

Dignity at Work Policy, Gorey Educate Together National School, May 2016

The Board of Management of Gorey Educate Together N.S. recognises that all employees have the right to a workplace free from bullying, harassment and sexual harassment. The Board is committed to ensuring that its employees can enjoy that right.

Regarding our 'workplace,' the provisions within this policy cover our school building & grounds, work-related undertakings such as extra-curricular activities involving GETNS pupils (sports, concerts, school trips, etc.), approved attendance at courses & conferences and 'work-related social events' (see below.)

There is a responsibility on all Gorey Educate Together N.S. employees to adhere to this Dignity at Work Policy. Staff members must remain sensitive to the potential impact of their personal behaviour on colleagues. Similarly, all members of the wider school community must be mindful of the right of GETNS employees to be treated with respect.

A finding of workplace bullying, harassment or sexual harassment against a Gorey Educate Together N.S. employee will be regarded as grounds for disciplinary action. (See below.) The Board can also take action against other persons who subject GETNS employees to such behaviour during the course of their work, (including referring the matter to the Gardaí.)

Adult Workplace Bullying

The Health & Safety Authority defines workplace bullying as: '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 it is not considered to be bullying.)

Examples of behaviour that may constitute adult workplace bullying:

- Purposely undermining someone
- Targeting someone for special negative treatment
- Manipulation of an individual's reputation
- Social exclusion or isolation
- Intimidation
- Aggressive or obscene language
- Jokes that are obviously offensive to one individual by spoken word, text or e-mail
- Intrusion by pestering, spying and stalking
- Unreasonable assignments to duties which are obviously unfavourable to one individual
- Repeated requests with impossible deadlines or impossible tasks.

This list is not exhaustive.

Bullying is not:

- An isolated incident of inappropriate behaviour
- Exercise of proper authority by management
- Fair and constructive criticism of an employee's performance, conduct or attendance.

(In the workplace environment, conflicts and interpersonal difficulties can arise. Many of these may relate to 'industrial relations difficulties' - which should be dealt with through the appropriate industrial relations channels. E.g. Irish National Teachers' Organisation.)

Workplace Harassment

The Employment Equality Acts 1998-2011, place an obligation on all employers to prevent harassment in the workplace. Discrimination is defined in the Equality Act 2004 as the treatment of a person in a less favourable way than another person was, is or would be treated on nine distinct grounds: **Gender; Age; Disability; Family status; Marital status; Membership of the Travelling Community; Race, ethnic origin or colour; Religion; Sexual Orientation.** The Equality Act 2004 extended the definition of harassment to include discrimination which arises where one of the nine grounds is imputed to a person or where a person who is associated with another person, and is treated, by virtue of the association, less favourably than another person. The Equality Act 2004 outlaws discrimination 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 Dignity at Work Policy, the definition of harassment as outlined in the Equality Act 2004 will apply as follows: 'Harassment is any form of unwanted conduct, related to any of the nine discriminatory grounds and being conduct 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.'

Many forms of behaviour may constitute harassment including:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – incl. text messages, emails, notices, social media postings
- Physical harassment – jostling, shoving or any form of assault
- Non-verbal 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 incidents.

Workplace Sexual Harassment

The Employment Equality Act (1998) defines sexual harassment as any unwelcome act, request or conduct, which could reasonably be regarded as sexually or otherwise on the grounds of gender, to be offensive, humiliating or intimidating to the employee in question, such as:

- any act of physical intimacy
- any request for sexual favours
- any other conduct such as spoken words, gestures or the production, display or circulation of written words, pictures or other materials which have an offensive sexual connotation.

Examples of sexual harassment include:

1. Unwanted physical or verbal advances.
2. Unwanted touching or physical gestures.
3. Comments and remarks of a sexual or discriminatory nature.
4. Unwelcome comments about personal appearance.
5. Displays of pin-ups and pornographic material.
6. Innuendoes of a sexual nature or based on a person's sex.

This list is not exhaustive.

Making a Complaint of Sexual Assault

In such cases, the Board of Management recommends to its employees that they contact An Garda Síochána in the first instance. An Garda Síochána is best placed to provide appropriate support to the complainant and to conduct the subsequent investigation. The Board will cooperate fully (and in confidence) with An Garda Síochána, as required.

All Gorey Educate Together N.S. employees are reminded that they should contact the Garda Station nearest to the location of the offending event (or any Garda Station), and that they will have the option of speaking with a female or a male police officer. (The Gardaí can also be contacted day or night by phoning 999 [Emergency Number].)

Actions to take regarding workplace bullying, harassment or sexual harassment:

The Board of Management recommends that actions (as outlined below) be initiated by its employees in a timely manner, i.e. within 10 school days of an offending incident. (However, it is the case that any Statutory Rights remain unaffected by this Dignity at Work policy document - and that no aspect of the policy affects any employee's right to take their complaint to an agency outside of the school.)

Key References:

The Board will usually refer to 'Working Together – Procedures & Policies for Positive Staff Relations,' (Irish National Teachers' Organisation, 2000)

However, the Board may also seek advice and then refer to 'Disciplinary procedures for teachers in primary, voluntary secondary, and community and comprehensive schools,' (Department of Education & Skills Circular 0060/2009), as necessary.

Stage 1: Decide to address the matter

The party (*Party A*) who considers that s/he is being bullied, sexually harassed or harassed on other specified discriminatory grounds, should decide to address the matter. However, in light of the potential effects of bullying or harassment on an individual, including loss of confidence, extreme upset, anxiety or fear, *Party A* may initially decide to seek Union or other assistance, including the Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures in the circumstances.

Party A should keep a record of the pattern of behaviour or instances where s/he considers that bullying/harassment has occurred. The record should contain details such as dates, times, persons present, details of what was said or what occurred.

Stage 2: Informally address the problem

1. The party who considers that s/he is being bullied, sexually harassed or harassed on other discriminatory grounds (*Party A*), should request a meeting with the other party (*Party B*), in order to discuss matters. The following should apply:

- Where necessary, the meeting may be facilitated by a third party, generally a work colleague;
- *Party A* should clearly outline his/her difficulties and should clearly object to the bullying/harassment and request that it stop;
- It is important that *Party A* bear in mind, that the other member of staff may not be aware that his/her behaviour is causing difficulty;
- Both parties should seek to resolve their differences and establish a pattern of interaction exclusive of any forms of bullying/harassment;

- *Party B* may respond to *Party A* at that meeting or if requested, should be given an opportunity to consider his/her response, in which case the meeting may be adjourned. *Party B* should respond in a constructive manner;
- The resolution, as appropriate, may include any of the following, e.g. a commitment to cease the particular behaviour, modify the behaviour, and plan to eliminate situations where the parties would be in conflict, or monitoring. Alternatively, it may emerge as a result of the discussions between the parties, that there may have been a degree of misunderstanding in relation to certain behaviours and the resolution may make provision for compromise or appropriate explanation or acknowledgement.
- Matters should remain confidential between the parties.

2. If there is no satisfactory indication of resolution between the parties, *Party A* should refer the complaint to stage 3, i.e. formal procedures.

Stage 3: Formally address the problem

1. Stage 3 provides a mechanism for the principal teacher to intervene and 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 at stage 2, another member of the Board of Management may be designated to intervene.

2. *Party A* should advise *Party B* that he/she is proceeding with stage 3.

3. *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 investigate the matter.

4. The principal teacher (or Chairperson of the Board of Management, as the case may be **or an Investigator/Facilitator/Mediator appointed by the Principal or the Chairperson**) would:

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

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

6. The matter should be dealt with confidentially.

7. 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 in accordance with Stage 4 below.

Stage 4: Board of Management (BOM)

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 BOM for investigation. The referral should be **in writing** and dated and should include a copy of **the written complaint**.

2. The BOM should consider the issues and investigate the matter:

- The BOM may enquire into the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages;
- The BOM or the Chairperson of the BOM **or an Investigator/Facilitator/Mediator appointed by the BoM** may meet teachers individually or collectively, and may also request written submissions from the parties, having regard also to the principles of due process;

- The BOM may request the principal teacher to furnish a written submission;
 - The BOM may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence;
 - Following oral presentations the BOM may designate the Chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution;
 - The BOM may convene a number of meetings in order to achieve resolution;
 - The BOM 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 BOM should reach a view on the matter not later than 20 school days after receipt of the written request/referral.
4. Where the BOM 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, (as per relevant Disciplinary Procedures.)
5. Where the BOM finds that bullying/harassment has occurred, the BOM should deal with the matter appropriately and effectively, (i.e. invoking the relevant Disciplinary Procedures.)

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 s/he apologise/ express regret or give an assurance that the bullying/harassment behaviour will cease;
 - seeking a commitment to attend counselling or seek appropriate professional assistance, perhaps through the Employee Assistance scheme;
 - More serious disciplinary sanctions as may be commensurate and appropriate, such as:
 - oral warning
 - written reprimand
 - written warning
 - final written warning
 - suspension
 - dismissal
 - **(Reference also: Circular 0060/2009)**
6. As part of any resolution, the BOM should monitor the situation and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The BOM should keep matters under review.
7. Where an employee is victimised as a result of invoking or participating in any aspect of the complaints procedure, including acting as a witness for another employee, such behaviour will also be subject to disciplinary action. (Ref: *Working Together* document.)

No record of any complaint will be registered on an employee's file unless the formal procedure outlined above has been invoked.

Gross Misconduct Offences

The Board of Management will adhere to the Principles and Procedures outlined in Circular 0060/2009.

Work-Related Social Events

At Gorey Educate Together N.S. 'work-related social events' are those events where the school staff as a whole / the staff in general were invited to attend by the Board, the PTA Committee or by any current member of staff (via oral invitation, school email, notice in the staffroom, etc.) Examples of such events include: staff lunch within the school, staff lunch/coffee at another venue, 'Christmas Party,' trip for school staff. (This list is not exhaustive.) Not included: private events such as weddings, house-warmings, etc.

The organiser(s)/facilitator(s) of 'work-related social events,' as well as all Gorey Educate Together N.S. attendees, are hereby notified that their conduct & behaviour at these events is subject to the provisions of this Dignity at Work Policy.

Every Gorey Educate Together N.S. employee has a responsibility in ensuring that 'work-related social events' are free from bullying, harassment and sexual harassment. During work-related social events every attendee should take action to prevent or stop unacceptable behaviour as soon as it is brought to their attention.

The school will issue periodic reminders to staff regarding this Dignity at Work policy, (usually at the beginning of each school year as part of staff orientation/training.)

External Supports for School Staff

All Gorey Educate Together N.S. teachers and special needs assistants are reminded of the free and confidential *Carecall* counselling service/'employee assistance service' 1800 411 057.

The Dublin Rape Crisis Centre offers a free confidential listening and support service for women and men who have been raped, sexually assaulted, sexually harassed or sexually abused. 24-Hour Helpline, 365 days/year. 1800 77 8888 or email counselling@rcc.ie The Centre can also refer callers to Local Services.

References and Resources

'Working Together - Procedures & Policies for Positive Staff Relations,' (Irish National Teachers' Organisation, 2000)

'Disciplinary procedures for teachers in primary, voluntary secondary, and community and comprehensive schools,' (Department of Education & Skills Circular 0060/2009)

'Dignity at Work - The Challenge of Workplace Bullying,' (Health & Safety Authority, 2001)

'Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work,' (Health and Safety Authority, 2007.)

'Code of Practice on Guidance, Prevention and Procedures for dealing with Sexual Harassment and Harassment at Work made under the Employment Equality Act, 1998,' (Equality Authority, 2012.)

A draft document was circulated to school staff on 27th April 2016 (following presentation by the Principal during a staff meeting), and written submissions were invited.

The Board discussed the above submissions before redrafting this document and ratifying it as school policy on 23rd May 2016.

This final Policy Document was circulated to school staff on 30th May 2016. (The document was also added to the Plean Scoile/School Plan.)

This Policy Document will also be listed in a school newsletter and published on the school website by September 2016.