



St Patrick's N.S. Crowenstown

Dignity at Work Policy

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

Introduction:

The Board of Management, in consultation with the school staff drew up this policy on Dignity in the Workplace. As a school community, St Patrick's N.S. commits to working together to maintain a workplace environment that encourages and supports the right to dignity at work. It is our aim that every person will be treated equally and be respected for their individuality and diversity. The Board of Management and the staff are committed to creating, maintaining and enhancing a positive work environment that reflects an atmosphere of respect, collaboration, openness and equality.

Rationale:

Adult bullying and harassment in the workplace are phenomena which this school will seek to prevent and will not tolerate. All employees have a right to be treated with dignity and respect. School 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 and harassment.

A Positive Work Environment:

St Patrick's N.S. will endeavour to promote a positive work environment through

- A supportive atmosphere
- 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 St Patrick's N.S. has a responsibility to play her/his part in contributing and maintaining our positive work environment.

Definition of Workplace Bullying:

St Patrick's N.S. has adopted 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 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'.

Bullying is not an isolated incident of inappropriate behaviour, an exercise of proper authority by management or fair and constructive criticism of an employee's performance, conduct or attendance.

Forms of Bullying:

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

- **Intimidate:** physical abuse or threats of abuse, open aggression, verbal abuse or insults
- **Humiliate:** preventing a colleague from speaking, sneering or ridicule, criticising their efforts in front of others
- **Victimise:** 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:** withholding information, setting meaningless tasks, giving repeated unreasonable assignments that are clearly unfavourable to one individual
- **Undermine a person's authority**

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:

'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 any of 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 the conditions of employment. Harassment may consist of a single incident or repeated inappropriate behaviour.

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 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:

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

- **Verbal** - such as jokes, derogatory comments, ridicule or song
- **Written** - such as text messages, emails or through social media
- **Physical** - such as jostling or shoving
- **Intimidatory** - such as gestures or threatening poses
- **Visual Displays** - such as posters, emblems or badges
- **Isolation or Exclusion** - from workplace social activities

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.'

Forms of Sexual Harassment:

- **Unwelcome physical or verbal advances**
- **Sexually suggestive jokes, remarks or innuendoes**
- **Unwelcome physical contact with another person's body**
- **Indecent exposure**
- **Display of sexually suggestive or pornographic material**
- **Leering and suggestive or offensive gestures**

These examples are illustrative but not exhaustive, and a single incident may constitute sexual harassment.

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

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 she/he is being bullied or harassed, and decides to address the matter, she/he should follow these stages.

In light of the potential effects of bullying or harassment, Party A may decide to seek INTO 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 she/he considers that bullying or 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

Any employee who believes that she/he is being bullied or harassed should, in the first instance and where possible, indicate directly to the person complained of (Party B) that the behaviour is unacceptable.

Resolving the issue informally involves the person who feels that she/he is being harassed or bullied explaining clearly to the person engaging in the unwanted conduct that the behaviour in question is not acceptable, that it offends

her/him or makes them feel uncomfortable and that it interferes with her/his 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 her/his response.

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

This stage 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, then another member of the BOM may be designated to mediate.

*Party A should inform Party B that she/he is proceeding to Stage 3;

*Party A should state her/his complaint in writing and request the principal teacher (or Chairperson of the BOM or another member of the Board as appropriate) to investigate the matter.

*This person/mediator will

1. Obtain background details of what happened at Stages 1 and 2
2. Consider the patterns and timescale of the behaviour
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 she/he 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, or particularly where there is a likelihood of the

offending behaviour continuing, either party or the mediator should refer the matter to the Board of Management in accordance with Stage 4 below.

Stage 4: Formal Complaint to the Board of Management

It is open to any of the parties involved, the principal or the Chairperson of the Board of Management to refer the matter to the Board of Management for investigation. The referral should be in writing and dated and 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 a Facilitator/Mediator appointed by the Board may meet the parties individually or collectively, and may also request written submissions from them, having regard also to the principles of due process;
- * The BOM may request the Principal to furnish a written submission;
- * The BOM may afford the parties an opportunity to present their case orally at a board meeting;
- * 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 a 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 that 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. This may include:

- The issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and 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 she/he apologise, express regret and give an assurance that the bullying/harassment behaviour will cease
- Seeking a commitment to attend counselling or seek appropriate professional assistance

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

- Oral warning
- Written reprimand
- Written warning
- Final written warning
- Suspension
- Dismissal

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 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.

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

Gross Misconduct Offences

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

Conclusion

As members of St Patrick's 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. This policy sets out the principles and policies to support the exercise of that duty in our school.

This policy was ratified by the Board of Management of St Patrick's N.S.,
Crowenstown on _____.

Signed: _____ (Chairperson)