



Edmund Rice College
Dignity at Work Policy
and
Code of Procedures

(required under Safety, Health and Welfare at Work Act 2005)

Academic Year 2016/17

Dear Staff Member,

The purpose of this document is to ensure that the Board of Management of Edmund Rice College is compliant with current legislation in relation to the Health and Safety Act 2005 and the Code of Practice on the Prevention of Workplace Bullying (May 2007).

The objective of the policy is to ensure school management is compliant with their duties under section 8 (2) (b) of the 2005 Act as regards ‘managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk’.

It also applies to employees in relation to their duties under section 13 (1) (e) of the 2005 Act to ‘not engage in improper conduct or behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person’.

A copy of this document will be issued to each staff member of Edmund Rice College.

It is each employee’s responsibility to ensure that they become familiar with the contents of this document.

A copy of the Dignity at Work Charter will be displayed in a visible part of the school premises in order for management, staff, visitors and the general public to view.

In the unlikely event of a complaint in relation to bullying in the workplace in Edmund Rice College, the procedures contained within this policy, will be followed.

This document will be subject to periodic review.

Adele Flynn

Secretary, Board of Management

Academic Year 2016/17

Dignity at Work Charter

Edmund Rice College, Carrigaline

Adopts the

HSA Dignity in the Workplace Charter

Endorsed by IBEC and ICTU and adopted by JMB and ASTI

JMB and ASTI “Commit ourselves to working together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work here are expected to respect the right of each individual to dignity in their working life. All will be treated equally and respected for their individuality and diversity.

Bullying in any form is not accepted by us and will not be tolerated. Our policies and procedures will underpin the principles and objectives of this Charter.

All individuals, whether directly employed or contracted by us, have a duty and a responsibility to uphold this Dignity at Work Charter.

Supervisors, Managers, and Trade Union Representatives where applicable in the workplace have a specific responsibility to promote its provisions.”

Dignity in the Workplace Policy and Procedures

Introduction:

A core employment value is the commitment to ensuring that each individual is guaranteed a working environment where s/he may expect to be treated with dignity both by management and work colleagues. This approach is a positive emphasis on the importance of each individual and the contribution s/he makes to the success of the workplace. It guarantees the optimal working conditions that allow individuals to freely maximise their role in the workforce. Sound management ethos is based on providing leadership that encourages individuals in this regard. This is best achieved in our school through the creation and maintenance of a positive working environment.

Integral to this employment value and in particular to the principle of mutual respect is the commitment to provide a workplace free from bullying. It is in such a context that the philosophy and policy statement will be realised.

Objectives of Dignity at Work Policy

- To create and maintain a positive working environment in Edmund Rice College where the right of each individual to dignity at work is recognised and protected.
- To ensure that all are aware of and committed to the principles set out in this policy.

The Board of Management of Edmund Rice College is committed to providing all employees with an environment that is free from any form of workplace bullying.

The purpose of this document is to outline the Board's policy and procedures in relation to workplace bullying.

A complaint of workplace bullying will be taken seriously and dealt with promptly and in accordance with due process.

In approving this policy, the Board has agreed that:

- It be brought to the attention of all staff
- All staff be asked to co-operate in its implementation

The Policy

The objective of the Board policy is to eliminate workplace bullying and to contribute to a supportive environment where staff has the right to carry out the work of the college - *'the education of the whole person'*.

The policy guarantees that all complaints will be taken seriously and investigated promptly, and that all parties involved will be treated with respect.

Staff will be protected from victimisation or discrimination for assisting in an investigation. Victimisation as a result of a member of staff raising a complaint will not be tolerated.

DEFINITIONS

Definition of Bullying:

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.

(Codes of Practice 2002 under the Industrial Relations Act and the Health and Safety at Work Act)

Harassment and Sexual Harassment:

The Employment Equality Act, 1998 and 2004 specifically deals with harassment in the workplace. The new Code aims to give practical guidance and advice. Harassment that is based on the following nine grounds - Gender, Age, Marital Status, Family Status, Sexual Orientation, Disability, Race, Religion or membership of the Traveller Community is a form of discrimination in relation to conditions of employment.

Sexual Harassment:

Sexual Harassment is defined in the Equality Act 2004 as 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. (Complaints relating to sexual harassment may be processed through the JMB/ASTI Sexual Harassment for Schools – see Appendix 1)

Harassment:

Harassment on the other eight grounds covered by the legislation is any unwanted conduct related to any of the eight grounds (other than gender) 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. (Employment Equality Act 2004)

What Constitutes 'Unacceptable Behaviour'/ Workplace Bullying?

Bullying can take a number of forms. Under the Health and Safety Act there is a requirement that personnel are consulted in respect of acceptable/unacceptable behaviour and that through this consultation process, the staff will have ownership of the policy as it relates to their school/organisation.

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

- Exclusion with negative consequences
- Verbal abuse/insults
- Physical abuse
- Being treated less favourably than colleagues
- Shouting
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive monitoring of work

- Humiliation
- Withholding work-related information
- Setting unreasonable and unrealistic targets
- Blame for things beyond the person's control
- Unequal treatment

This list is not exhaustive.

It is noted that a once-off incident is not normally considered to be bullying behaviour.

What are the Effects of Bullying?

- International research shows that the effects may be physiological, psychological and behavioural.
- *Effects on the individual:* research shows that individuals who are continually bullied lose self-confidence as self-esteem is eroded and they are at an increased risk of suffering stress. There may be serious effects on health and the person's career may be adversely affected.
- *Effects on the organisation:* individuals who are bullied will find it difficult if not impossible to give their best in the workplace. Among the well-documented effects are increased sickness/absenteeism, low morale, a tense atmosphere, cliques or factions.

Why might an individual be reluctant to take action?

- Because the particular workplace culture passively supports bullying i.e. staff in general are unaware of the seriousness of bullying
- Because of fear that the complaint may not be taken seriously
- Because s/he may be seen as unable for the job or/and a weak person
- If the alleged bully is a person in authority, there may be the fear management will support the alleged perpetrator(s)
- Because making a complaint could result in further intimidation and increased bullying
- Because there are no witnesses to the bullying and it would be one person's word against another

- Because s/he might be seen to be lacking in credibility or/and personal status
- Where there are witnesses, these might be unwilling to come forward because they are afraid of being branded troublemakers.

What can I do to ensure that workplace bullying does not occur in this school?

- By being familiar with the school policy.
- By participating in in-service with respect to dignity at work.
- By engaging in consultation with respect to the development and review of the dignity in the workplace policy.
- By being aware and educated about workplace bullying.

What can I do to stop people bullying me?

Tell them it has to stop! This may be more difficult for some individuals than for others. It is inappropriate for work colleagues to act out their behaviour in an unacceptable manner. If you find it impossible or difficult to make an approach, tell somebody – the principal, a contact person, the ASTI steward, a deputy principal, or other...GET HELP AND SUPPORT.

What may be the consequences of not dealing with workplace bullying?

There are consequences for the individuals who perceive themselves to be targets of bullying behaviour, for the alleged perpetrators(s), for organisational culture/ethos and for the Board of Management.

Are there performance criteria by which the success of the policy might be judged?

- The existence of a policy on Dignity in the Workplace and the prevention of workplace bullying forms part of health, safety and welfare at work
- Awareness/availability of this policy
- Existence of Charter in a visible place: Dignity in the Workplace
- Dignity in the Workplace as well as inappropriate/bullying behaviour are defined in the Board Policy
- Employee's right to complain is respected
- Informal resolution of complaints is encouraged.

Procedures for dealing with workplace bullying

There are two stages for dealing with cases of alleged bullying:

Stage 1: Informal

and

Stage 2: Formal.

Sometimes individuals may be unaware of the negative effects of their behaviour on other adults in the workplace. Such individuals may simply need to be told. Thus, at times incidents of bullying can be handled effectively in an informal way under Stage One. If an incident occurs that is offensive, it may be sufficient to explain clearly to the offender that the behaviour is unacceptable. If the circumstances are too difficult or embarrassing for an individual, support may be sought from another colleague, a contact person, staff representative, principal, deputy principal.

A complainant may decide, for whatever reason, to bypass the informal procedure and proceed to Stage Two.

The following section outlines the procedures to be followed with respect to a complaint.

The Procedure for dealing with bullying in the workplace is as follows:

**Code of Practice Detailing Procedures for Addressing Bullying in the Workplace
(Extract from IR Code of Practice S.I. No. 17 of 2002 Code of Practice)**

1. Informal Procedure

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt should be made to address an allegation of bullying as informally as possible by means of an agreed informal procedure. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved.

(a) Any employee who believes he or she is being bullied should explain clearly to the alleged perpetrator(s) that the behaviour in question is unacceptable. In circumstances where the complainant finds it difficult to approach the alleged perpetrator(s) directly, he or she should seek help and advice, on a strictly confidential basis, from a contact person. A contact person in the school environment could, for example, be one of the following:

- A work colleague
- A member of management
- An employee/trade union representative.

In this situation the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned.

(b) Having consulted with the contact person, the complainant may request the assistance of the contact person in raising the issue with the alleged perpetrator(s). In this situation the approach of the contact person should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

- (c) A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure should not reflect negatively on a complainant in the formal procedure.

2. Formal Procedure

If an informal approach is inappropriate or if after the informal stage, the bullying persists, the following formal procedures should be invoked:-

- a. The complainant should make a formal complaint in writing to his/her Principal. If the principal/deputy principal is the subject of the complaint, the formal complaint should be made to the Chairperson of the Board of Management.
- b. The alleged perpetrator(s) should be notified in writing that an allegation of bullying has been made against them. They should be given a copy of the complainant's statement and advised that they shall be afforded a fair opportunity to respond to the allegation(s).
- c. The complaint should be subject to an initial examination by a designated *and agreed* member of management, who can be considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution which would require the agreement of all parties, or a view that the issue can be resolved informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint should take place with a view to determining the facts and the validity or otherwise of the allegation(s).

Investigation

- d. The investigation should be conducted by either a designated member or members of management or, if deemed appropriate, an agreed third party. The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s).
- e. The investigation should be governed by terms of reference, preferably agreed between the parties in advance.
- f. The investigator(s) should meet with the complainant ***within 10 working days of receipt of complaints*** and alleged perpetrator(s) and any witness or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s). Both the complainant and alleged perpetrator(s) may be accompanied by a work colleague or employee/trade union representative if so desired.
- g. Every effort should be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe ***10 working days***. On completion of the investigation, the investigator(s) should submit a written report to the Board of Management containing the findings of the investigation.
- h. The complainant and the alleged perpetrator(s) should be informed in writing of the findings of the investigation ***within a further 10 working days***.
- i. Both parties should be given the opportunity to comment on the findings before any action is decided upon by the Board of Management. The method of communicating the commentary may be in writing and/or by the individuals presenting at a Board of Management meeting.

Outcome

- j. Should the Board of Management decide that the complaint is well founded, the alleged perpetrator(s) should be given a formal interview to determine an appropriate course of action. Such action could, for example, involve counselling and/or monitoring or progressing the issue through the disciplinary and grievance procedure of the employment.

3. Confidentiality

All individuals involved in the procedures referred to above should maintain absolute confidentiality on the subject.

4. At all stages of the process a clear record should be kept of:

- the investigation undertaken
- all communications to/by the complainant
- the subject of the complaint
- the steps and all the decisions taken.

The above records should be held by the Chairperson of the Board of Management in a confidential manner in a secure place.

Where a complaint has been rejected or has not been upheld, a statement to that effect shall conclude the record in the personnel file of the complainant. All records in relation to a rejected/not upheld complaint shall be removed from the personnel file of the subject of the complaint. A statement of the outcome of the investigation will conclude all other files. Where a statement of the outcome of the investigation confirms the allegation to be true then the statement of outcome shall be placed on the file/record of the person against whom the investigation upheld the complaint.

5. Protection and Support

Staff shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliation against a member of staff for complaining about bullying/harassment is considered a disciplinary offence. A malicious complaint made by a staff member will be treated as misconduct under the disciplinary procedure.

6. Assistance in the event of Harassment

Every effort will be made to assist if they so wish, persons who are victims of bullying/harassment to deal with the problem and where it is requested, the services of a counsellor will be made available by the Board of Management. Persons who bully/harass others may be requested to attend counselling to prevent further incidences of harassment occurring. Access to such counselling may be made available by the Board of Management.

7. Training/Awareness

It is considered that all personnel who have a role in either the informal or formal procedure – e.g. designated members of management, worker representatives, union representatives etc., should be made aware of appropriate policies and procedures which should, if possible, include appropriate training.

8. Statutory Rights

Using the complaints procedure will not affect the complainant's right to make a complaint of sexual harassment or harassment under the Employment Equality Act 1998 and 2004 (or subsequent relevant acts). Any such complaint must be filed within 6 months of the action complained of, which period may be extended to 12 months if exceptional circumstances prevented the bringing of the complaint within the initial 6 month period.

9. Disciplinary Action (In the event of Gross Misconduct or Victimization.)

It is expected that all persons will conduct themselves in a reasonable and respectful manner at all times. If at any stage during the procedure as set out above, the conduct of any of the parties could be construed as serious/gross misconduct, a separate disciplinary hearing within the terms of the relevant disciplinary code for the staff concerned may be initiated. In this context, certain types of bullying/harassment (e.g. bullying/harassment of a violent/abusive nature, false or malicious allegations of bullying/harassment, victimisation of complainants or intimidation of witnesses) will be investigated and can under the relevant appropriate procedure, become grounds for disciplinary action up to and including dismissal.

In the event that the process determines that an initial complaint was vexatious and or malicious, the matter may be referred for investigation under the appropriate disciplinary procedure.

10. Industrial Relations:

If full utilisation of the range of available internal procedures has not resolved a bullying complaint, the services of a rights commissioner may be accessed directly by individuals involved.

Rights Commissioners can assess how procedures were applied in bullying cases and thereafter intervene in a range of ways, including, where appropriate, carrying out a new investigation. Application for a Rights Commissioner hearing must be made directly by the appellant, citing the Industrial Relations Acts 1969 and 2001.

Application forms for such hearings are available online or by request from the Labour Relations Commission.

Findings of Rights Commissioners, which are delivered in the form of a recommendation, can be appealed to the Labour Court

The policy is subject to periodic review.

Signed: _____

(for and on behalf of the Board of Management)

Date: _____

Appendix 1

ASTI-JMB Sexual Harassment Policy for Schools

Introduction

1. The school recognises that all employees have the right to a work place free from sexual harassment and is fully committed to ensuring that all employees are able to enjoy that right. Sexual harassment is prohibited under the Employment Equality Act 1998. Complaints of sexual harassment must always be treated seriously and dealt with in a sensitive manner.
There is a responsibility on all employees to ensure a work place free from sexual harassment for all other employees, and to be aware of this Policy. Management shall be required to implement this Policy and set a standard of behaviour by their own example. Any complaints of sexual harassment shall be fully and properly investigated and, if substantiated, will be regarded as grounds for disciplinary action up to and including dismissal. An attempt will be made to resolve the complaint informally in the first instance but if this is not possible, a formal procedure will be invoked. Confidentiality will be ensured, insofar as is possible, at all times during the investigation for all parties involved.
2. What is Sexual Harassment?
Sexual harassment means unwanted conduct of a sexual nature or other conduct based on a person's sex which affects the dignity of men and women at work.
3. Examples of Sexual harassment Include:
 - a. Unwanted physical or verbal advances.
 - b. Unwanted touching or physical gestures.
 - c. Comments and remarks of a sexual or discriminatory nature,
 - d. Unwelcome comments about personal appearance.
 - e. Demands of sexual favours.
 - f. Displays of pin-ups and pornographic material,
 - g. Innuendoes of a sexual nature or based on a person's sex.

This list is not exhaustive.

Sexual harassment may be perpetrated by a superior, a subordinate, a colleague or a non-employee and may take place outside the work place. The degree of control available to the employer in this particular circumstance will be relevant.

School Environment and Culture

1. School Commitment to Cultivate an Environment Free from Sexual Harassment

The school recognises that all employees have the right to a work place free from sexual harassment and is fully committed to ensuring that all employees and students are able to enjoy that right and that sexual harassment will not be tolerated.

Management shall be required to implement this Policy and set a standard of behaviour by their own example.

Any complaint of sexual harassment shall be fully and properly investigated and, if substantiated, will be regarded as grounds for disciplinary action up to and including dismissal. An attempt will be made to resolve the complaint informally in the first instance but if this is not possible, a formal procedure will be invoked.

Confidentiality will be ensured, insofar as is possible, at all times during the investigation for all parties involved. The school authority is committed to providing an environment free from sexual harassment and ensuring that such behaviour by employees or students is not tolerated,

- a. Sexual harassment of one staff member (teaching or non- teaching) by another staff member (teaching or non-teaching) will not be tolerated and is contrary to school policy.
- b. Sexual harassment of one student by another student, or of one staff member (teaching or non-teaching) by a student will not be tolerated and is contrary to school policy,
- c. Sexual harassment of a student by a staff member (teaching or non-teaching) will not be tolerated. It is contrary to school policy and is a serious abuse of authority.

2. Employees' Responsibilities

Employees have a clear role to play in the creation of an environment at work in which sexual harassment is unacceptable.

Employees can contribute to preventing sexual harassment through an awareness and sensitivity towards the issue and by ensuring that standards of conduct for themselves and for colleagues do not cause offence.

3. Sexual Harassment May Result in Disciplinary Action

- a. Complaints of sexual harassment will be taken seriously and if proven could constitute grounds for disciplinary action. Prompt action will be taken when incidents involving sexual harassment take place and come to the attention of management. Fair and equitable procedures will be

used in dealing with such complaints both in relation to the complainant and the alleged perpetrator of such harassment. These procedures are set out in Section 3 below.

- b. Malicious complaints by students or teachers will be treated as misconduct under disciplinary procedures.
- c. The school authority will endeavour to protect all students and employees from intimidation, victimisation or discrimination in the event of a complaint being filed or while they may be involved in the process of an investigation of sexual harassment in the school.

4. Assistance in the Event of Harassment

- a. Every effort will be made to guide persons who are victims of sexual harassment into therapy/counselling to assist their recovery.
- b. Persons who sexually harass others will be advised to seek counselling to prevent further incidents of sexual harassment arising.