



**OUR  
LADY'S  
SCHOOL**  
TERENURE



# Dignity in the Workplace Policy

*Ratified by the Board of Management on:*

*Date: 27th September 2021*

Signature: 

(Chairperson of the Board of Management)

<i>Commenced: 2008</i>
<i>Date of last Review: 2021</i>
<i>Review due: 2023</i>

## 1. Introduction

This policy has been adopted to comply with the requirements of the Safety, Health and Welfare at Work 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’.

This document will be available on the staff website and hard copies are available at Reception upon request. All employees will be made aware of this policy and 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 (Appendix 1) 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 Our Lady’s School, the procedures contained within this policy, will be followed.

This document will be subject to periodic review.

## 2. Rationale

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 places 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.

The Board of Management of Our Lady’s School recognises that all staff members – teachers and non-teachers – have the right to a workplace free from bullying/harassment and is fully committed to ensuring that all staff members enjoy that right and to the principles set out in this policy.

The objectives of this policy are:

The Board of Management is committed to providing an environment free from bullying/harassment and ensuring that such behaviour by any staff member, student or visitor – including parent/guardian, is not tolerated at any time. It is recognised that bullying/harassment undermines the confidence and dignity of individuals.

- Bullying/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.
- Bullying/harassment of one student by another student, or of a staff member (teaching or non-teaching) by a student will not be tolerated and is contrary to school policy.
- Bullying/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.

- Bullying/harassment of a staff member (teaching or non-teaching) or student by visitors - including parents/guardians, or bullying/harassment of visitors - including parents/guardians, to the school by students or staff members will not be tolerated.

There is a responsibility on all staff members, but in particular on school management to be aware of this policy and to ensure a workplace free from bullying/harassment for all staff members.

Complaints of bullying/harassment will always be treated seriously, confidentially and in a sensitive manner. 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.

Any complaints of bullying/harassment will be fully and properly investigated following the procedures identified in this document and, if substantiated, will be regarded as grounds for disciplinary action up to and including dismissal of a staff member or exclusion of a student. 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, in so far as it is possible, at all times during the investigation for all parties involved.

### **3. Definitions**

#### **What is bullying/harassment?**

Bullying can be defined as repeated inappropriate behaviour, direct or indirect, whether verbal, psychological, physical or otherwise, conducted by one or more persons against another or others, at the place of work or during the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

This definition includes harassment, which is any act or conduct which is offensive, humiliating or intimidating on a discriminatory ground, and sexual harassment, which is 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 include spoken words, gestures or the production, display or circulation of written words, pictures or other material. Harassment that is based on the following grounds - Gender, Age, Civil 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.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but a once-off incident is not considered to be bullying/harassment.

Examples of bullying/harassment include:

- Using aggression, threats, shouting abuse or obscenities towards any person
- Horseplay, offensive gestures, language or pictures, gossip
- Unwanted physical contact
- Derogatory or offensive nicknames
- Racist comments
- Unwanted comments on an individual's religious beliefs
- Exclusion with negative consequences
- Subjecting a person to constant humiliation, sneering, ridicule or using a person as a constant butt of jokes
- Subjecting a person to unreasonable scrutiny with persistent unwanted criticism about minor matters
- Undermining a person's authority, work or achievements
- Removing – for no justifiable reason – areas of work responsibility from an individual

- Constantly changing the work requirements of an employee without consultation or criticising or reprimanding him/her for not meeting these changes in requirements
- Deliberately withholding information which an employee needs to do his/her job effectively
- Deliberately blocking another staff member's development
- Shunning or marginalizing a person, excluding him/her from discussions, decisions, etc. or refusing to deal directly with him/her in the workplace
- Isolation or non co-operation or exclusion from social activities
- Vandalism of personal property
- Unsolicited/abusive/insulting telephone calls
- Unsolicited/abusive/insulting text messages
- Posting unsolicited or abusive messages online
- Using internet sites to damage the character of another person
- Using internet site to hurt/insult/abuse another person
- Taking and distributing photos of another without his/her permission
- Posting photographs on websites without the permission those in the photographs
- Any other form of bullying mentioned in the Department of Education's Guidelines.

This list is not exhaustive.

#### **4. School Environment & Culture**

In keeping with our Mission Statement, the Board of Management is committed to providing an environment free from bullying/harassment and ensuring that such behaviour by staff members, students or visitors - including parents/guardians to the school is not tolerated.

In keeping with our ethos, the school shall be a place where staff members and students shall feel secure in a safe environment where all are accepted for themselves and have the freedom to grow and develop self-confidence and self-esteem.

It is acknowledged that the impact of bullying/harassment can be devastating – it can affect a person's health and personal life, their work and performance. It can also have a detrimental effect on the whole school where poor relations can lower morale.

Staff members can contribute to an environment at work in which bullying/harassment is unacceptable through an awareness and sensitivity towards the issue. They can ensure that standards of conduct for themselves and for colleagues do not cause offence.

Training in dealing with incidents of bullying/harassment will be provided where appropriate.

Complaints of bullying/harassment will be taken seriously and if proven could constitute grounds for disciplinary action. Prompt action will be taken when incidents involving bullying/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 harasser. These procedures are set out below.

Malicious complaints by students or teachers will be treated as misconduct under disciplinary procedures.

In the event of a complaint being made, the school authority will endeavour to protect complainants from intimidation, victimisation or discrimination. The school authority will also endeavour to protect anyone involved in the investigation of bullying/harassment in the school.

Every effort will be made to guide persons who are victims of bullying/harassment into therapy/counselling to assist their recovery.

Persons who bully/harass others will be advised to seek counselling to prevent further incidents of bullying/harassment arising.

## **5. Complaints Procedure**

It is the opinion of the school that issues of bullying/harassment are best dealt with within the school. However no aspect of this policy affects any staff member's individual legal rights to take their complaint outside of the school through appropriate channels.

There are two stages for dealing with cases of alleged bullying/harassment, informed by the Code of Practice Detailing Procedures for Addressing Bullying in the Workplace (extracts from IR Code of Practice S.I. No. 17 of 2002 Code of Practice).

### **Stage 1: Informal Procedures for staff members**

Any staff member who feels that s/he has been or is being bullied/harassed should ask the person who is bullying/harassing them to stop. It may be possible and sufficient for the staff member concerned to explain clearly to the person engaged in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable and it interferes with their work.

In circumstances where it is too difficult or embarrassing for an individual to do this on his/her own behalf, an alternative would be for an initial approach to be made by a sympathetic colleague. In this situation the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned. 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.

Staff may wish school management to appoint designated persons with appropriate skills who may be approached by complainants for this purpose. Such persons would act in confidence as an impartial mediator. They shall have no role in the grievance/disciplinary procedure.

It is important for the recipient of bullying/harassment to keep notes, detailing times and dates of incidents of bullying/harassment and request eyewitnesses, if any, to note them also.

If the matter is still unresolved or if it is not appropriate to resolve the problem informally (because of the severity or continuation of the harassment, for example) it should be raised through the formal procedures.

### **Stage 2: Formal procedures for staff members**

Any staff member subjected to bullying/harassment, that cannot be dealt with informally, may make a formal complaint to the Principal. The Principal will be responsible, on behalf of the Board of Management, for investigating such complaints and recommending action.

Investigations will be undertaken with the minimum of delay, consistent with fairness to both parties. They will be handled with sensitivity and with due respect to the rights of both the complainant and the alleged bully/harasser.

Ultimate disciplinary action is the responsibility of the BOM, taking into account any contractual arrangements which may apply. Should the Principal be either the complainant or the alleged bully/harasser, or should a staff member not feel comfortable in bringing such a matter to her/his attention, referral should be made to the Chairperson of the Board of Management for investigation.

Formal procedures will be as follows:

- 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.
- 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 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).
- Depending on the severity of the alleged harassment, the alleged bully/harasser may be suspended with pay, pending the investigation.
- 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).
- 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 representative if so desired. Interviews/meetings held shall be recorded.
- 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 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.
- 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.
- 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. Such action may also include:
  - (a) a verbal warning
  - (b) a written warning
  - (c) a final written warning
  - (d) suspension from some duties with or without pay
  - (e) suspension from full duties with or without pay

- (f) other disciplinary action short of dismissal
- (g) dismissal

Where disciplinary action is taken following a complaint and subsequent investigation, the bully/harasser retains the right of appeal and the right of natural justice.

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

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.

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.

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.

### **Students**

Where a complaint re bullying/harassment is made against a student, it shall be reported to any of the following: Principal, Deputy Principal, Guidance Counsellor or Class Teacher. Any complaint will be handled under the school's Anti-Bullying Policy.

### **Visitors**

Where a complaint of bullying/harassment is made by or about a visitor - including a parent/guardian, to the school it will be reported to the Principal for investigation and subsequent referral to the Board of Management.

**Appendix 1 (on display at Reception):**

**Dignity at Work Charter**

**Our Lady's School**

**Adopts the**

**HSA Dignity in the Workplace Charter**

**Endorsed by IBEC and ICTU and adopted by JMB and ASTI**

*We at Our Lady's School "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."*