

Bennekerry N.S.

Dignity At Work Policy and Procedures

Policy and Procedures for Addressing Harassment, Sexual Harassment and Bullying in the Workplace

Introduction:

The Board of Management, in consultation with staff drew up this Policy on Dignity in the Workplace. The policy is formulated in light of a number of background documents, including:

- the IPPN and NPC joint document 'Supporting Each Other'
- the INTO document 'Working Together' • DES Circular 40/97 Assaults on Staff in Primary School
- the Health & Safety Authority's 'Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2005'
- the Equality Authority's Code of Practice, given legal effect in the Statutory Instrument entitled Employment Equality Act, 1998 (Code of Practice) (Harassment) Order, 2002 (S.I. No. 78 of 2002).

Rationale:

The Board of Management and the staff are committed to creating, maintaining and enhancing a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

Relationship to the Characteristic Spirit of the School:

Bennekerry N.S. is a Catholic school. The Board and the Staff promote respect for all and value each member of the school community. The school's mission statement promotes the spirit of inclusiveness and the principles of equality.

A Commitment to Dignity and Respect:

Bennekerry N.S. is a school which is committed to creating, maintaining and constantly striving to enhance a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

Unkind behaviour, including adult bullying and harassment in the workplace, are phenomena which we as a staff at Bennekerry N.S. seek to prevent. Further, we declare that such unacceptable behaviour will not be tolerated. As a team, we believe that all employees have the right to be treated with dignity and respect. As a team we recognise that we all have our part to play in modelling and promoting good behaviour, and that in the unlikely event of experiencing less than nice behaviour, we will aim to explain to our partner(s) of communication that their behaviour is offensive to us and why. If it continues, those school community members who are the management team are committed to intervening in an appropriate manner.

The Board of Management of Bennekerry N.S. recognises that all employees have the right to a workplace free from bullying, harassment and sexual harassment. The Board is committed to ensuring that its employees can enjoy that right. This policy covers our school building, school grounds and all work-related undertakings. As well as giving specific definitions of workplace bullying, harassment and sexual harassment, this policy will outline procedures for investigating and dealing with possible allegations. It also outlines our commitment to creating a positive work environment and the methods we will employ to attain this end.

A Positive Work Environment

Bennekerry N.S. is a good place in which to work and we will strive to keep it that way, through

- A supportive atmosphere
- Good and open communication (e.g. through opportunities for consultation and regular staff meetings)
- Appropriate interpersonal behaviour
- Collaboration
- Open discussion and resolution of conflict
- Recognition, feedback and affirmation as appropriate
- Fair treatment of all staff (including fair systems of selection and promotion in line with agreed procedures)

Every person in the school community of Bennekerry N.S. has a responsibility to play his/her part in contributing to our positive work environment, including a team member who may witness behaviour that is not nice. We each have a clear responsibility to raise concerns about dignity at work, and threats to this, in an appropriate and timely manner.

Reflecting our commitment to respect and dignity, our Safety Statement (which is to be reviewed in 2018-19) will be amended to include a commitment to a positive work environment.

Definition of Workplace Bullying:

Our School Team has adopted the definition of adult bullying as set out by the Report of the Task Force on the Prevention of Workplace Bullying (2001) which has also been adopted by the Health and Safety Authority:

'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 reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a once off incident, is not considered to be bullying'.

Forms of Bullying:

Bullying occurs in many guises and reveals itself through obvious and direct methods as well as in less direct and subtle forms. Bullying may manifest itself across the organisational and management structure of a School or within a classroom. It can occur within peer groups, from management to staff and from staff to management.

Bullying may be categorized in a number of forms including behaviour that may:

- **Intimidate:** physical abuse or threats of abuse, open aggression, threats, staring, shouting abuse or obscenities;
- **Verbal abuse:** persistent unwarranted
- **Humiliate:** Preventing a colleague from speaking by using aggressive and/or obscene language, sneering or ridicule including horseplay or practical jokes and criticising their efforts often in front of others
- **Victimize:** manipulation of a colleague's reputation by rumour, gossip ridicule and/or innuendo;
- **Exclude and isolate:** social exclusion and isolation
- **Intrude:** through pestering, spying or stalking

- **Manipulate the nature of work** by withholding information, setting meaningless tasks, giving repeated unreasonable assignments or duties that are obviously unfavourable to one individual, giving repeated impossible deadlines or impossible tasks, or regularly taking the credit for somebody's work, but never taking the blame when things go wrong
- **Undermine a person's authority.**

This is not an exhaustive list.

Bullying is not:

- An isolated incident of inappropriate behaviour
- Exercise of proper authority by management
- Fair and constructive criticism of an employee's performance, conduct or attendance

In the workplace environment, conflicts and interpersonal difficulties may arise. Many of these may relate to "industrial relations difficulties" – which should be dealt with through the appropriate industrial channels- e.g. INTO

Definition of Workplace Harassment:

For the purpose of this Dignity at Work Policy, the definition of harassment as outlined in the Equality Act 2004 will apply as follows

Harassment is any form of unwanted conduct, related to any of the nine discriminatory grounds and being conduct 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

Harassment that is based on the following nine discriminatory grounds – marital status, family status, sexual orientation, religion, age, disability, race, or membership of the traveller community - is a form of discrimination in relation to conditions of employment.

The Equality Act 2004 extended the definition of harassment to include discrimination which arises where one of the nine grounds is imputed to a person who is associated with another person, and is treated, by virtue of the association, less favourably than another person. The Equality Act 2004 outlaws the discrimination in the course of employment by an employer, another employee or by clients, customers or business contacts of the organisation. In the case of our school, this includes parents/guardians, coaches, visiting teachers and other visitors to the school.

Forms of Harassment:

There are many forms of harassment including:

- **Verbal -Harassment:** jokes, comments, ridicule or songs
- **Written Harassment** including text messages, emails, social media postings and hand-written notices
- **Physical Harassment** such as jostling, shoving or any form of assault
- **Non-Verbal Harassment** including gestures, posturing or threatening poses
- **Visual Displays** such as posters, emblems or badges;
- **Isolation or exclusion** from workplace social activities;
- **Pressure to behave in a manner that the employee thinks is inappropriate** -e.g. being required to dress in a manner unsuited to a person's ethnic or religious background.

This is not an exhaustive list. Harassment may consist of a single incident or repeated incidents.

Within the staff there are many roles such as teachers, post of responsibility holders, principal, SNAs, secretary, caretaker, visiting teachers, coaches etc. As a democratic school, everybody has a right to be treated with equity in line with their role. This means that all employees have the right to express their opinions and be listened to. In cases where a staff member identifies harassment, he/she should follow the process outlined in the policy. If the issues are with staff interpersonal relationships, it is advised that the staff member generally follows the Working Together guidelines. If the staff member is unsure, he/she should seek advice of another staff member or their union representative.

Digital Harassment:

It is expected that staff are aware of their own online presence and they should adhere to the guidelines of the Teaching Council's Professional Standards. However, staff are entitled to a private life online and this should be respected. For example, a staff member should not feel under pressure to "friend" another member of the school community. If members of staff agree to share contact details, they should not be expected to reply to school related communications outside of school time if they do not wish to do so. While messages may be sent via Aladdin at any time, staff members are not expected to check in to them or respond to them outside of working hours.

Harassment and Other Stakeholders:

In Bennekerry N.S., it is our belief that all members of our school community have the right to be happy, to feel safe and be given opportunities to learn. Anyone entering our building or grounds should be afforded these rights but, on the flip side, all adults in the school community have a responsibility to ensure that others are not denied these same rights. Pupils are also expected to take on these responsibilities, in line with their levels of social maturity and understanding. It is important that all stakeholders behave in a manner which falls within our "Dignity At Work Policy" framework. Examples of acceptable behaviour are listed below:

- All stakeholders should speak to each other with respect. Using aggressive language or tones is not acceptable. If a stakeholder displays signs of aggression in the school building or grounds, he/she may be asked to remove themselves from the building. In certain cases, the Gardaí may be called.
- Stakeholders should not interrupt teacher/pupil contact time. Should a parent/guardian wish to meet with a teacher, he/she should make an appointment to do so through the school office or via a written communication to the teacher in question.
- When requesting a meeting with a staff member, it is good practice to outline the purpose of the meeting when making the appointment. This can save considerable time.
- Stakeholders should not isolate others or attempt to influence others against particular individuals or groups in the school.
- Violence or aggressive behaviour will not be tolerated. An Garda Síochána may become involved in any incident of violence or aggression between two parties.
- Staff members will only speak about a particular pupil with his/her parents/guardians. Other pupils will not be discussed. The staff of the school will respect your child's right to privacy, so it is asked that parents respect other pupil's right to privacy also.
- In line with our Child Safeguarding Statement, stakeholders should never approach a child in an aggressive manner.

This list is not exhaustive.

Definition of Sexual Harassment:

The Employment Equality Act, 1998 expressly prohibits sexual harassment under Section 23 and defines sexual harassment as

“any unwelcome act, request or conduct, which could reasonably be regarded as sexually or otherwise on the grounds of gender, to be offensive, humiliating or intimidating to the employee in question such as:

- acts of physical intimacy
- requests for sexual favours
- other acts or conduct including spoken words, gestures, or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.

Section 23 only prohibits sexual harassment of a female by a male or a male by a female. However, for the purposes of this policy, the procedure outlined applies equally to incidents of same sex harassment.

Forms of Sexual Harassment:

Many forms of behaviour can constitute sexual harassment and a single incident may constitute sexual harassment.

The following is a listing of potential forms of sexual harassment, which is not exhaustive:

- unwelcome physical or verbal advances
- sexually suggestive jokes, remarks or innuendoes
- unwelcome physical contact such as groping, pinching, patting, unnecessary touching or brushing against another person’s body
- indecent exposure
- display of sexually suggestive or pornographic material
- leering, offensive gestures, whistling

In cases of serious sexual harassment, the Board of Management recommends that its employees contact An Garda Síochána as they are best placed to provide appropriate support to the complainant and to conduct the subsequent investigation.

We recognise that bullying and harassment complaints may arise among work colleagues but may also arise in relation to visitors to the school. In either case, our commitment to a positive workplace where dignity at work is respected prevails.

Resolution Process for Bullying, Harassment and Sexual Harassment in the Workplace:

The Board of Management will usually refer to “Working Together-Procedures and Policies for Positive Staff Relations” (INTO, 2000). However, the Board may also seek advice and then refer to “Code of Practice on Guidance, Prevention and Procedures for dealing with Sexual Harassment and Harassment at Work made under the Employment Equality Act 1998” (Equality Authority, 2012) and the Teaching Council Professional Standards.

The following are the stages which should be followed by staff members who feel that they are being harassed, sexually harassed or bullied in the course of their employment :

Stage 1: Decide to Address the Matter:

If the party (Party A) considers that he/she is being bullied or harassed, and decides to address the matter, he/she should follow these stages.

In light of the potential effects of bullying or harassment, including loss of confidence, extreme upset, anxiety or fear, Party A may decide to seek Union or other assistance, including the Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures in the circumstances.

Party A should keep a record of the pattern of behaviour or instances where he/she considers that bullying/harassment has occurred. The record should contain details such as dates, times, persons present and details of what was said or what occurred.

Stage 2: Informal Complaint Process:

While in no way diminishing the issue or effect on individuals, an informal approach can often resolve matters quickly and effectively and minimises embarrassment and the risk of breaching confidentiality. Of all the processes available, this is probably the most effective in solving issues. It is preferable for all concerned that complaints of harassment, sexual harassment and bullying are dealt with internally and resolved to everybody's satisfaction.

Thus, any employee who believes he or she is being bullied should, where possible, indicate directly to the person complained of, that the behaviour in question is unacceptable.

Some incidents of harassment, sexual harassment or bullying can be dealt with effectively in an informal way, as often the harasser may be unaware of the effect his/her behaviour is having on others.

Resolving the problem informally involves the person who feels that he/she is being harassed, sexually harassed or bullied explaining clearly to the person engaging in the unwanted conduct that the behaviour in question is not acceptable, that it offends him/her or makes him uncomfortable and that it interferes with his/her work.

The person against whom the complaint is made should be given the opportunity to respond and if requested, should be afforded time to consider his/her response. This response should then be given in a constructive manner.

The resolution, as appropriate, may include any of the following, e.g. a commitment to cease the particular behaviour; modify the behaviour; plan to eliminate situations where the parties would be in conflict; monitoring.

It could also emerge, as a result of the discussions between the parties, that there may have been a degree of misunderstanding in relation to certain behaviours and the resolution may make provisions for compromise or appropriate explanation or acknowledgement.

If there is no satisfactory resolution between the parties, Party A should refer the complaint to Stage 3: Formal Complaint Procedures.

Stage 3: Formal Complaint Process:

Stage 3 provides a mechanism for mediation between the parties. The principal teacher will generally be the mediator but if the principal teacher is one of the parties, the Chairperson of the Board of Management should then get involved. In circumstances where the Chairperson is one of the parties, another member of the BOM may be designated to mediate.

- Party A should inform Party B that he/she is proceeding to Stage 3
- Party A should state his/her complaint in writing and request the principal teacher (or Chairperson of BOM or another member of the Board as appropriate) to investigate the matter.
- This person/mediator will
 1. Obtain background details including details of what happened at stages 1 and 2
 2. Consider the patterns of behaviour and the timescale
 3. Hear both parties and attempt to resolve the matter
 4. Act in a fair and impartial manner and deal with the matter sensitively having regard to the nature of the problem and the principles of due process
 5. Exercise judgement and make decisions which he/she considers necessary to resolve matters

The outcome of the discussions should be noted by both parties. It is vital that confidentiality is observed when dealing with such matters. Where resolution has not been possible, and particularly where there is a likelihood of the offending behaviour continuing, either party or the principal teacher (Or Chairperson or other member of BOM) should refer the matter to the Board of Management in accordance with Stage 4 below.

Stage 4: Formal Complaint to Board of Management (BOM)

It is open to any of the parties or the principal teacher (or chairperson of the board of management, as the case may be) to refer the matter to the BOM for investigation. The referral should be in writing and dated and should include a copy of the written complaint.

- The BOM should consider the issues and investigate the matter. The BOM may enquire into the background of the difficulties including obtaining details of the sequence of initiatives taken at previous stages;
- The BOM or the Chairperson of the BOM or an Investigator/Facilitator/Mediator appointed by the BoM may meet teachers individually or collectively, and may also request written submissions from the parties, having regard also to the principles of due process;
- The BOM may request the principal teacher to furnish a written submission;
- The BOM may afford the parties an opportunity to present their case orally at a board meeting. For mediation purposes, this would happen in each other's presence;
- Following oral presentations, the BOM may designate the Chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards a resolution;
- The BOM may convene a number of meetings in order to achieve resolution;
- The BOM shall act in a fair and impartial manner in order to achieve resolution and shall deal with the matter sensitively, having regard to the nature of the problem.

Having considered all matters, the BOM should reach a view on the matter not later than 20 school days after receipt of the written request/referral.

Where the BOM finds that bullying/harassment has not occurred, both parties should be informed accordingly. No action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and appropriate action taken, (as per relevant Disciplinary Procedures.)

Where the BOM finds that bullying/harassment has occurred, the BOM should deal with the matter appropriately and effectively, (i.e. invoking the relevant Disciplinary Procedures.) This may include:

- the issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and that it will not be tolerated;
- a demand that all forms of bullying/harassment cease and that acceptable patterns of interaction be established between the parties;
- an instruction to the offending party that s/he apologise/ express regret or give an assurance that the bullying/harassment behaviour will cease;
- seeking a commitment to attend counselling or seek appropriate professional assistance, perhaps through the Employee Assistance scheme;

More serious disciplinary sanctions as may be commensurate and appropriate, such as:

- oral warning
- written reprimand
- written warning
- final written warning
- suspension
- dismissal

(Reference also: Circular 0060/2009)

As part of any resolution, the BOM should monitor the situation and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The BOM should keep matters under review.

Where an employee is victimised as a result of invoking or participating in any aspect of the complaints procedure, including acting as a witness for another employee, such behaviour will also be subject to disciplinary action. (Ref: Working Together document.)

No record of any complaint will be registered on an employee's file unless the formal procedure outlined above has been invoked.

Gross Misconduct Offences

The Board of Management will adhere to the Principles and Procedures outlined in Circular 0060/2009.

In Conclusion

As members of Bennekerry N.S. school community, we all have a duty of care to ourselves and to each other. Management has a duty of care towards employees. In formulating this policy, we sought to set out principles and practices to support the exercise of that duty in our school.

Just as inappropriate and undermining behaviour among colleagues is taken seriously, so is such behaviour when perpetrated against an employee of this school by any other person.

Together we are committed to building and maintaining a work environment where respectful, open and equal relationships are the norm. We are committed to having a good place in which to work.

All staff are reminded of the free and confidential Employee Assistance Service (counselling service) 1800 411 057.

The Dublin Rape Crisis Centre offers a free confidential listening and support service for women and men who have been raped, sexually assaulted, sexually harassed or sexually abused. 24-Hour Helpline, 365 days/year. 1800 77 8888 or email counselling@rcc.ie The Centre can also refer callers to Local Services.

This policy was ratified by the Board of Management of Bennekerry N.S. on _____

Signature _____ (Chairperson)

Signature _____ (Principal)

This policy will be reviewed as the need arises or on request by members of the school community.