

## DIGNITY AT WORK POLICY

### ST. CONLETH'S COMMUNITY COLLEGE

This Dignity at Work Policy is to be reviewed by the Board of Management.

This Dignity at Work Policy was agreed on .....

Signature ..... (Chair of Board of Management)

..... (Principal)

Date for Review

Dear Staff Member, The purpose of this document is to ensure that the Board of Management of St Conleth's Community 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 St. Conleth's Community 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 compliant in relation to bullying in the workplace in St.Conleth's Community College the procedures contained within this policy , will be followed. This document will be subject to periodic review.

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Secretary of Board of Management

# 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 maximize 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 St. Conleth's Community College. Where the right of the individual to dignity at work is recognized and protected.
- To ensure that all are aware of and committed to the principles outlined in this policy.

The Board of Management 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's 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 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. Victimization as a result of a member of Staff raising a complaint will not be tolerated.

## **DEFINITIONS**

### **Definitions 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 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:**

#### **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 recrimination in relation to conditions of employment.

#### **Sexual Harassment:**

Sexual Harassment is defined in the Equality Act 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 KWETB/TUI Sexual Harassment for Schools – separate document)

#### **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.

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 other 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 thing 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.

### **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.
- 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/TUI Steward, the 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 for bullying behaviour, for the alleged perpetrators(s), for organisational culture/ethos and for the Board of Management.

### **Procedures for dealing with workplace bullying**

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

#### **Stage 1: Informal Procedure**

An informal approach can often resolve matters. As a general rule an attempt should be made to address an allegation of bullying as informally as possible by means of an agreed informal procedure to resolve the difficulty with the minimum of conflict and stress for the individuals involved.

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 e.g.

- A work colleague;
- A member of management
- A TUI representative.

#### **Stage 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:-

- The complainant should make a formal complaint in writing to his/her Principal. If the Headmaster/Deputy Principal is the subject of the complaint, the formal complaint should be made to the Chairperson of the Board of Management.
- 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).
- The complaint should be subject to an initial examination by a designated 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 that the issue can be resolved informally.
- Should this approach be deemed inappropriate 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**

- The investigation should be conducted by either a designated member or members of management or, if deemed appropriate, an agreed third party selected by the ETB/TUI.
- The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant the alleged perpetrator(s).

- The investigation should be governed by terms of reference, preferably agreed between the parties in advance.
- The investigator(s) should meet with the complainant 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 representatives if so desired.
- Every effort should be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) should submit a written report to the ETB/Board of Management containing the findings of the investigation.
- The complainant and the alleged perpetrator(s) should be informed in writing of the findings of the investigation. Explaining their right to appeal within fifteen working days.
- Both parties should be given the opportunity to comment on the findings before any action is decided upon by the ETB/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**

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 taking the issue through the disciplinary and grievance procedure of the employment.

### **Confidentiality**

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

### **Recording;**

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

- The investigation undertaken
- All communication to/by the complainant
- The subject of the complaint
- The steps taken and all the decisions made

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.

### **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.

### **Assistance in the event of Harassment**

Every effort will be made to assist 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 CEO of the ETB.

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 CEO of the ETB.

### **Training/Awareness**

It is considered that all personnel who have 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 procedure which should, if possible, include appropriate training.

The policy is subject to periodic review