and may never come to the attention of the National Investigations Unit and this information in relation to the number of bullying/harassment complaints made by staff members of the HSE to HSE management is not held centrally.

In the event of the matter/complaint being escalated to investigation levels, this is managed by an Investigation Commissioner who is at local service area level and supported by the National Investigations Unit, when requested.

The revised Dignity at Work Policy for the Public Health Service which issued in August 2022 applies across the HSE and other public health service hospitals and agencies <https://www.hse.ie/eng/staff/resources/hr-circulars/hr-circular-028-2022-revised-dignity-at-work-policy-for-the-public-health-service.html>. The Policy which was agreed nationally with the health service trade unions aims to protect employees from bullying, harassment and sexual harassment by other employees and other persons with whom they may come into contact with during the course of their work (e.g. patients, visitors, contractors etc.).

In addition to being revised to take account of new and updated codes of practice on bullying and harassment/sexual harassment at work from the Health and Safety Authority/Workplace Relations Commission, and the Irish Human Rights and Equality Commission, the revision of the Policy was also driven and informed by the findings of HSE staff surveys on incidences of bullying and harassment in the workplace, and resulting reports and recommendations. Areas for improvement identified from the most recent survey included: *"The aim must continue to be to eradicate all forms of discrimination, bullying and verbal or physical assault for all staff"*; and *"Ensure all staff received both briefings and training on the Dignity at Work policy"*.

Key provisions in the revised Policy include:

- Emphasis on the Policy's role in managing statutory health and safety responsibilities related to the hazards of bullying, harassment and sexual harassment.
- A strong preventative focus which emphasises the duties of health sector organisations and all employees and managers to create and maintain a culture in which everyone is treated with dignity, courtesy and respect and diversity is valued. Under the Policy, all employees and managers have a duty to treat others with dignity and respect, and be aware of how their behaviour may affect colleagues.
- A revised complaints management procedure which introduces a new secondary stage in the informal procedure, as well as maintaining the formal procedure of investigation.



Emphasis on the importance of early intervention when complaints arise and ensuring that all reasonable efforts are made to deal with complaints promptly, at local level. Using an informal approach. The policy stipulates that all complaints will be taken seriously and followed through to resolution.

- In recognition of the distressing effects of bullying/harassment, there is an emphasis on informing employees of the health and wellbeing supports available within their organisation and how these can be accessed.
- Focus on complaint monitoring in compliance with the codes of practice to enable the recording of incidents of bullying and harassment and to enable corrective action/continuous improvement to be achieved.

Under the Policy, employees who feel they are being subjected to inappropriate behaviour which may be bullying, harassment or sexual harassment can talk in confidence to a *Support Contact Person* who will explain the Policy to them and help the employee to decide what action to take. The employee can also access such supports from their line manager/another manager, HR, Occupational Health or their trade union.

As part of the first stage of the informal procedure, the employee or someone on their behalf if they prefer should approach the person engaging in the unwelcome behaviour and let them know the behaviour is causing offense and should stop. Where a line manager is asked to assist by the employee, the manager should respond promptly and sensitively and may meet individually or jointly with the parties in efforts to resolve the complaint informally. The Policy recognises that sometimes people are unaware that their behaviour is having a negative effect and making them aware can bring an end to the offensive behaviour.

If the issue remains unresolved, management will seek the complaint in writing from the employee and Preliminary Screening, a desk based review will be undertaken by Human Resources to assess if the complaint meets the definitions of bullying, harassment and sexual harassment under the Policy. If it does not, the employee's complaint will be addressed proactively through another procedure such as the Grievance Procedure. If HR assesses the complaint as meeting the definitions under the Policy, the employee's complaint will be addressed through the new second stage of the informal procedure. During this stage, a trained and competent *Nominated Person* in the organisation is assigned to manage the complaint and will meet flexibly and responsively with both parties over one or more meetings in efforts to resolve the complaint and restore positive working relations.

If the complaint remains unresolved following the two stages of the informal procedures, the employee's complaint of bullying, harassment or sexual harassment may proceed into the formal procedure and an investigation will take place, which aims to uphold the rights of all parties. Where complaints are upheld, appropriate action will be taken which may include disciplinary action or other appropriate sanctions depending on whether the alleged perpetrator is an employee or non-employee.

In some circumstances, depending on the nature of the complaint and the alleged behaviour (e.g. serious complaint of harassment/sexual harassment), management may determine that the informal procedures are bypassed and the complaint is processed through the formal procedure. The Policy emphasises that each complaint is assessed on a case by case basis to determine the most appropriate approach.

A range of actions have been identified to support effective implementation of the revised Policy with responsibilities at organisational and employee/manager level. Such actions include resourcing of key Policy roles such as Support Contact Persons and Nominated Persons, communication and raising awareness of the Policy to employees and non employees, various training programmes and monitoring of the Policy.

Numerous measures have been taken and are ongoing to ensure employees and managers are fully aware of, and trained on the revised Policy and their identified responsibilities in both preventing inappropriate behaviours and responding appropriately when they occur. These includes the revision of the e-learning training programme which became mandatory for all staff with the issue of the revised Policy; new bespoke training programmes for employees assigned to the roles of Support Contact Persons and Nominated Persons;



webinars for HR staff; train the trainer programmes for HR staff to deliver briefing sessions locally to employees and managers, as well as specific training for line managers through the People Management Legal

Framework training programme. The website content which has been developed on the revised Policy also acts as a useful resource for employees and managers. <https://www.hse.ie/eng/staff/resources/hrppg/dignity-at-work-policy-for-the-health-services-summary.pdf>

I trust this clarifies and is of some assistance.

Yours sincerely,

A handwritten signature in cursive script that reads "Marie O'Sullivan".

Marie O'Sullivan
National HR