

Dignity and Equality in the Workplace. The Defence Forces – An Independent Review

1. Overall aims of the Independent Review

- To advise the Minister on whether the current legislative frameworks, policies, procedures and practices for addressing incidents of unacceptable behaviour in the workplace are effective.
- To independently assess whether the pervading culture in the workplace is fully aligned with the principles of dignity, equality, mutual respect, and duty of care for every member of the Defence Forces.
- To provide recommendations and guidance to the Minister on measures and strategies required to underpin a workplace based on dignity, equality, mutual respect, and duty of care for every member of the Defence Forces.

2. Definitions

Defence Forces comprises members of both the Permanent Defence Force and Reserve Defence Force.

Unacceptable behaviour comprises discrimination, intimidation, bullying, harassment, sexual harassment and sexual misconduct, including assault.

3. Specific Terms of Reference

- 1) To examine the legislative frameworks, policies, systems and procedures currently in place within the Defence Forces to address discrimination, bullying, harassment, sexual harassment and any form of sexual misconduct in the workplace.
- 2) To assess whether the legislative framework, policies, systems and procedures are aligned with international best practice and HR norms, and are deemed fit for purpose in efficiently and effectively addressing incidents of unacceptable behaviour in the workplace and make appropriate recommendations.
- 3) To examine the end to end process for making a complaint of unacceptable behaviour and assess whether there are any barriers to serving personnel from making a complaint and fully and actively engaging in the process and make appropriate recommendations.
- 4) To examine the extent to which reprisal, or the fear of reprisal, or the existence of any culture of silence or complicity, may play as a barrier to reporting, or investigating, as well as any indication of inconsistencies or challenges in the application of policies.
- 5) To undertake a benchmarking exercise against the quantitative research, undertaken as part of the External Advisory Group 2002 Report, 'The Challenge of a Workplace.' and include a review of how female members of the Defence Forces perceive themselves within the Organisation and additionally how female members are perceived by the Organisation.
- 6) To assess the effectiveness of training syllabi and awareness programmes for all ranks within the Defence Forces, including at entry level, appointees as Military Investigating

Officers and Military Police, on workplace issues pertaining to dignity and equality, duty of care, discrimination, intimidation, bullying, harassment, sexual harassment and sexual misconduct.

7) To review the performance evaluation, and promotion systems in the Defence Forces from the particular perspective of how leaders are selected and trained on management skills and duty of care to personnel under their command.

8) To establish if an appropriate culture prevails within the Defence Forces across all ranks, which robustly promotes, supports and enables, a work place based on dignity and mutual respect with a non-tolerance approach for unacceptable behaviour in the workplace.

9) To invite the views and experiences from both current and former DF personnel, on a voluntary and confidential basis, of their experiences of the policies, systems and procedures currently in place, both positive and negative, including workplace incidents of unacceptable behaviour, while noting that the final Report will not include any reference to, or provide any assessments or recommendations related to, any specific cases.

10) To invite the views and experiences of other parties who may be potentially involved in the complaints process, including Divisional and Commanding Officers who are ordinarily the first recipient of complaints; members of the Personal Support Service (PSS); Defence Forces Psychologist and Psychiatrist; members of the Defence Forces Medical Branch; and Military Investigating Officers, while noting that such engagements will be on a confidential basis.

11) To examine the statutory role of the Minister/Department in the systems and procedures for dealing with complaints.

12) While noting that the Ombudsman for the Defence Forces Act, 2004 provides a mechanism for members of the Defence Forces to submit complaints against civil servants; to consider appropriate complaint mechanisms to enable civilian personnel, civilian employees and civil servants to make complaints of unacceptable behaviour by members of the Defence Forces in the workplace.

13) To advise whether further work is required to examine issues of an historical nature and to make any recommendations regarding how this might best be pursued.

4. Methodology and Approach

The Review will be undertaken by independent, unbiased external experts appointed by Government. The Review Group will have access to experts, and research capability as they deem appropriate.

A Draft Review Report [within 6/9 months] and Final Review Report will be submitted to the Minister. The Final Review Report will be brought to Government by the Minister. The Final Review Report will be made public by the Minister, but the Report will not reveal identities of complainants or any alleged perpetrators.

The Review Group will additionally provide the Minister with any interim assessments and recommendations, addressing issues for immediate action that may become apparent during the conduct of the review.

It is open to the Review Group to conduct its business through oral and/or written engagement on a group basis and/or individual basis.

The Review will include the receipt of the views and experiences from both current and former DF personnel of workplace incidents of unacceptable behaviour. The sharing of such views and experiences by interviewees will be entirely voluntary and treated in confidence.

The Independent Review Group will use detailed questions that allow the interviewees to be heard and provide a framework for gathering and analyzing the information. The Independent Review Group will assess the Defence Forces culture (both past and present) in the context of dignity, mutual respect equality and duty of care at work, and additionally identify perceived or actual barriers (past and present) to reporting unacceptable behaviour. The Review Group may meet with other stakeholders in the process including Divisional and Commanding Officers who are ordinarily the first point of contact for complaints.

The Review Group may engage with personnel involved in the interim supports put in place by the Minister; Raiseaconcern- Confidential Contact Person (CCP) and the Dublin Rape Crisis Centre, as well as the already established, Defence Forces Personnel Support Service (PSS), Defence Forces Psychologist and Psychiatrist and medical supports within the Defence Forces Medical Branch. All such engagements will be anonymised and no details of individual complaints will be shared in accordance with confidentiality and GDPR requirements.

The Independent Review Group may invite submissions from both serving and former members of the Defence Forces and other stakeholders, including the Representative Associations.

The Review Group may meet with other Offices within the Minister's portfolio, such as the Office of the Ombudsman for the Defence Forces, which provide an external assessment for dealing with complaints from both serving and former Defence Force members and any other groups as determined by the Independent Review Group, such as structures within the Military Justice System. During the course of its engagement and in its deliberations with such independent structures, the Review Group will at all times, fully respect and acknowledge the independence of the Office of the Ombudsman for the Defence Forces and the Military Justice System.

The Review Group will perform its duties without expressing any conclusions or recommendations regarding liability or wrongdoing of any individual and will not include any reference to, or provide any assessments or recommendations related to, any specific cases of unacceptable behaviour.

The names of those who participate in the Independent Review will remain anonymous and there will be no factual or legal findings made in relation to any specific case.

Nevertheless, It is anticipated that the Independent Review, will identify what the issues are, determine the extent of the problem, and set out what steps will be required to address the historic and current issues so as to prevent them from recurring in the future.

In this context, it is open to Government, on completion of the Independent Review Group Final Report, to consider any further bodies of work that might be necessary, taking into account the findings of the Independent Review Group.

The Review Group will ensure that the independent review is conducted in a manner that is compliant with current Government Guidelines relating to COVID-19 restrictions.

Apart from correcting any factual errors or inaccuracies, neither the Department of Defence nor the Defence Forces will have any editorial control over the interim or final reports presented by the Review Group.

Such Reports may contain criticisms of systems, policies, procedures and workplace and it is accepted that such criticisms will be a necessary element of the process.

5. Deliverables and Associated Schedule

The Independent Review Group shall produce the following deliverables:

- Work plan within 30 days of the effective date of appointing the Review Group
- Monthly progress reports to be provided to the Minister;
- Any interim assessments and recommendations, in the form of a letter, addressing issues for immediate action that may become apparent during the conduct of the review;
- Draft Review Report provided to the Minister within 6 months with update to stakeholders
- Final Review Report provided to the Minister within 12 months- this may be reviewed based on outcome of draft review report
- The final report and recommendations will be brought to Government and stakeholders will be briefed.