

Scoil Mhuire U.R. 11894 I:

Dignity at Work:

Our work to make Scoil Mhuire a great place to work in.

Introduction

Scoil Mhuire is committed to creating, maintaining and constantly striving to enhance a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

It is the policy of the Board of Management of Scoil Mhuire, in collaboration with the school community, to create, develop and maintain an environment in which all staff, pupils, and parents are treated with dignity.

In order to achieve a policy that is the result of collaboration and with full staff involvement, the Board engaged an external facilitator to facilitate a number of sessions with all staff members, and not just teacher staff. The stated purpose of these engagements was to identify the core elements of a Dignity at Work policy and to explore options and establish priorities for the Scoil Mhuire policy that will promote good practice for effectively managing issues arising under the policy.

This Policy is formulated in light of the outputs from the facilitated engagements and with reference to a number of resource documents, including:

- INTO *Working Together Policy*
- CPSMA [document/policy TBC]
- The Health & Safety Authority *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work* (2007)
- The Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work (2002)
- Department of Education *Circular 40/97 Assault on Staff in Primary School*
- Scoil Mhuire *Class Allocation Policy*
- Scoil Mhuire *EPV Days Policy* (Scoil Mhuire)
- Scoil Mhuire *Leave of Absence Policy* (to be developed)
- Agreed national complaints procedures and the importance of due process for all

Dignity in the Workplace Charter

Scoil Mhuire Management and staff are committed to a positive work environment where management, teaching and learning, and all work and activities are conducted in an atmosphere of respect, collaboration, openness and equality.

All staff – including Management and staff members – are required to behave and conduct themselves in a manner that respects the right of each individual in the School to dignity, courtesy and respect at work. Behaviour that is inappropriate, including adult bullying and harassment, is not acceptable, and we as a school community at Scoil Mhuire will seek to prevent any such behaviours. [I suggest use of the word ‘inappropriate’ rather than ‘not nice’ which is very subjective] Furthermore, inappropriate behaviours will not be tolerated. As a community we recognise that we each have a part to play in modelling and promoting a positive work environment.

In the event that inappropriate behaviours do occur, we will seek to address the behaviours in a timely and appropriate manner to ensure that the inappropriate behaviours cease and that collegial relations can be restored. It may not be appropriate to immediately explain to the other party that their behaviour is unacceptable. It is suggested that we set out the proposed outcomes to addressing the behaviours here and outline the detailed steps below in the informal and formal procedures.

The Purpose of the Policy

[Suggest moving the information setting out what the Policy is trying to achieve from further down to this section and the inclusion of a two/three point overarching objectives of the Policy, e.g.:]

The purpose of this Policy is to:

1. To promote a positive working environment in Scoil Mhuire;
2. To create awareness of the potential problems of inappropriate behaviour including adult bullying, harassment and sexual harassment;
3. To provide clear and accessible steps to ensure that all claims/allegations of inappropriate adult behaviour are treated in a manner most likely to allow for the timely, effective and, where possible, informal resolution of issues, so as to maintain good relations between staff.

We recognise that adult bullying and harassment complaints may arise among work colleagues and may also arise in relation to visitors to the school. In either case, our commitment is to create and develop Scoil Mhuire as a positive working environment for all and we will strive to achieve and maintain this by:

- Actively developing and proactively maintaining a supportive atmosphere
- Good and open communication (e.g. through opportunities and regular staff meetings)
- Appropriate interpersonal behaviour
- Collaboration

- Open discussion and early resolution of conflict
- Recognition, feedback and affirmation as appropriate
- Fair treatment of all staff (including fair and appropriate systems of selection and promotion in line with agreed procedures)

Objectives of the Policy

The objectives of this Policy are as follows:

- To promote and maintain a safe and positive work environment in Scoil Mhuire [from facilitation outputs]
- To create an atmosphere of collaboration, openness, respect and equality [from facilitation outputs]
- To raise awareness of Management and staff in relation to the importance of fostering positive working relations with one's colleagues
- To provide practical guidance on how to develop and maintain good working relations
- To generate understanding of the importance of good communication
- To foster best practice so as to enable issues to be managed at an early stage and in a constructive manner [problems will naturally arise and so the emphasis is better placed on the constructive resolution of issues rather than trying to prevent problems]
- To acknowledge that disagreement is normal and inevitable but its management can be planned and supported
- To ensure that adequate procedures to effectively address issues – both informally and formally – are readily available and clear to all staff members
- To prevent the recurrence of issues that negatively impact on working relationships
- To acknowledge and promote what is working well in Scoil Mhuire

Key Aspects of this Policy

- An awareness of the importance of demonstrating a sense of fair play, tolerance and goodwill.
- It is recognised that there are certain behaviours which are not acceptable among staff members and which can create negative staff relations.
- It is recognised that it is important to constructively resolve issues at the earliest opportunity so that issues do not fester and result in inevitable conflict.
- All staff are aware of, and have access to, copies of relevant school policies and procedures.
- These policies are implemented fairly and consistently and with appropriate oversight, monitoring and review.
- The Board of Scoil Mhuire is committed to ensuring the appropriate development and implementation of this Policy. [The Policy will require ongoing review and development to ensure that it is fit for purpose]

Scope of the Policy

This Policy applies to inappropriate behaviours, including adult bullying, harassment and sexual harassment, not only by staff but also by any person with whom a staff member might reasonably expect to come in contact in the course of his/her school activities, including visitors to the school.

Protection under this Policy extends beyond the School environment to all work-related events including off-site meetings, conferences, and sports/social events.

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 the responsibility of Management and each staff member to be aware of this Policy and the concept of Dignity at Work for each person in the Scoil Mhuire community. (See Section on Responsibility of Management below for further information.)

Victimisation:

Staff members who make a complaint or who give evidence in proceedings associated with this Policy, will not be victimised.

What is Bullying and Harassment?

Information in relation to bullying, harassment and sexual harassment is included in line with HSA and EA codes of practice to ensure clarity and to build awareness.

Bullying or harassment can be broadly characterised as behaviours which are unwanted, unwelcome, intimidating or offensive to the recipient.

It is the unwanted nature of the contact that distinguishes bullying, harassment and sexual harassment from acceptable behaviour that is welcome and mutual.

Bullying and harassment are defined by the impact of the behaviour on the recipient where those behaviours could reasonably be regarded as undermining the persons right to dignity at work.

The effect of the behaviour on the staff member concerned is what is important.

The intention of the perpetrator is irrelevant.

It is up to each member of staff to decide what behaviour is unwelcome, irrespective of the attitude of others to the matter.

Bullying definition:

*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.

Bullying puts at risk the safety, health and/or welfare of people at work. A pattern of the following behaviours are examples of types of bullying:

- Exclusion and isolation
- Verbal abuse/insults
- Interference with personal property or work station
- Being treated less favourably than others
- Intrusion – pestering, spying or stalking
- Menacing or threatening behaviour
- Undermining a person's role
- Excessive monitoring of work
- Humiliation
- Withholding work-related information
- Blame for things beyond the person's control
- Spreading malicious rumours.

Please note that the above is not an exhaustive list.

Key factors of adult workplace bullying are that the behaviour is:

- Persistent
- Unwanted
- Overt or subtle
- Physical or non-physical

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

- Manager/supervisor to staff member
- Staff member to supervisor/ manager
- Staff member to staff member
- Group to individual and/or group to group
- Parent/business contact to staff member/supervisor/manager
- Manager/supervisor/staff member to parent/business contact

[adapted from HAS CPP Bullying at Work 2007]

What Bullying is Not

The exercise of legitimate management functions in a reasonable and fair manner does not constitute bullying and this view of the Board of Management is endorsed by the INTO and by other Trade Unions. Nor do the following constitute bullying:

- Reasonable and proportional discipline arising from the management of the performance of a staff member
- Actions taken that can be justified as regards the safety, health and welfare of the staff and pupils
- Actions taken which can be justified as regards the safety, health and welfare of the employees
- Legitimate management responses to crisis situations which may require immediate action
- Complaints relating to reasonable instructions issued by management in relation to the assignment of normal duties or relating to terms and conditions of employment

Harassment

Harassment is closely related to bullying and while it is illegal and should not be tolerated in the workplace, it does not fit the definition. To assist in differentiating the two it is worth considering that harassment is governed by Equality legislation and is predicated on the person being a member of one of the nine categories specified within the anti-harassment legislation. Bullying is legally distinct from harassment as bullying behaviour is not predicated on membership of any distinct group. [HSA, 2007:5]

Harassment definition:

*Harassment is any form of **unwanted conduct** related to any of the nine discriminatory grounds that has **the purpose or effect of violation a person's dignity** and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.*

In reaching consensus on our definition of harassment we consulted with each other, reviewed current Employment Equality legislation and researched generally but not exclusively based on a person's standing within one of the nine categories specified in the legislation Employment Act 1998 & 2004:

- Gender
- Marital status
- Family status
- Sexual orientation
- Religion
- Age
- Disability
- Race, ethnic origin or colour
- Membership of the Travelling community

Many forms of behaviour may constitute harassment including:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – including text messages, emails or notices
- Physical harassment – jostling, shoving or any form of assault
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from social activities
- Pressure to behave in a manner that the employee thinks is inappropriate, for example, being required to dress in a manner unsuited to a person's ethnic or religious background

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

[adapted from EA COP, 2002:8-9]

Sexual Harassment

The Equality Act 2004 outlaws sexual discrimination in the workplace in the course of employment whether by an employer, another employee or by clients, customers or business contacts of the organisation.

For the purpose of this Policy, the definition of sexual harassment as outlined in the Equality Act 2004 will apply as follows:

*[Sexual harassment is] ...any act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is **unwelcome and** could reasonably be regarded as **sexually offensive, humiliating or intimidating**.*

EA COP, 2002:27

Sexual harassment may consist of a single incident or repeated inappropriate behavior and applies to incidents of a sexual nature between a woman and a man and to individuals of the same sex.

Sexual harassment may take many forms, for example:

- Sexual jokes, stories, comments, use of telephone (including text messages), fax or radio systems for inappropriate suggestive comments, unwelcome comments about dress or appearance;
- Display of offensive pictures, slogans, graffiti, written suggestive materials, etc. through electronic mail or otherwise (including a display of pornographic or sexually suggestive pictures or objects);
- Asking personal questions, telling lies or spreading rumours about a colleague's sex life
- Unwanted physical contact ranging from unnecessary touching to assault;
- Persisting in unwelcome attempts to form or continue a relationship from which the consent of one party has not been given or has been withdrawn.

Responsibilities of Staff

All staff members have a role in promoting a positive working environment in Scoil Mhuire and each staff member has a responsibility for ensuring that the work environment in Scoil Mhuire is free of intimidation, harassment and/or threat of any sort.

Specifically, each staff member should demonstrate a clear understanding of:

- acceptable collegial interaction
- normal management strategies and
- mutually acceptable behaviour

...in order to understand what is being described in this Policy as unacceptable behaviour that could undermine the right to dignity at work for any colleague or other person with whom they come into contact during the course of their work.

Responsibilities of Management [suggest inclusion of responsibilities of management to ensure clarity - see below suggested list]

It is the responsibility of the Principal and manager/supervisors to:

- Familiarise themselves with this Policy
- Uphold the Policy as an integral part of their work
- Promote awareness of the Policy among staff
- Communicate Policy to staff and non-staff members (ensure copies of the Policy are readily available)
- Be vigilant for signs of bullying and/or harassment
- Intervene or take appropriate steps in any instance where offensive behaviour is observed or brought to their attention
- Provide good example by treating all in the workplace with dignity and respect
- Respond sensitively and confidentially to a staff member who makes a complaint of bullying or harassment
- Explain the procedures to be followed if a complaint is made
- ensure, insofar as practicable, that the staff member is not victimised for doing so
- Monitor and follow up situations after a complaint is made to ensure that it does not reoccur

Procedures for Dealing with Issues arising under this Policy

In many instances complaints of adult bullying and harassment can be dealt with successfully on an informal basis. Often such incidents can be resolved amicably between the parties involved using an informal approach. In many instances, such an intervention will be sufficient to enable the alleged perpetrator to see the offending behaviour from the complainant's perspective and no further action may be required.

A staff member who feels subjected to inappropriate behaviours should take the following actions:

Stage 1 Informal Process: Direct engagement [suggest use of 'stage' rather than 'step' as each stage may contain a number of steps]

If an incident occurs involving behavior which concerns or offends you, it may be sufficient to explain clearly to the person that the behaviour in question is unacceptable. If you feel able, speak privately to the person, explain that their behaviour is unacceptable and ask them to stop. Identified strategies to assist this direct engagement may include: [from the facilitation]

- Clearly set out your difficulties – be specific about the behaviours
- Bear in mind that the other party may not be aware that their behaviours are causing difficulties
- Both parties should seek to constructively resolve their differences
- Allow time for consideration and discussion – resolution may require more than one meeting
- Establish clear parameters for future interaction

Additional identified factors to support constructive, direct engagement include:

- Place and time – seek an appropriate time and place for the engagement
- Privacy
- Be clear and specific about the behaviours
- Do not personalise the issue
- Tone and language – conducive to problem-solving
- Listen to understand
- Both parties should make every effort to engage and to respond in a constructive manner

In circumstances where Stage 1 is too difficult or embarrassing to do on your own you should proceed to Stage 2.

Stage 2 Informal process: Third party support

[School Management have a duty of care and so cannot be a confidential confidante in matters of alleged, inappropriate behaviours. Suggest the role of DCP if a confidential support is to be provided and that specific training be provided for this role].

If you do not achieve success in Stage 1 of the Informal Process, or if you feel unable to raise the issue(s) directly with the person, you may raise the matter with a member of the In School Management Team [ISMT] or your Union representative who will help you to identify your options for addressing your issue(s) and concerns under this Policy.

Alternatively you may seek the support of a Designated Contact Person¹ (DCP) who will provide you with confidential, non-directional support including help and assistance to:

- Identify the behaviours that are creating difficulty for you
- Gain clarity around the changes in behavior that you are seeking
- Outline the options available to you
- Support you in exploring the pros and cons of the different options
- Help you to make an informed decision in how you wish to proceed

The DCP may also:

- Accompany you in approaching the other person
- Approach the other person on your behalf to seek a resolution to the problem
- Assist you in documenting potentially bullying or harassing behavior
- Support you in writing a formal complaint

Formal Process

If the issues cannot be resolved informally, the complainant may seek to invoke the formal process as set out below. [INTO procedures allow for the following formal stages]

Stage 1 Formal Process: Management intervention

Stage 1 of the Formal Process provides a mechanism for the Principal to intervene in an effort to resolve the matter. However, if the principal teacher is one of the parties, the Chairperson of the Board of Management, should then be involved, in an individual capacity, in order to achieve resolution. In circumstances where the Chairperson may also be involved during the informal stage, another member of the Board, may be designated to intervene.

Formal Process Stage 1 Steps:

1. Party A should advise Party B that he/she is proceeding with Formal Process Stage 1 Management Intervention.
2. Party A should state his/her complaint in writing and request the principal teacher (or Chairperson of the Board of Management, as the case may be) to review the matter with a view to resolving the situation.

The Principal (or Chairperson, as the case may be) should:

- obtain background details including details of what occurred at the previous stage
- consider the pattern of behaviour and the timescale
- hear the parties and seek to resolve the matter
- act in a fair and impartial manner and deal with the matter sensitively having

¹ DCP role to be confirmed.

- regard to the nature of the problem and the principles of due process
- exercise judgement and make decisions which he/she considers necessary to resolve matters.

The outcome of the discussions should be noted by the parties.

The matter should be dealt with confidentially.

Where resolution has not been possible and particularly, where there is a likelihood of the offending behaviour continuing, either party or the principal teacher (or chairperson of the board of management as the case may be) should refer the matter to the Board of Management in accordance with stage 4 below.

We support the inclusion of the above Management intervention as set out in the INTO Policy as this allows for a two-stage formal process.

Formal Process Step 2: Board of Management / Investigation

A formal complaint may be made to the Chairperson of the Board of Management to be investigated. In each case, a formal complaint must be in writing, by letter alone that is signed and dated by the complainant and it must be in accordance with the requirements of the CPSMA and INTO. The letter of complaint should include:

- clear, specific allegations against the named individual(s)
- dates and times of incident(s)
- names of witness(s), if any
- factual descriptions of incident(s)
- direct quotes, if they can be recalled
- a brief description of the context of each incident

A complainant may seek support from a DCP or a Union Representative to write up their complaint.

Stage 2 Investigation steps:

1. It is open to any of the parties or the principal teacher (or Chairperson of the Board of Management, as the case may be) to refer the matter to the Board of Management for investigation. The referral should be in writing and dated and should include a copy of the written complaint.
2. The board of management should consider the issues and investigate the matter:
 - the board may enquire into the background of the difficulties including obtaining
 - details on the sequence of initiatives taken at previous stages
 - the board or the chairperson of the board may meet teachers individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process (see below)
 - the board may request the principal teacher to furnish a written submission;

- the board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence
 - following oral presentations the board of management may designate the chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution
 - the board of management may convene a number of meetings in order to achieve resolution
 - the board of management shall act in a fair and impartial manner in order to achieve resolution and shall deal with the matter sensitively, having regard to the nature of the problem
3. Having considered all matters, the Board of Management should reach a view on the matter not later than 20 school days after receipt of the written request/referral.
4. Where the board of management finds that bullying/harassment has not occurred, both parties should be informed accordingly. No action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and appropriate action taken.
5. Where the board of management finds that bullying/harassment has occurred, the board should deal with the matter appropriately and effectively. This may include:
- the issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and that it will not be tolerated
 - a demand that all forms of bullying/harassment cease and that acceptable patterns of interaction be established between the parties
 - an instruction to the offending party that he/she apologise/ express regret or give an assurance that the bullying/harassment behaviour will cease
 - seeking a commitment to attend counselling or the welfare service
 - more serious disciplinary sanctions as may be commensurate and appropriate, such as:
 - oral warning
 - written reprimand
 - written warning
 - final written warning
 - suspension
 - dismissal

6,As part of any resolution, the Board of Management should monitor the situation and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The Board of Management should keep matters under review.

The procedures to address and investigate allegations will be underpinned by the

principles of confidentiality, impartiality, transparency (procedural), thoroughness and timeliness. Also, due respect will be afforded to the rights of both the complainant and the alleged perpetrator.

Note:

1. While the investigation process is strictly confidential and breach of confidentiality may result in disciplinary action, it is not protected by legal privilege and may be acted upon after the process has concluded.
2. Confidentiality must be maintained with Adult Bullying. If there is an allegation against a staff member regarding a child it will be dealt with under the Child Safeguarding Policy and not this Policy.

Employment Equality Act, 1998 (Code of Practice) (Harassment) Order 2002 (S.I. No. 78 of 2002) Chapter 7 4 INTO Members Handbook CD, INTO, 2003 5 CPSMA Management Board Members' Handbook, CPSMA

It is the policy of the school that issues of harassment are best dealt with within the school. However, no aspect of this Policy affects any employees' individual legal rights to take their complaint outside of the school.

Conclusion

The Board of Management has a duty of care towards employees. Similarly, employees have a duty of care towards one another and a duty to respect the authority of the Board of Management and its responsibility to manage and lead the school in all domains.

This Policy seeks to set out principles and practices to support the exercise of that duty in our school and to ensure that each and every member of the school community experiences dignity in the workplace.

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

Monitoring, Evaluation and Review

All school personnel along with the Board of Management have been involved in the preparation of this Policy. A copy of this Policy will be given to all employees on their appointment to a position within Scoil Mhuire.

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 following further consultation by way of review at appropriate intervals.

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

Signed : _____ Date: _____
Josephine Henry
Chairperson.