

Inland Waterways Association of Ireland

Cumann Uiscebhealaigh Intíre na h-Éireann

Member Protection Policy

Version 1.0

January 2019



Declaration:

“We in the IWAI commit ourselves to working together to maintain an environment that encourages and supports the right to safety and dignity at IWAI activities and events. All who participate in IWAI activities and events, members, officers and external contacts, are expected to respect the right of each individual to safety and dignity while participating.

All will be treated equally and respected for their individuality and diversity.

Bullying in any form is not accepted by us and will not be tolerated.

1. Introduction

The Inland Waterways Association of Ireland is committed to providing an environment that is free from discrimination and intimidation. The Association therefore places considerable emphasis on establishing and maintaining Equality of Opportunity and Dignity and Respect within its organisation. The purpose of this policy is to explain what is meant by Equality of Opportunity and Dignity and Respect from the perspective of the IWAI and outline measures that will be taken to achieve them.

2. Equality of Opportunity

- a. The Inland Waterways Association of Ireland welcomes diversity. The Association appreciates that the differences that exist between people can be a source of strength to its organisation. Consequently the Association is dedicated to conducting its affairs in a manner that seeks to ensure that the potential advantages of diversity are maximised and that its potential disadvantages are minimised. The Association in this regard aims to achieve more than simply discharging its obligations under all relevant legislation. It will also strive to take positive action in order to promote equality of opportunity within the Association. Equality of opportunity can be regarded as the right of all persons to receive fair and equal treatment when seeking to access and participate in the Association’s activities. The Association, subject to safety considerations, therefore will not discriminate against any person wishing to take part our activities especially on water or other associated with the Association’s activities on any of the following nine discriminatory grounds:
 - Age
 - Disability
 - Family Status
 - Gender
 - Marital Status
 - Race
 - Religion
 - Sexual Orientation
 - Socio-Economic Status

- b. The Inland Waterways Association of Ireland is committed to taking all reasonable steps to identify and eliminate both direct and indirect discrimination from its structures and practices. Direct and indirect discrimination are defined as follows:

- Direct discrimination occurs where a person is treated less favourably than another person is, has been or would be treated in a comparable situation due to one of the nine discriminatory grounds specified in this policy
 - Indirect discrimination occurs where an apparently neutral provision or requirement, puts people at a particular disadvantage compared with others on the basis of one of the nine discriminatory grounds specified in this policy
- c. In order to prevent the occurrence of direct and indirect discrimination the IWAI will adopt the following measures:
- Where relevant all promotion of the Association shall highlight its equality of opportunity dimension
 - Recruitment methods shall contain nothing of a discriminatory nature and shall encourage applications for membership of the Association from all members of society
 - Every member shall be given equal opportunity to develop boat handling and related skills in order to maximise their potential through training programmes organised by the Association
 - The Association will endeavour, in so far as is reasonably practical, to meet any special and/or additional training needs of members
 - All appropriate action shall be taken to ensure equal opportunity for every member to contribute to the administration and management of Association business

3. Dignity and Respect

- a. All members of The Inland Waterways Association of Ireland have the right to be treated with dignity and respect. Consequently harassment, sexual harassment and bullying behaviours are not accepted and will not be tolerated by the IWAI
- Harassment, sexual harassment and bullying are defined as follows:

- **Harassment**

Any form of unwanted conduct, related to any of the nine discriminatory grounds specified in this policy that has the purpose or effect of violating a member's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the member. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material

- **Sexual Harassment**

Any form of verbal, non-verbal, or physical conduct of a sexual nature which has the purpose or effect of violating a member's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display, or circulation of written words, pictures or other material

- **Definition of Bullying**

Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical, or otherwise, conducted by one or more individuals against another or others, which could reasonably be regarded as undermining the individual's right to dignity

- b. The Inland Waterways Association of Ireland will adopt a pro-active approach to the prevention of harassment, sexual harassment and bullying through processes such as issuing relevant communiqués, reviewing all of its practices, procedures and policies on a regular basis for compliance with this policy and taking appropriate and immediate remedial action if instances of such behaviours occur.

4. Complaints

- a. The Inland Waterways Association of Ireland regards discrimination, harassment, sexual harassment and bullying as serious disciplinary offences and shall be investigated in accordance with the Associations Guidelines on the Investigation of Incidents.
- b. Complaints concerning discrimination, harassment, sexual harassment and bullying should be made through the Association's Complaints Procedure.
- c. Conduct constituting any interference, coercion, restraint or reprisal against a person complaining of discrimination, harassment, sexual harassment and bullying or participating in the resolution of such a complaint is considered a serious disciplinary offence.
- d. The making of a frivolous, vexatious or malicious complaint of discrimination, harassment, sexual harassment or bullying will be regarded as a serious disciplinary offence.
- e. Persons found guilty of committing an offence under this policy will face serious sanctions up to and including expulsion from Association membership.

5. Implementation, Monitoring and Review

- a. Overall responsibility for the implementation of this policy rests with the Board of Directors of the Association.
- b. The Directors of The Inland Waterways Association of Ireland shall make all of its members and other relevant parties aware of the provisions of this policy.
- c. The Directors of The Inland Waterways Association of Ireland shall subject this policy to on-going monitoring and review to ensure that it contributes as far as possible to the promotion of equal opportunities, dignity and respect.
- d. Any queries concerning the operation of this policy should be directed to the Association's Honorary Secretary.

Guidelines on the Investigation of Incidents

<p>Definition of an incident</p>	<p>Where a complaint is made to a branch officer regarding a members conduct</p> <p>Where an incidence of violence physical or verbal is witnessed by an officer or member</p> <p>Where an incidence occurs that causes fear in a member</p> <p>Where an incident is witnessed by an officer or member that brings the Association into disrepute</p>
<p>Incidents of violence\unlawful activity</p>	<p>Violence is the most severe form of harassment.</p> <p>Where an officer witnesses such an incident they should report the matter to the most senior official available, this senior official shall report the matter to the Gardaí\PSNI</p> <p>The police authorities are the appropriate persons to deal with such matters. In the interests of safety and protection of reputation of the Association the organising committee may ask any person to leave an event such as rally. This request shall not be construed as the formation of guilt on any party. The committee should make reasonable enquiries as to the persons involved these enquiries may not be made by the Officer or Officers who will decide if a member should leave an event.</p>

The following is a brief description of the 8 stages in the Investigation process when incidents as defined above occur.

Stage 1 – Consideration of merits of conducting a Formal Investigation:

The complainant should make their complaint in writing and forward it to the Branch\Rally Chairperson if the complaint involves Branch Officers it should be sent to the IWAI President. A letter will be issued to the respondent(s) informing him/her that a Formal Complaint has been received by the Association, alleging misconduct by him/her against the complainant, and that the allegations will be thoroughly considered as to the merits of a Formal Investigation. A decision to proceed to Formal Investigation will be taken only when all local approaches have been exhausted, except in very exceptional circumstances.

Stage 2 – Appointment of Investigation Team (may be an internal or external Branch\Association appointment):

Once a decision to proceed to investigation is taken, an Investigation Team will be appointed by the Branch\Rally Chairperson or appropriate person as designated by the President. The Team should not be witnesses or been involved with the details of the case prior to their appointment. Once appointed, the Investigation Team will familiarise themselves with the case and will make arrangements to conduct interviews with each of the parties involved, within 2 weeks. These timescales may be altered by mutual agreement between the Investigation Team and the parties.

The Team will devise Terms of Reference for the investigation and a copy will be forwarded to both parties. The Team appointed can have no part in the decision making process after the investigation.

Stage 3 – Meeting with the Investigation Team:

The Investigation Team will arrange separate meetings with the complainant, the respondent and witnesses and will minute the meetings and arrange for them to be signed by the parties interviewed. The complainant will be met first by the Investigation Team. The signed minutes from this meeting will be copied for information to the respondent prior to his/her first meeting. All further minutes will be copied to the complainant and respondent only, prior to the report being finalised.

All information given during an investigation may be required to be produced before a third party, in the event of a further legal process.

Timelines for the investigation will be set by the Investigation Team having determined the number of meetings necessary with the parties, witnesses and any other party as deemed appropriate. These timescales may be altered by mutual agreement between the Investigation Team and the parties.

Each of the parties interviewed will have a right to be accompanied by another person of their choice at these interviews.

Stage 4 - Producing the Report:

The Investigation Team will produce a report on their findings, which will include all relevant documentation gathered during the investigation, including minutes of interviews conducted. The Investigation Team will issue their report to the Branch\Rally Chairperson or President as appropriate.

Stage 5 - Circulation of the Report:

The Branch\Rally Chairperson or President will instruct the Hon. \Branch Secretary to issue the report to the complainant and the respondent. Both parties will be advised that they may lodge an appeal in respect of the process only of the investigation with a timeframe of 2 weeks permitted from the date of issue of the report.

Stage 6 - Proposed Action:

A decision regarding any appropriate action, disciplinary or otherwise, will be made by an officer nominated by the association President, having regard to the report of the Investigation Team and any other relevant information.

Stage 7 -Right of Appeal:

An appeal will only be considered in respect of the process of the investigation i.e. no appeal is allowed in respect of the *Report Findings*. This appeal should be made in writing, within 2 weeks to the Branch\Rally Chairperson or President.

Following the consideration of the appeal, the Branch\Rally Chairperson or President will inform the person who made the appeal whether he/she upheld the appeal or not.

Stage 8 - Post Investigation:

Both parties' rights are protected under this policy and they will not be further victimised following the investigation. If, however, it was found that the complaint was brought maliciously, it will be treated as misconduct that could lead to the expulsion of the member from the Association.

Complaints Procedure

The Association has a Complaints Procedure so that (a) people who are aggrieved know how to make a complaint, and are thus confident that it will be properly addressed, (b) officers within the Association know how to deal with a complaint, and who to refer it to, so as to provide resolution, and (c) the Associations directors can be confident that complaints and grievances are being addressed appropriately.

The Complaints Procedure is not intended as a process to appeal against commercial decisions (such as the price of a book or entrance fee at an event), nor against policy decisions already decided by Directors or at AGMs.

The Association's policy concerning all grievances and complaints is to try to avoid them arising in the first place, but where they do arise to address them as quickly as possible so they do not grow or fester. The first duty of both the complainant and the 'complained to' should therefore be to try to resolve any unhappiness as quickly as possible. A prerequisite of this is that a complainant knows the right person or place to address their concern, or ultimately to make their complaint. They may also require some help to progress their concern in the most constructive manner. The Complaints Procedure outlined below tries to assist this process.

The three stages of the Procedure are as follows:

Stage 1

Both parties should try to resolve the problem without the need for it to be escalated elsewhere. Advice is available from the Honorary Secretary if a complainant does not know the right place for a grievance to be addressed. Ultimately, if a resolution is not forthcoming between the parties then the complainant should write a letter (which can be sent electronically) and should expect a written response within 28 days.

Stage 2

If the first stage of the procedure does not resolve the grievance, then the complainant should formally make a complaint. This should be done in writing, addressed to the President and copies of the written letter from the first stage and any response received enclosed. The President will then independently review the complaint made and seek advice of why the complaint has been rejected. The President will then decide whether or not the complaint is justified, what remedy, if any, should be provided, and will then convey that decision, in writing, to all parties concerned. This should be communicated to both the complainant and 'the complained about' at the same time, and within 42 days. This time is designed to allow sufficient for the President to make any necessary enquiries, etc.

The President is likely to refuse any 'second stage' complaints where the first stage has not been carried out, or that are not put in writing, or where the complainant refuses permission for their complaint to be shown to the parties that they are complaining about. Directors and branch officers receiving complaints direct should refer the complainant to the proper procedure, or to the Honorary Secretary to give advice on how to proceed with the complaint.

If the first stage involves a grievance with the President, then in this circumstance, the formal complaint in the second stage should be made to the national chairman, who will then perform the duty that would otherwise fall to the President.

Stage 3

If either party is dissatisfied with the outcome determined by the President at the second stage outlined above, then there is a final stage of appeal, which can be made to the Directors of the Association. This should be addressed to the Honorary Secretary (and copy sent to the President). It would then be brought to the next available meeting of the Board of Directors that is due to be held at least 21 days after the notice of appeal is received by the Honorary Secretary. The Directors would then consider the appeal based on the written evidence already amassed in stage two, and give a final decision. A complainant would not have a right of attendance at the meeting of Directors, unless the directors felt it appropriate to make such an invitation.

Unless such an appeal (stage 3) is made within 28 days of the President's ruling (stage 2), the relevant parts of the Association should accept and adhere to the Stage 2 ruling.

If the Honorary Secretary, in consultation with Vice President believes the Stage 3 appeal to be frivolous and not of a serious nature then the Honorary Secretary may refuse it.

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