

Scoil Bhríde, Ráth Chormaic

Dignity at Work Policy March 2022

This policy has been developed by the Board of Management in consultation with staff and the Parents to establish guidelines and procedures to support and maintain a positive & effective work environment for the adults in our school.

Rationale:

- The Board of Management of Scoil Bhríde is committed to maintaining a work environment that is free of bullying/harassment/sexual harassment and which promotes personal integrity and dignity.
- The Board is committed to ensuring a workplace that is characterised by mutual respect, tolerance and affirmation.
- Bullying/harassment/sexual harassment is behavior that is destructive to a positive working atmosphere and will not be tolerated.
- All employees and management have the right to be treated with dignity and respect and the right to work in an environment that is free from bullying/harassment/sexual harassment.
- It is recognized that the school work environment is aimed at providing a high quality service in an atmosphere of respect, collaboration, openness, safety and equality.
- Bullying/harassment/sexual harassment at work by management, employees, pupils, parents and people engaged in the provision of goods and services to the school will not be tolerated.

Core Principles of Policy

This school is committed to a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

Adult bullying and harassment in the workplace are phenomena which this school will seek to prevent and will not tolerate. All employees – including those in management positions have the right to be treated with dignity and respect. The Board of Management is committed to intervening in an appropriate manner - utilising one of the accepted Management/INTO procedures - to investigate and deal with allegations of bullying or harassment. The provisions of Circular 40/97 on *Assaults on Staff in Primary Schools* will be utilised as appropriate.

The Board of Management retains and promotes a zero-tolerance of assault and violence. As violence is a criminal matter, incidents will be reported to An Garda Síochána.

In accordance with the Safety, Health and Welfare at Work Act 2005, all employees have a duty not to engage in improper conduct or behaviour that is likely to endanger their own safety, health and welfare or work or that of any other person.

- Employees have responsibility in creating and contributing to the maintenance of a work environment free from bullying/harassment/sexual harassment or conduct likely to contribute to the same.
- All employees carry responsibility for their own behaviour and have a positive duty to comply with this policy and to treat all colleagues with respect and dignity. Employees also have an obligation to cooperate with the investigation of complaints of bullying/harassment/sexual harassment and to cooperate by providing any relevant information when an allegation of bullying at work is being looked into whether in an informal or formal stage.
- Complaints of bullying/harassment/sexual harassment will be treated with fairness, sensitivity and respect.
- Confidentiality will be maintained throughout to the greatest extent possible, consistent with the requirements of a fair investigation.
- In the course of investigating the complaint, no assumptions shall be made about the culpability of the alleged perpetrator.
- Employees who make complaints of bullying/harassment/sexual harassment will not be victimized, even if the complaint is not upheld.
- Making a complaint under this policy will not affect an employee's statutory rights or entitlement to make a claim to the Workplace Relations Commission.
- Nothing in the policy limits the right of Boards of Management to investigate any matter which may relate to bullying/harassment/sexual harassment in circumstances other than where a complaint has been made.
- All employees continue to have an obligation to cooperate with such an investigation. The policy extends to behaviour which occurs off the school premises, such as at work related social functions or training events.

The policy is formulated in light of a number of background documents, including the Health & Safety Authority's *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work* (2021) and 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).

Definitions of Workplace Bullying and Harassment

The Board of Management adopts the definition of adult bullying as set out by the Report of the Task Force on the Prevention of Workplace Bullying, 2001.

“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. **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.**”

How bullying can manifest itself within workplaces

- In line with the above operational definition, workplace bullying should meet the criteria of an on-going series of an accumulation of seriously negative targeted behaviours against a person or persons to undermine their esteem and standing in a harmful, sustained way.
- Bullying behaviour is offensive, on-going, targeted and outside any reasonable ‘norm’.
- A pattern and trend must be involved so that a reasonable person would regard such behaviour as clearly wrong, undermining and humiliating.
- It involves repeated incidents or a pattern of behaviour that is usually intended to intimidate, offend, degrade or humiliate a particular person or group of people – but the intention is not important in the identification process.
- Bullying activities involve actions and behavioural patterns, directly or indirectly, spoken and/or written and could include the use of cyber or digital means for the goal of bullying. Such bullying events, delivered through cyber means, may also be covered by the requirements of the 2005 Act.
- 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

What is not bullying at work?

It is important to distinguish bullying from other inappropriate behaviours or indeed appropriate workplace engagement. As set out in the definition above, a once-off incident of bullying behaviour may be an affront to dignity at work and may be unsettling, but does not of itself make for an adequate level of distress as to fall within the definition of bullying, and other remedies should be sought for these scenarios.

As a once-off, such behaviours cannot be presumed to be done in a targeted, purposeful and unremitting way. Apart from once-off behaviours, other on-going behaviours which may upset or unsettle a person may not come within the bullying definition either. Behaviour considered bullying by one person may be considered routine interaction by another, so the 'reasonableness' of behaviours over time must be considered.

Disrespectful behaviour, while not ideal, is not of itself bullying.

Conflicts and disagreements do not, of themselves, make for a bullying pattern either.

There are various workplace behavioural issues and relationship breakdowns which are troubling, upsetting and unsettling but are not of an adequate level of destructiveness to meet the criteria required for a bullying case.

Objective criticism and corrections that are intended to provide constructive feedback to an employee are not usually considered bullying, but rather are intended to assist the employee with their work.

Bullying does not include:

- Expressing differences of opinion strongly
- Offering constructive feedback, guidance, or advice about work-related behaviour which is not of itself welcome
- Ordinary performance management
- Reasonable corrective action taken by an employer or supervisor relating to the management and direction of employees (for example managing a worker's performance, taking reasonable disciplinary actions, or assigning work)
- Workplace conflict where people disagree with or disregard the others' point of view.

This list is not exhaustive

Harassment is any act of conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating.

Harassment is covered by Employment Equality legislation and is based on a person's standing within one of the nine categories (or grounds) specified in that legislation (gender, marital status, religion, sexual orientation etc.)

Harassment is defined in law as "unwanted conduct" related to one or more of the 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."

Harassment may consist of the single incident or repeated inappropriate behaviour.

The following are examples of inappropriate behaviour which may constitute harassment. These examples of harassment are illustrative but not exhaustive:

- Verbal harassment such as jokes, derogatory comments, ridicule or song.
- Written harassment such as text messages, emails or through social media.
- Physical harassment such as jostling or shoving.
- Intimidatory harassment such as gestures or threatening poses.
- Visual displays such as posters, emblems or badges; ·Persistent negative body language;
- Ostracising a person.

Sexual harassment is defined as follows: any act of physical intimacy, request 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 be reasonably be regarded as sexually offensive, humiliating or intimidating. Sexual harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one person or a group.

The following are examples of inappropriate behavior which may constitute **sexual harassment**. These examples are illustrative but not exhaustive:

- ·Physical conduct of a sexual nature, for example unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body
- ·Verbal conduct of a sexual nature, for example unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the school after it has been made clear that such suggestions are unwelcome, unwanted and offensive flirtations, suggestive remarks, innuendos or lewd comments.
- ·Non-verbal conduct of the sexual nature, for example the display of pornographic or sexually suggestive pictures, objects, written materials, emails or text-messages.
- ·Unwanted or derogatory comments about dress or appearance.
- ·Leering and suggestive gestures.

An act of harassment or sexual harassment may occur outside the school premises or normal school hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference or school-related event.

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

A Positive Work Environment

A good place to work has a positive work environment characterised by

- A supportive atmosphere
- Good and open communication (e.g., through opportunities at 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)
- Opportunities for social interaction that helps build relationships based on mutual respect.

Every person has a responsibility to play his/her part in contributing to a positive work environment. In this regard, a person who is a witness or bystander has a clear responsibility to raise concerns about dignity at work and threats to this, in an appropriate and timely manner.

The Safety Statement - as mandated under the Safety, Health and Welfare at Work Act 2005 – has been amended to include a commitment to provide staff with an environment that is free from any form of bullying and harassment.

A positive work environment, in light of the Employer's obligations as outlined at Section 8 of that Act, including the duty to manage work activities in such a way as to prevent "*improper conduct or behaviour*" likely to put health and safety at risk.

It is agreed that the adoption of this policy in our school will be accompanied by a number of steps to examine our work environment and, as necessary, to agree changes which reflect a commitment to dignity at work. These steps will be initiated by Management and be repeated by way of review at appropriate intervals.

In Conclusion

As members of the Scoil Bhríde 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.

Teachers are reminded that there is a **Code of Professional Conduct** for all teachers registered with the **Teaching Council**. and as members of The Teaching Council, we are obliged to abide by this code.

The Code of Professional Conduct for Teachers was published in accordance section 7(2)(b) of the **Teaching Council** Acts, 2001-2015

Management and INTO agreed on a document entitled **Working Together**, which identifies key practices which promote positive working relationships. This publication can be found on the INTO website.

Other key resources to be found on the INTO website are as follows:

- Procedure to Address Staff Difficulties
- Mediation
- Bullying/Harassment Procedure
- Grievance Procedure - to provide a mechanism for the resolution of a grievance which a teacher in a national school, including a principal teacher, has against the board of management in respect of the exercise of any of its responsibilities for the governance of the school; or the chairperson of the board in an individual capacity; or the principal teacher in respect of his/her duties and responsibilities for the organisation, conduct and day to day activities of the school.

- INTO/Management Complaints Procedure - The INTO and Primary School Management reached agreement in 1993 on a procedure for dealing with complaints by parents against teachers.

The key aims of this policy are to achieve a work environment where dignity and respect are to the forefront of our values, to create an environment where bullying, harassment, and sexual harassment are not tolerated in any form, to ensure that each individual is aware of his/her responsibility to behave in a way that reflects a culture of dignity and respect and ultimately to create a safe and productive environment for our pupils.

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 pattern 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.

This policy was ratified by the Board of Management of Scoil Bhríde, Rathcormac
on April 4th 2022.

Signed: _____ Chairperson BOM

Marie Walsh

Signed: _____ Principal

Margaret Howard