



Monkstown Educate Together
National School

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Dignity at Work Policy

MONKSTOWN EDUCATE TOGETHER

NATIONAL SCHOOL

**KILL AVENUE
DUN LAOGHAIRE
CO DUBLIN**

ROLL NO 20060G



Declaration

We, at Monkstown Educate Together National 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 and are members of the Board of Management, Executive and Parents Association are expected to respect the right to dignity in their working life. Each staff member will be treated equally and be respected for their individuality and diversity. Bullying or harassment in any form and from any party within and without the school is not accepted by us and will not be tolerated. Our policies and procedures will underpin the objectives of this charter. All individuals, whether directly employed or contracted by Monkstown Educate Together National School or serving on the Executive, Board of Management of the school, or Parents Association have a duty and responsibility to uphold this Dignity at Work Charter.

Our declaration is in line with the core values of Educate Together

Dignity at Work: Building & Maintaining a Positive & Effective Work Environment



School Context

Monkstown Educate Together National School is a multid denominational, co-educational vertical school set in an urban environment in South County Dublin. In September 2015, the school will complete the transition from an eight class to a sixteen class school. We operate under the patronage of the Dalkey School Project and as members of Educate Together.

- The Board of Management of Monkstown Educate Together National School has adopted this policy on the 1st of May 2015, 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).

The Dignity at Work Policy has been laid out under the following headings:

A. Core Principles of Policy

B. What is Workplace Bullying and Harassment?

C. A Positive Work Environment

D. Adult Bullying and Harassment

- ✓ Examples of Bullying
- ✓ What Bullying is Not
- ✓ What is Harassment?
- ✓ What is Sexual Harassment?
- ✓ How does Sexual Harassment and Harassment differ from 'Friendly Workplace Banter'?

E. What happens if there is an Allegation of Bullying or Harassment?

F. Summary

A. Core Principles of Policy

This school is committed to a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

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.

B. What is Workplace Bullying and Harassment?



The Board of Management adopts the definition of adult bullying as set out by the Task Force (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".

Harassment is covered by Employment Equality legislation and is based on a person's standing within one of the nine categories (or grounds) specified in that legislation (gender, marital status, religion, sexual orientation etc.) Harassment is defined in law as "*unwanted conduct*" related to one or more of the discriminatory grounds 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.*"

It is recognised that bullying and harassment complaints may arise among work colleagues but may also arise in relation to any adults or visitors (including parents or guardians) in the school. In either case, the commitment to a positive workplace, where dignity at work is respected, prevails.

C. A Positive Work Environment

It is agreed that we will all work to make this school a good place to work. A good place to work has a positive work environment characterised by

- A supportive atmosphere
- Good and open communication (e.g. through opportunities at regular staff meetings, parent/teacher meetings etc)
- 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 has a responsibility to play his/her part in contributing to a positive work environment. In this regard, a person who is a witness or bystander has a clear responsibility to raise concerns about dignity at work and threats to this, in an appropriate and timely manner.

The Safety Statement - as mandated under the Safety, Health and Welfare at Work Act 2005 – will also include a commitment to a positive work environment, in light of the Employer's obligations as outlined at Section 8 of that Act, including the duty to manage work activities in such a way as to prevent "*improper conduct or behaviour*" likely to put health and safety at risk.



It is agreed that the adoption of this policy in our school will be accompanied by a number of steps to examine our work environment and, as necessary, to agree changes which reflect a commitment to dignity at work. These steps will be initiated by Management, and be repeated by way of review at appropriate intervals.

The actions to be undertaken may generally be described as Identification, Assessment, Implementing Strategies and Monitoring.

D. Adult Bullying and Harassment

Our school recognises that Adult Bullying and Harassment are problems where they occur in any workplace.

Bullying behaviour generally amounts to psychological abuse which causes serious pain and suffering. Studies have shown that any person may become a target, irrespective of their personality or ability. In addition to its unacceptable effects on persons who are its targets, workplace bullying and harassment is extremely detrimental to organisational effectiveness.

Examples of Bullying:

- Verbal abuse/insults, undermining remarks
- Excessive monitoring of work
- Deliberately withholding work-related information
- Exclusion with negative consequences
- Constant humiliation, ridicule, belittling efforts-often in front of others
- Verbal abuse, including shouting, use of obscene language or spreading malicious rumours
- Showing hostility through sustained unfriendly contact or exclusion
- Inappropriate overruling of a person's authority, reducing a job to routine tasks well below the person's skills and capabilities without prior discussion

Such behaviours need not and should not be part of a workplace. This policy aims to ensure that a positive environment prevents such behaviours from occurring. Where bullying or harassment does occur or is alleged to have occurred, there are means of tackling it through the agreed procedure.

What Bullying is Not

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, for example an occasional bout of anger and conflict of views.

Fair and constructive criticism of an employee's performance, conduct or attendance does not constitute bullying.

Complaints relating to instructions issued by a supervisor and/or manager, *assignment of duties, terms and conditions of employment* or other matters which are appropriate for referral under the normal grievance procedure do not constitute bullying.



Complaints that are appropriate for referral under the normal grievance procedure are usually relatively straightforward to formulate as they refer to a specific issue or incident. Bullying, on the other hand, is *repeated, inappropriate behaviour* which is specifically targeted at the recipient in order to undermine his or 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 hostile working environment.

What is Harassment?

Harassment is a form of discrimination in relation to conditions of employment on any of the eight grounds other than gender covered by the employment equality act.

These grounds are:

- ✓ 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

Harassment is defined in the Act as follows:

Any act of conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating.

Harassment is inappropriate behaviour based on the relevant characteristic of the staff member or adult in school such as race, religion, age or any of the other grounds covered by the Act. Inappropriate behaviour that is not linked to one of the eight discriminatory grounds is not covered by this definition. It may be targeted at one staff member/adult, or a group of staff/adults.

Harassment may consist of the single incident or repeated inappropriate behaviour.

The following are examples of inappropriate behaviour which may constitute harassment.

These examples of harassment are illustrative but not exhaustive:

- Verbal harassment such as jokes, derogatory comments, ridicule or song
- Written harassment such as text messages, emails or through social media
- Physical harassment such as jostling, shoving
- Intimidatory harassment such as gestures or threatening poses



- Visual displays such as posters, emblems or badges
- Persistent negative body language
- Ostracising a person

An act of harassment may occur outside the school premises or normal school hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference or work-related social event.

What is Sexual Harassment?

Sexual harassment is a form of discrimination on the *gender ground* in relation to conditions of employment and is defined by the Employment Equality Act 1998 as follows:

Any act of physical intimacy, request for sexual favours, other acts or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome and could be reasonably be regarded as sexually offensive, humiliating or intimidating.

Sexual harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one staff member / adult or a group thereof.

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

- Physical conduct of a sexual nature, for example unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body.
- Verbal conduct of a sexual nature, for example unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the school after it has been made clear that such suggestions are unwelcome, unwanted and offensive flirtations, suggestive remarks, innuendos or lewd comments.
- Non-verbal conduct of the sexual nature, for example the display of pornographic or sexually suggestive pictures, objects, written materials, emails or text-messages.
- Unwanted or derogatory comments about dress or appearance.
- Leering and suggestive gestures.

An act of sexual harassment may occur outside the school premises or normal school hours provided the perpetrator was acting *in the course of employment*, for example, as a training course, conference or work/school-related event.

How does Sexual Harassment and Harassment differ from 'Friendly Workplace Banter'?

It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is mutual and welcome. It is up to each staff member/person to decide what behaviour is unwelcome, irrespective of the attitude of others, and from such behaviour is unwelcome. The fact that the staff member/adult has previously tolerated the behaviour does not stop him from deciding that has now become unwelcome



and objecting to it.

E. What Happens if there is an Allegation of Bullying or Harassment?

Without prejudice to an individual's right to take such advice or steps as they themselves may decide, the Board of Management will take seriously any allegations of workplace bullying or harassment.

Supportive and effective procedures*, in accordance with nationally-agreed practice, are in place in this school. These procedures to address and investigate allegations will focus on the earliest possible resolution, will proceed as necessary from informal to formal stages and will have a stress on confidentiality.

* See Appendices

F. Summary

The Board of Management has a duty of care towards employees. Similarly, employees have a duty of care towards one another. This policy seeks to set out principles and practices to support the exercise of that duty in our school.

Just as inappropriate and undermining behaviour among work colleagues is taken seriously, so is such behaviour when perpetrated against an employee of this school by any other person.

Together we are committed to building and maintaining a work environment where inclusive, respectful, open and equal relationships are the norm.

In summary, we are committed to having a good place to work.



Appendices

Procedure for Dealing with Allegations of Bullying, Sexual Harassment and Harassment

Making a Complaint

If any staff member or visitor * feel that (s)he is being subjected to behaviour which undermines his or her dignity should let his/her objections be known, otherwise the person engaging in the unwelcome behaviour may be unaware of the effect of his/her actions. The staff member may either approach the alleged perpetrator directly and make the person aware that the behaviour in question is unwelcome, or request the Principal or Staff Representative to approach the person on his or her behalf. Sometimes the alleged perpetrator is genuinely unaware that his or her behaviour is unwelcome and causing distress. An informal discussion is often sufficient to alert the person concerned to the effects of his or her behaviour and can lead to greater understanding and an agreement that the behaviour will stop.

* The term 'visitor' is defined on page 13 of this policy.

An employee who feels he or she is being bullied or harassed may seek information and advice regarding the policy and procedure on a confidential basis from any of the following:

- A colleague
- The principal
- Staff Representative
- The Health and Safety Representative of the Board of Management

If, having consulted with the appropriate person, the staff member decides to pursue the matter, he or she may approach the alleged perpetrator directly or request the intervention of the Principal. In a case involving the Principal, the intervention of the Board of Management can be requested.



Approach the Alleged Perpetrator Directly

In this case the staff member may find it helpful to rehearse what he or she intends saying to the person concerned so that he or she feels more confident about initiating the discussion and articulating the precise nature of the offending behaviour and its effects.

Requesting the Intervention of an Appropriate Staff Representative

Where the staff member is not confident about approaching the alleged perpetrator or where a direct approach has not resolved the matter, he or she should request the intervention of the Principal or Staff Representative. The Principal or Staff Representative will attempt to resolve the matter in an informal low-key and non-confrontational manner by making the alleged perpetrator aware of the effects of his or her behaviour. Where this does not bring about a satisfactory outcome, the matter may be referred to the Health and Safety Representative of the Board of Management, who will make every effort to resolve the matter between the parties.

Where the matter remains unresolved, the Health and Safety Representative of the Board of Management may request both parties to consider mediation.

Mediation

Mediation is the preferred method under the Dignity at Work Policy for the resolution of complaints of bullying and harassment which are not capable of being resolved by school staff. The objective of mediation is to resolve the matter speedily and confidentially without recourse to a formal investigation and with the minimum of conflict and stress for the individuals involved. Mediation requires the voluntary participation and co-operation of both parties in order to work effectively. An assigned mediator will meet with both parties, usually separately to begin with, to discuss the alleged offending behaviour. The mediator will then bring both parties together to reach a common understanding and agreement on acceptable future behaviour. A mediated agreement seeks to reach an accommodation between the parties, thereby restoring harmonious working relations. A mediated solution *will not* result in the issues being dealt with under the disciplinary policy. Minimal paperwork and/or records will be generated by this process.



Mediation may be attempted at any/all points in the procedure to try to resolve the matter. The parties will be requested to attend mediation before alleged offending behaviour is the subject of a formal investigation. If the mediation process does not produce a satisfactory outcome, the complainant may seek to have the matter resolved through formal investigation. Any information that emerges during the course of the mediation process will remain strictly confidential and cannot be disclosed as part of the formal investigation.

Mediation may be attempted again during the formal investigation or following the outcome of the investigation.

Formal Investigation

If the matter cannot be resolved at local level or through mediation, it may be the subject of a formal investigation.

The complaint will be clearly formulated in writing setting out details of the offending behaviour (including dates and witnesses if any) and the context in which it occurred. The alleged perpetrator will be advised that the complaint is the subject of a formal investigation. He or she will be given a copy of the written complaint and invited to respond to the allegations in writing within two weeks. A copy of the response will be forwarded to the complainant.

Principles governing the Investigation Process

- The investigation will be conducted thoroughly and objectively and with due respect for the rights of both the complainant and the alleged perpetrator.
- Both parties will be required to co-operate fully with the investigation.
- Confidentiality will be maintained throughout the investigation to the greatest extent consistent with the requirements of a field investigation. It is not possible, however, to guarantee the anonymity of the complainant or any person who participates in the investigation.



- Notwithstanding the difficult circumstances, both the complainant and the alleged perpetrator may be expected to continue with their normal duties and maintain a professional working relationship during the course of the investigation. The Board of Management will, however, have due regard at all times for its obligations to safeguard the health, safety and welfare of staff and students.
- The investigator may interview anyone they feel can assist with the investigation. Staff are expected to co-operate fully with the investigation and would be fully supported throughout the process.
- Employees who participate in the investigation process will be required to respect the privacy of the parties involved by refraining from discussing the matter with other work colleagues or persons outside school.
- It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

Conducting the Investigation

The investigation will be conducted by a designated person(s) nominated by the Board of Management who is not connected to the complaint in any way.

The investigation will be governed by clear terms of reference based on the written complaint and any other matters relevant to the complaint. The terms of reference shall specify the following:

- The investigation will be conducted in accordance with the Dignity at Work Policy
- The timescale within which the investigation will be completed
- The investigator(s) may set time limit for completion of various stages of the procedure to ensure the overall timescale is adhered to
- Scope of the investigation i.e. the investigator(s) will determine whether or not the behaviour complained of falls within the definition of bullying/harassment, whether the complaint has been upheld and recommend an appropriate course of action in the circumstances



- Both parties will be given copies of all relevant documentation prior to and during the investigation process i.e. complaint, written response from the alleged perpetrator and the written statement (if any).
- The investigator(s) will conduct separate interviews with the complainant and the alleged perpetrator with a view to establishing the facts surrounding the allegations. Both the complainant and the alleged perpetrator may be accompanied by staff representative or work colleague if so desired.
- The investigator(s) will interview any witnesses to the alleged incidents of bullying or harassment and other relevant persons. Confidentiality will be maintained as far as is practical.
- Persons may be required to attend further meetings to respond to new evidence or provide clarification on any of the issues raised.
- On completion of the investigation, the investigator(s) will submit a written report of the findings and recommendations to the Principal and Board of Management.
- Both parties will be given a copy of the investigation report and an opportunity to comment before any action is decided upon by the Board of Management.

Outcome

- If the complaint is upheld, the matter may be further progressed through the disciplinary procedure or other appropriate action may be taken such as counselling and mediation.
- The complainant and the alleged perpetrator will be informed in writing of management's decision.
- When a complaint is not sustained, no action will be made against the complainant, provided that the complaint was made in good faith.
- In the interests of all staff members and students, any malicious or vexatious complaints will be treated very seriously and may lead to disciplinary action against the complainant.
- Victimisation or retaliation against a complainant, witness or any other party will constitute a serious disciplinary offence.



Visitors to the School

Visitors to the school include frequent substitute staff, extra-curricular activity (ECA) staff, specialist staff, work experience students, parents, volunteers and student teachers. Where complaints against visitors to the school are the subject of a formal investigation, the alleged perpetrator will be expected to co-operate fully with the process and will be afforded fair procedures and an opportunity to respond fully to the complaint. Where the complaint is upheld, appropriate sanctions will apply which may include:

- Exclusion of the individual from the premises.
- Suspension or termination of service or other contract.