

DIGNITY AT WORK CHARTER AND ANTI-BULLYING POLICY –

Dear Staff Member,

The purpose of this document is to ensure that the Board of Management of St. Mary's Secondary School, Holy Faith Convent, Glasnevin, is compliant with current legislation in relation to the Health and Safety Requirements under Part 2 – General Duties, Section 6 (1) of the Safety, Health and Welfare at Work Act, 1989. This states that –

“ It shall be the duty of every Employer to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his Employees”.

A copy of this document is available to each Staff member of St. Mary's Secondary School. It is the responsibility of each Employee to ensure that they become familiar with the contents of this document.

A copy of the Dignity at Work Charter will be displayed in a visible part of the premises of the school so that Management, Staff, Visitors and the general public may view this document.

In the unlikely event of a complaint in relation to bullying in the workplace in St. Mary's Secondary School, the procedures contained in this document will be followed.

This document will be subject to periodic review.

Signed -

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Date -

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Title -

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DIGNITY AT WORK CHARTER,

ST. MARY'S SECONDARY SCHOOL, HOLY FAITH CONVENT, GLASNEVIN.

A Core Employment Value is the commitment to ensuring that each individual is guaranteed a working environment where she / he may expect to be treated with dignity, both by Management and Work Colleagues.

This approach is a positive emphasis on the importance of each individual and the contribution she / 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 St. Mary's Secondary School through the creation and maintenance of a positive working environment.

Integral to this employment value, in particular to the principle of mutual respect, is the commitment to provide a workplace free from bullying.

The objectives of the Dignity at Work Charter can be summarised as follows –

- To create and maintain a positive working environment in St. Mary's Secondary School where the right of each individual to dignity at work is recognised and protected.
- To ensure that everybody is aware of and is committed to the principles set out in this Charter.

INTRODUCTORY STATEMENT –

It is acknowledged in its Ethos Statement for the school, which is in "The School Plan",

that St. Mary's Secondary School follows "a pastoral approach" which is embedded in the daily life of the school. Indeed, in the drawing up of the Mission Statement for St. Mary's Secondary School, it was important for Staff that the said Mission Statement would embody a continuance of the caring focus in St. Mary's. Inherent within this Statement is a core employment value which is committed to ensuring that each individual is guaranteed a working environment where she / he may expect to be treated with dignity, both by Management and by Work Colleagues.

Integral to this employment value, in particular relating to the principle of mutual respect and fostering good relationships between Staff, Parents and students, is the commitment to provide a workplace free from bullying. Indeed in St. Mary's "Code of Behaviour" document for students, one of the aims of the aforementioned Code is –
 "... To ensure that each member of the School Community is cared for in an atmosphere of mutual respect.."

It is the intention of the Management of St. Mary's Secondary School that the work of the school will be carried out in accordance with relevant legislation listed below. The Board of Management of St. Mary's Secondary School is committed to providing all Employees with an environment that is free from any form of workplace bullying. This commitment is expressed in the School Charter.

There are three relevant pieces of Legislation relating to this aspect of the employment situation. They are –

- Safety, Health and Welfare at Work Acts 1989 and 2005
- Industrial Relations Act, 1990
- Employment Equality Acts, 1998 and 2004

There are three relevant Codes of Practice relating to this aspect of the employment situation. These Codes are designed to provide Guidelines on arrangements, procedures and guidance generally on tackling workplace bullying, harassment and sexual harassment. They are –

- Code of Practice on the Prevention of Workplace Bullying made under the Safety, Health and Welfare at Work Act, 2005
- Code of Practice detailing Procedures for Addressing Bullying in the Workplace made under the Industrial Relations Act, 1990

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

The Dignity at Work Charter and the Anti-Bullying Policy are available to all Employees. Each Employee of St. Mary's Secondary School is expected to make herself / himself familiar with the Dignity at Work Charter and the Anti-Bullying Policy.

The purpose of this document, therefore, is to outline the Board of Management's policy and procedures in relation to workplace bullying. A complaint of workplace bullying may, following due procedure, result in disciplinary action.

In approving the policy, the Board of Management has agreed that –

- It will be brought to the attention of all Staff
- All Staff are to be asked to co-operate in its implementation.

The objectives of the policy of the Board of Management are twofold – namely

- To eliminate workplace bullying
- To contribute to a supportive environment for all Staff.

The policy guarantees that all complaints will be taken seriously and that they will be investigated promptly. It also guarantees that all parties involved will be treated with respect.

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 and will be treated as bullying and subject to disciplinary action.

BULLYING IN THE WORKPLACE –

What follows is in the format of a series of questions and answers relating to the issue of bullying in the workplace.

What constitutes 'Unacceptable Behaviour' / 'Workplace Bullying'?

Unacceptable behaviour and bullying can manifest as various types of behaviour, including behaviour which may –

- Humiliate
- Intimidate
- Verbally abuse
- Victimise
- Exclude and isolate
- Intrude through pestering, spying or stalking
- Give repeated unreasonable assignments or duties which are obviously unfavourable to one individual
- Give repeated impossible deadlines or impossible tasks
- Imply threats.

The above list is representative only, not exhaustive, and should be used as guidance. These are types of inappropriate behaviour that undermine an individual's right to dignity at work and constitute bullying.

What are the effects of bullying?

International research shows that the effects may be physiological, psychological and behavioural.

Research shows that individuals who are continually bullied lose self confidence as self-esteem is eroded and they are at an increased risk of suffering stress. There may be serious effects on health and the person's career may be adversely affected.

Research shows that individuals who are bullied will find it difficult, if not impossible, to give of their best in the workplace. Among the well-documented effects are increased sickness / absenteeism, low morale, a tense atmosphere, cliques or factions.

Why might an individual be reluctant to take action?

An individual be reluctant to take action –

- Because the particular workplace culture passively supports bullying, i.e Staff in general are unaware of the seriousness of bullying
- Because of fear that the complaint may not be taken seriously

- Because she / he may be seen as unable for the job or / and a weak person
- If the alleged bully is a Manager, there may be the fear that more Senior Management will support the Manager / Supervisor
- Because making a complaint could result in further intimidation and increased bullying
- Because there are no witnesses to the bullying and it would be one person's word against another
- Because she / he might be seen to be lacking in credibility or / and personal status
- Where there are witnesses, these might be unwilling to come forward because they are afraid of being branded troublemakers

What can I do to ensure that workplace bullying does not occur in St. Mary's Secondary School, Glasnevin?

- Awareness / education about workplace bullying is crucial
- Be familiar with and accept responsibility for the Board of Management's policy and how it works

What can I do to stop people bullying me?

Tell them that it has to stop! This may be more difficult for some individuals than for others. When bullies know that their behaviour will not be tolerated, they will be halted – at least temporarily.

If you find that impossible, tell somebody – a contact person, the A.S.T.I. School Steward, a Deputy Principal, the Principal, other ...GET HELP AND SUPPORT.

What may be the consequences of not dealing with workplace bullying?

There are consequences for the individuals who perceive themselves to be targets of bullying behaviour, for the alleged perpetrator(s), for organisational culture / ethos and for the Board of Management.

What if an alleged perpetrator is proven to be the victim as a result of investigation?

Where there is total conflict of evidence between the complainant and the accused, a detailed investigation will be necessary. The Board of Management / Agent appointed by the Board of Management, investigating the complaint should talk to any witnesses in order to try to ascertain the veracity of the alleged incident. In reality, there will often be no witnesses and the investigator will be presented with two conflicting accounts. In such a case, the matter rests on the balance of probabilities and this in turn depends on the credibility that can be ascribed to either party. It is not simple.

In such an instance, it is important to pay attention to both the detail of the evidence and the consistency of the account presented by each party. If the complainant's evidence is consistent and detailed and the alleged perpetrator's evidence is vague about matters that she / he should have been expected to recall, then their testimony is less compelling.

Another relevant factor is whether the person alleging bullying mentioned the problem to Colleagues at the time. Although it may be difficult (if not impossible) to establish the factual details of the complaint, it may be possible to establish behaviour that in the Board of Management's view is unacceptable.

Will I be protected against intimidation if I complain?

The Board of Management of St. Mary's Secondary School, Glasnevin, state that Employees will be protected against intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Any Employee found to be retaliating against a Colleague / Employee for complaining about bullying would be subject to the disciplinary procedure / action.

Are there performance criteria by which the success of the policy might be judged?

- The existence of a policy on Dignity in the Workplace and the prevention of workplace bullying as part of Health, Safety and Welfare at Work.
- Awareness / availability of policy
- Existence of Charter: Dignity in the Workplace

- Dignity in the Workplace as well as inappropriate / bullying behaviour are defined in the policy of the Board of Management
- Employee's right to complain is respected
- Informal resolution of complaints is encouraged.

HARASSMENT AND SEXUAL HARASSMENT -

The Employment Equality Acts, 1998 and 2004 specifically deal with harassment in the workplace.

The Code of Practice on Guidance, Prevention and Procedures for dealing with Sexual Harassment and Harassment at Work made under the Employment Equality Acts of 1998 and 2004 aims to give practical guidance to Employers and Employees

on –

- What is meant by sexual harassment and harassment in the workplace
- How it may be prevented
- What steps to take if it does occur to ensure that adequate procedures are readily available to deal with the problem and to prevent its recurrence.

The above legislation prohibits discrimination on the following nine grounds –

- The gender ground
- The marital status ground
- The family status ground
- The sexual orientation ground
- The religion ground
- The age ground
- The disability ground
- The race ground
- The Traveller Community ground.

Harassment is any form of unwanted conduct related to any of the above discriminatory grounds. It is the 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. The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. It is the 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. The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

**GUIDELINES ON THE IMPLEMENTATION OF ST. MARY'S SECONDARY
SCHOOL, GLASNEVIN, ANTI-BULLYING POLICY –**

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

- Stage One – Informal
- Stage Two – Formal.

The designated contact people can advise on both stages. If a person decides to follow Stage One and the problem persists, the complaint can be dealt with under Stage Two.

Sometimes, individuals may be unaware of the negative effects of their behaviour on other adults in the workplace. Such individuals may simply need to be told. Thus, at times, incidents of bullying can be handled effectively in an informal way under Stage One. If an incident occurs that is offensive, it may be sufficient to explain clearly to the offender that the behaviour is unacceptable. If the circumstances are too difficult or embarrassing for an individual, support may be sought from another Colleague, a Contact Person, Staff Representative, Principal or Deputy Principal.

The procedure for dealing with bullying in the workplace is as follows –

Stage One –

- Employees should be advised that, if possible, they should attempt to resolve the problem informally in the first instance. It may be possible and sufficient for the employee concerned to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable and that it interferes with their work.
- In circumstances where it is too difficult or embarrassing for an individual to do this on her / his own behalf, an alternative approach would be for an initial approach to be made to a contact person(s).
- The role of the Contact Person is to listen and to support a target. A Contact Person does not advise a target. The Contact Person should ensure the target knows about the school's anti-bullying policy.
- It is very 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.
- Attempts will be made to resolve the matter informally, if appropriate. Counselling and support services will be made available.

If it is not possible to resolve the matter informally, Stage Two would follow whereby a formal complaints procedure shall be applied incorporating the following steps –

Stage Two -

- Staff members subjected to bullying / harassment shall make a formal complaint to the Principal who will be responsible on behalf of Management for investigating such complaints and recommending action.

- **Ultimate disciplinary action as at (d) below is the responsibility of the Board of Management. Disciplinary action should take account of contractual arrangements applying in given situations.**
- Prior to the commencement of Stage Two of the investigation, the alleged harasser will be given a copy of the formal written complaint and advised that an investigation will ensue which may lead to disciplinary action. Depending on the severity of the alleged bullying / harassment, the alleged perpetrator may be suspended with pay pending the investigation. Both the complainant and the alleged perpetrator will be advised of their right to be accompanied and / or represented by their Union Representative or a Colleague.

Steps –

- A written report should be made by the complainant and signed by the complainant.
- The complaint will be investigated with minimum delay as confidentially as possible by two individuals, one of whom shall be the same sex as the complainant and the alleged perpetrator.
- Both parties may be accompanied / represented at all interviews / meetings held and these shall be recorded.
- Where a complaint is found to be substantiated, the extent and nature of the bullying / harassment will determine the form of the disciplinary action to be taken. These actions may include a verbal warning, a written warning, suspension from duties with or without pay, suspension from full duties with or without pay or dismissal.
- Where the transfer of one of the parties involved is deemed to be appropriate, the person who has been bullied / harassed shall not be transferred unless they so request.
- 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.

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

It is the opinion of St. Mary's Secondary School that issues of bullying / harassment are best dealt with within the school. However, no aspect of this policy affects any Employee's individual legal rights to take their complaint outside of the school.

Where any Staff members do not find it appropriate to report to the Principal as above, then she / he may report to the Deputy Principal / Chairperson, Board of Management. The list of personnel available for reporting should reflect gender balance.

Investigations of any complaint will be handled with sensitivity and with due respect to the rights of both the complainant and the alleged harasser. The normal grievance procedure or existing practice will be the mechanism for resolving such complaints. It is understood that all complaints will be investigated with the minimum of delay consistent with fairness to both parties.

If it is found that the perpetrator's behaviour has been misinterpreted and she / he was genuinely unaware of the effect of actions, further procedures may not be necessary as the investigation may come to an end. However, the ongoing relationship between both individuals should be monitored over a number of months.

Where there has been a conflict of evidence, it may be difficult, if not impossible, to establish as fact the full details of the complaint. However, it may be possible to establish behaviour that in the Board of Management's view is unacceptable.

This document is a requirement under Health and Safety Legislation, Section 6 and future Codes of Practice as may be introduced under the Health and Safety Legislation, Employment Equality Act and Industrial Relations Act.

This policy is subject to periodic review.

Board of Management,
St. Mary's Secondary School,
Holy Faith Convent,

Glasnevin,
Dublin. 11.

Signed -

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Date -

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Title -

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