



Dignity at Work Policy **St Brendans BNS**

- The Board of Management of **St Brendans BNS** have adopted this policy in June 2012, following consultation with all staff members.
- 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* (2007) 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).

1.1 DIGNITY AT WORK CHARTER

“Central to the concept of an effective workplace is the commitment of management and the workforce to develop and maintain an atmosphere in which the dignity of each individual is respected”

St Brendans BNS supports and endorses this concept and as a demonstration of our commitment to respect the dignity of each individual at work, we draw the attention of each employee to the following ‘Dignity in the Workplace Charter’, which is also prominently displayed in the building.

Dignity in the Workplace Charter

- We at St Brendans BNS commit ourselves to working together to maintain a workplace environment that encourages and supports the right to dignity at work.
- All who work here in a full time, part time or voluntary basis are expected to respect the right of each individual to dignity in their working life.
- The right of each individual pupil to dignity at St Brendans BNS is also respected.
- All will be treated equally and respected for their individuality and diversity.
- Bullying in any form will not be accepted by us and will not be tolerated.
- Adult bullying and harassment in the workplace are phenomena which this school will seek to prevent and will not tolerate. All employees have the right to be treated with dignity and respect. 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.
- Nothing in this policy overrules a person’s legal and statutory rights.

1.2 Policy Statement

- St Brendans BNS is committed to working to maintain a workplace environment that encourages and supports the right to dignity at work and aims to provide a high quality service in an atmosphere of respect, collaboration, openness, safety and equality.
- All who work in a full time, part time or voluntary basis in St Brendans BNS are expected to respect the right of each individual to dignity in their working life.
- All staff, pupils, parents/guardians and visitors are treated equally and respected for their individuality and diversity.
- Any form of intimidating behaviour, including harassment, sexual harassment and bullying is not accepted by St Brendans BNS and will not be tolerated; where any of the foregoing occurs it will be regarded as contravening the values of the school and as such is treated as a serious disciplinary matter.
- All complaints of harassment, sexual harassment and bullying will be taken seriously and treated with fairness, sensitivity, respect and confidentiality for all parties concerned.
- All complaints will be followed through to resolution; employees who make a complaint will not be victimised.
- Our school's policies and procedures will underpin the principles and objectives of the Dignity at Work Charter.
- A staff member may also wish to apply to the Equality Authority for independent advice in relation to harassment and sexual harassment as covered by the Employment Equality Acts, 1998 - 2007 and the Health and Safety Authority for independent advice in relation to bullying as covered by the Safety, Health & Welfare Act 2005.

1.3 Scope

This policy extends to management, fellow employees (both contracted and non-contracted), volunteers, visitors and all other members of the school community and beyond the place of work to work off site and to certain work-related social events. Any form of intimidating behaviour, including harassment, sexual harassment and bullying is not accepted by St Brendans BNS and will not be tolerated; where it occurs it is regarded as contravening the values of St Brendans BNS and may lead to termination of contracts or suspension of services, or to exclusion from a premises or the imposition of other sanctions, as appropriate.

The Safety, Health & Welfare at Work Act 2005 provides that an employer has a duty to manage and conduct work activities in such a way as to prevent any improper conduct or behaviour likely to put at risk employee's safety, health or welfare at work.

All members of staff have the right to be treated with dignity and respect at work and not to have their safety, physical or mental health or welfare put at risk through bullying by the employer, by other employees or other persons. They have a right to complain to the employer if harassed/bullied and not to be victimised for so doing. They have a right under safety and health laws to be represented in raising this with the employer.

Victimisation/penalisation is any adverse or unfavourable treatment of an employee by an employer (and potentially by a colleague or agent of the employer) because of actions which the employee has taken or

intends to take such as making a complaint or seeking redress or exercising any right under specific legislation or acting as a witness or giving evidence in connection with proceedings under such legislation. Victimisation / penalisation as a result of a member of staff raising a complaint will not be tolerated. Any such behaviour may be treated as harassment/bullying and may be subject to disciplinary action. Likewise, a staff member will be protected from victimisation/penalisation or discrimination where he/she is accused of harassment or bullying or where he/she assists in an investigation.

All members of staff have duties to behave and conduct themselves so as to respect the right of employers and other employees to dignity, courtesy and respect at work and the right not to be placed at risk as regards to their safety, health and welfare from bullying at work. Employees have a responsibility in creating and contributing to the maintenance of a work environment free from harassment, sexual harassment and bullying or from conduct likely to contribute to harassment, sexual harassment and bullying. Employees should also co-operate by providing any relevant information when an allegation of harassment, sexual harassment or bullying at work is being looked into whether in an informal or formal stage.

The management of St Brendans BNS will make every effort to ensure that all individuals involved with a complaint or investigation under this Policy maintain the highest standards in relation to confidentiality; however, it may not always be possible to guarantee the confidentiality of all concerned. Witnesses in an investigation will be expected to respect the privacy of the parties involved by refraining from discussing allegations or any other matter connected with the investigation with other work colleagues or persons outside of the organisation.

All individuals including staff and members of the school community of St Brendans BNS are expected to respect the rights of each staff member in their working life.

The policy guarantees that all complaints will be taken seriously and agreed procedures will be followed. All parties involved will be treated with respect, and counselling may be availed of by either or both parties at any stage in the procedure.

1.4 Prevention

All individuals have a duty and responsibility to uphold the principles of this policy. While each staff member has a responsibility to ensure that harassment, sexual harassment and bullying is prevented, Management have a specific responsibility to promote the provisions of this policy.

1.5 Communication of Policy

St Brendans BNS is committed to ensuring effective communication of this policy to employees. New staff, including management should be made aware of the policy Existing staff should receive updated and regular communication on this policy. All policies are distributed to all staff members each year. Copies of all school policies are contained in each teacher's "Teacher information folder", which is updated regularly throughout the year.

2.0 Definitions and Forms of Harassment, Sexual harassment and Bullying in the Workplace

Employment Equality Acts, 1998 – 2007

The Employment Equality Acts, 1998 - 2007 apply to harassment and sexual harassment of employees by the employer, fellow employees, clients, customers and other business contacts including any person with whom the employer might reasonably expect the employee to come into contact in the workplace. This may include those who supply or deliver goods/services to the employer, maintenance and other types of professional contractors as well as volunteers.

Harassment and sexual harassment is also deemed to have occurred if the victim is treated differently in the workplace, or otherwise in the course of his or her employment as a direct result of his/her rejecting or accepting the harassment.

Safety, Health & Welfare at Work Act 2005

The Safety, Health & Welfare at Work Act 2005 and regulations made thereunder require an employer to manage and conduct work activities in such a way as to prevent, as far as reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare of employees at risk. Employees are also duty bound not to engage in such behaviour at work that may put the safety, health and welfare of him/herself, fellow employees or any other person at risk. This Policy has regard to the Code of Practice developed by the Health & Safety Authority in consultation with the social partners. Failure to adopt the Code of Practice by an employer is not an offence but application of the Code is admissible as evidence in employment, civil and criminal proceedings.

2.1 Definition of Harassment

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

The Employment Equality Acts 1998 - 2007 expressly prohibit harassment under Section 14A and provide a definition of harassment.

The definition of harassment includes:

Any form of unwanted conduct related to any of the discriminatory grounds and the conduct has the purpose or effect of violating a person'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.

The harassment must be based on the relevant characteristic of the employee whether it be the employee's gender, marital status, family status, sexual orientation, religious belief (or none), age, disability, race, colour, nationality or ethnic or national origin or membership of the Traveller community. The protection of the Act extends to situations where the employee does not have the relevant characteristic but the harasser believes that he/she has that characteristic.

Forms of Harassment

There are many forms of harassment including:

Verbal Harassment

- jokes, comments, ridicule or songs

Written Harassment

- faxes, text messages, emails or notices

Non-Verbal/Visual Harassment

- jostling, shoving or any form of assault;
- 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.

2.2 Definition of Sexual Harassment

The Employment Equality Acts 1998 - 2007 expressly prohibit sexual harassment under Section 14A and provide a definition of sexual harassment.

Any form of verbal, non-verbal, or physical conduct of a sexual nature 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. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display, or circulation of written words, pictures or other material.

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:

Verbal Harassment

- unwelcome sexual advances, propositions, or pressure for sexual activity;
- unwelcome pressure for social contact;
- sexually suggestive jokes, remarks or innuendoes.

Physical Harassment

- unwelcome physical contact such as groping, pinching, patting, unnecessary touching or brushing against another person's body;
- indecent exposure;
- unwelcome fondling or kissing;
- sexual assault or rape.

Non-Verbal/Visual Harassment

- the display of sexually suggestive or pornographic pictures and calendars, objects, written materials, emails, text messages or faxes;
- leering, offensive gestures, whistling.

2.3 Definition of Bullying

Bullying not linked to one of the above discriminatory grounds is not covered by the Employment Equality Acts. For the purposes of this policy the definition of bullying is that set out in the Code of Practice for Employers and Employees on the Prevention and Resolution of Workplace Bullying (2007):

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.

As set out in the Code of Practice for employers and employees on the prevention and resolution of bullying at work, bullying at work does not include reasonable and essential discipline arising from the good management of the performance of an employee at work or actions taken which can be justified as regards the safety, health and welfare of the employees. For example, an employee whose performance is continuously signaled at a level below required targets may feel threatened and insecure in their work but this in itself does not indicate bullying.

Complaints regarding an isolated incident that reflects the behaviour contained within the definition above should be handled under the INTO's Grievance Procedure.

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 at work can involve people in many different work situations and at all levels:

- manager/supervisor to employee
- employee to supervisor/manager
- one employee to another (or group to group)
- customer or business contact to employee
- volunteer to employee

A pattern of the following behaviours are examples of types of bullying.

- Humiliation: 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
- Intimidation: physical abuse or threats of abuse, open aggression, threats, staring, shouting abuse or obscenities
- Verbal abuse/insults
- Manipulation of a colleague's reputation by rumour, gossip, ridicule and/or innuendo
- Persistently and inappropriately finding fault with a person's work and using this as an excuse to humiliate the person rather than trying to improve performance
- Exclusion and isolation: social exclusion and isolation
- Intrusion: through pestering, spying or stalking
- Undermining behaviour
- Verbal abuse/insults
- Being treated less favourably than colleagues without justification
- Menacing behaviour
- Aggression
- Excessive monitoring of work
- Withholding work-related information

- Repeatedly manipulating a person's job content and targets
- Blame for things beyond the person's control
- Physical abuse

This list is not exhaustive.

2.4 What Bullying is Not

The following do not constitute bullying:

- An isolated incident of inappropriate behaviour may be an affront to dignity at work but, as a once-off incident, is not considered to be bullying, e.g. an occasional bout of anger or a conflict of views.
- Fair and constructive criticism of an employee's performance, conduct or attendance.
- Reasonable and essential discipline arising from the good management of the performance of an employee at work.
- Actions taken which can be justified as regards the safety, health and welfare of the employees.
- Legitimate management responses to crisis situations which require immediate action.
- Complaints relating to instructions issued by a management, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure.

Bullying on the other hand is repeated inappropriate behaviour which is specifically targeted at the recipient in order to undermine his/her dignity. Complaints of bullying are sometimes difficult to articulate as it may involve a series of small, seemingly innocuous incidents which culminate to create an intimidating and hostile working environment.

2.5 Unwelcome Conduct

To constitute sexual harassment or harassment the behaviour complained of must firstly be unwelcome. It is up to each employee to decide (a) what behaviour is unwelcome, irrespective of the attitude of others to the matter and (b) from whom, if anybody, such behaviour is welcome or unwelcome, irrespective of the attitudes of others to the matter. The fact that an individual has previously agreed to the behaviour does not stop him/her from deciding that it has now become unwelcome. It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is welcome and mutual.

2.6 Intention

The intention of the perpetrator of the sexual harassment or harassment is irrelevant. The fact that the perpetrator has no intention of sexually harassing or harassing the employee is no defence. The effect of the behaviour on the employee is what is important.

2.7 Effects of Harassment, Sexual Harassment and Bullying

Harassment, sexual harassment and bullying exact a high price from employees and employers alike. Employees can be subject to fear, stress and anxiety, which may put great strains on personal and family life. Individuals working in a climate of fear and resentment do not perform to their capabilities.

The result is not just poor morale but increased absenteeism, higher labour turnover, reduced productivity, reduced efficiency and divided teams.

3.0 Complaints Procedure

The principal management bodies of primary schools and the INTO are of the view that it is incumbent on the staff and management of each school to promote a culture of positive working relations at all times. Where such a culture prevails, instances of adult bullying or harassment or staff conflict rarely occur.

Working Together: Procedures and Policies for Positive Staff Relations (2000)

In 2000, INTO and Management agreed a document entitled *Working Together - Procedures and Policies for Positive Staff Relations*.

Having identified the difficulties, the individual member or members of staff concerned should decide on whether it is feasible and more appropriate to address matters informally between themselves or initiate one of the following procedures which are set out in Section C of the Working Together document.

C1 -Procedure to Address Staff Relations Difficulties

C2- Procedure to Address Adult Bullying/Sexual Harassment or Harassment on Other Specified Discriminatory Grounds, arising in the workplace or otherwise in the course of employment

C3 Grievance Procedure (revised)

While there are significant parallels between each of the procedures, in that, for example, each provides for:

- directly addressing matters;
- informal and formal stages;
- an emphasis on constructive engagement; and
- an emphasis on early resolution;

There are also some key differences, such as:

Procedure 1 places the emphasis on addressing staff relations difficulties in a consensus and voluntary type approach and it includes a mediation facility;

Procedure 2 is specific to the matter of allegations of bullying, sexual harassment or other specific discriminatory harassment, which may occur in the workplace or otherwise in the course of employment; and

Procedure 3 places the emphasis on processing specific grievances, which usually relate to breaches of school rules, policies, procedures or practices and it provides that an independent tribunal may be established, which is empowered to issue a decision that is final and binding on all the parties.

In deciding to proceed with any one of the procedures, it is advisable that teachers and management seek advice.

4.0 Roles and Responsibilities under the Policy

This section sets out the responsibilities of:

- **The employer**

- **Employees**
- **Union officials**

4.1 The Employer's Responsibilities

Management will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of bullying and harassment. This policy and procedure will be communicated to all employees to ensure that they are made aware of their responsibilities to create a working environment which is free from bullying and harassment.

Management should:

- Explain the Dignity at Work Policy to all employees and ensure that they understand their roles and responsibilities and how the complaints procedure operates
- Explain the Policy and complaints procedure to new employees.
- Promote awareness of the Policy amongst employees on an ongoing basis
- Communicate the Policy to non-employees (e.g. copies of the Policy are readily available)
- Set a good example by treating all employees and any other person with whom they come into contact in the workplace with courtesy and respect
- Be vigilant for signs of bullying and harassment and intervene before a problem escalates
- Respond sensitively to any employee who makes a complaint of bullying or harassment
- Respond promptly and discreetly to requests from employees to intervene and seek to resolve the matter informally where appropriate
- Ensure that an employee is not victimised for making a complaint of bullying or harassment in good faith
- Monitor and follow up the situation after a complaint is made so that the behaviour complained of does not recur
- Keep a record of all complaints and how these were resolved.

Management have an obligation to deal promptly and effectively with any incidents of bullying or harassment of which they are aware or ought to be aware.

Progress on the implementation and effectiveness of the Policy will be regularly monitored and reviewed at local level.

4.2 Employees' Responsibilities

All employees have a responsibility to help maintain a working environment in which the dignity of all individuals is respected. All employees must comply with this policy and ensure that their behaviour does not cause offence to fellow workers or any person with whom they come into contact during the course of their work.

Employees should discourage bullying and harassment by objecting to inappropriate behaviour. Employees should be encouraged to inform management if they are concerned that a colleague is being bullied or harassed.

4.3 Union Officials' Responsibilities

Union officials play an important role in providing information, advice and support to employees who feel that they are being bullied or harassed or against whom complaints have been made. The Policy requires union officials to co-operate with efforts by supervisors/managers to resolve complaints at local level.

Union officials provide representation to employees if the complaint is referred for formal investigation and are required to co-operate fully with attempts to conduct the investigation fairly and without undue delay.

St Brendans BNS's Dignity in the Workplace: Anti-Bulling & Harassment policy was ratified by the Board of Management on .

Signed: _____
Mrs Helena Healy (Chairperson)

Signed: _____
Ms Siobhán Flynn (Principal)