

## **Rosemont Secondary School**

### **Dignity At Work Charter And Code of Procedures**

**(required under Safety, Health and Welfare at Work Act 2005)**

Developed: 2010

Due for review: 2013

#### **Dignity at Work Charter**

#### **Rosemont Secondary School Adopts the HSA Dignity in the Workplace Charter**

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

*JMB and ASTI “Commit ourselves to working together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work here are expected to respect the right of each individual to dignity in their working life. All will be treated equally and respected for their individuality and diversity.*

*Bullying in any form is not accepted by us and will not be tolerated. Our policies and procedures will underpin the principles and objectives of this Charter.*

*All individuals, whether directly employed or contracted by us, have a duty and a responsibility to uphold this Dignity at Work Charter.*

*Supervisors, Managers, and Trade Union Representatives where applicable in the workplace have a specific responsibility to promote its provisions.”*

## **Dignity at Work Policy and Procedures, Rosemont School**

A core employment value is the commitment to ensuring that each individual is guaranteed a working environment where they 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 they make 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 Rosemont through the creation and maintenance of a positive working environment.

Integral to this employment value and in particular to the principle of mutual respect is the commitment to provide a workplace free from bullying. It is in such a context that the philosophy and policy statement will be realised.

### **Objectives of Dignity at Work Charter**

- To create and maintain a positive working environment in Rosemont where the right of each individual to dignity at work is recognised and protected.
- To ensure that all are aware of and committed to the principles set out in this Charter.

## **INTRODUCTION**

The Board of Management of Rosemont is committed to ensuring that all teachers and staff members are free to conduct their work without being subjected to bullying or harassment, including sexual harassment, and to ensure their dignity and respect at work. Rosemont is committed to ensuring that the school operates in an atmosphere of respect, collaboration, openness, safety and equality.

This policy addresses itself to bullying at work by management, fellow teachers, fellow employees, parents and other school contacts.

The purpose of this document is to outline the Board's policy and procedures in relation to workplace bullying.

A complaint of workplace bullying may, following due procedure, result in disciplinary action.

In approving this policy, the Board has agreed that:

- It be brought to the attention of all Staff (teaching and non-teaching) and parents
- All Staff and parents be asked to co-operate in its implementation

### **Objectives of the Policy**

The objective of the Board policy is to eliminate workplace bullying and to contribute to a supportive environment where Staff has the right to carry out the work of the school - 'the education of the whole person'.

The Policy guarantees that all complaints will be taken seriously and investigated promptly, and 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.

## **Definitions**

For the purpose of this policy, the following definitions apply (as per the related Codes of Practice 2002 under the Industrial Relations Act and Health and Safety at Work Act):

### **Definition of Bullying:**

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 and Sexual Harassment:**

The Employment Equality Act, 1998 and 2004 specifically deals with harassment in the workplace. The new Code aims to give practical guidance and advice. Harassment that is based on the following nine grounds - Gender, Age, Marital Status, Family Status, Sexual Orientation, Disability, Race, Religion or membership of the Travelling Community is a form of discrimination in relation to conditions of employment.

### **Sexual Harassment** (also refer to JMB/ASTI Guidelines)

Sexual Harassment is defined in the Equality Act 2004 as any form of verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. A single incident may constitute sexual harassment.

The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display, or circulation of written words, pictures or other material.

## **Harassment**

Harassment on the other eight grounds covered by the legislation is any unwanted conduct related to any of the eight grounds (other than gender) and the conduct 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 consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. (Employment Equality Act 2004)

## **What Constitutes 'Unacceptable Behaviour'/ Workplace Bullying?**

- This section has been included after consultation with all staff and management so they have ownership of what they perceive in their workplace to be acceptable behaviour in the workplace as well as identifying unacceptable workplace behaviour.

A pattern of the following behaviours are examples of types of bullying:

- Undermining an individual's right to dignity at work
- Public or private humiliation
- Aggression
- Victimisation
- Intimidation
- Verbal abuse, personal insults and name calling
- Excessive or unfair criticism about minor matters
- Taking credit for another person's work
- Undermining someone's authority in the workplace
- Setting impossible work targets or objectives
- Dealing with a colleague through a 3rd party so as to isolate them
- Ignoring on a persistent basis someone's point of view
- Continuously refusing reasonable requests without good reasons
- Publicly insulting a colleague
- Implied threats
- Exclusion with negative consequences
- Physical abuse

- Being treated less favourably than colleagues
- Shouting
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Withholding work-related information
- Setting unreasonable and unrealistic targets
- Blame for things beyond the person’s control
- Unequal treatment

The above list is not exhaustive.

It is noted that a once-off incident is not normally considered to be bullying behaviour.

The proper exercise of management and supervision, or constructive or fair criticism of an employee’s conduct or work performance by a manager, does not constitute bullying.

**Intention:**

The intention of the perpetrator of the bullying, harassment or sexual harassment is irrelevant. The effect of the bullying or harassment on the employee is what is important.

**What are the Effects of Bullying?**

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

*Effects on the individual:* 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.

*Effects on the School:* individuals who are bullied will find it difficult if not impossible to give 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?**

Because the particular workplace culture passively supports bullying i.e. staff in general is unaware of the seriousness of bullying

Because of fear that the complaint may not be taken seriously

Because they 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 they 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 Rosemont?**

By being familiar with the school policy.

By participating in in-service with respect to dignity at work.

By engaging in consultation with respect to the development and review of the dignity in the workplace policy.

By being aware and educated about workplace bullying.

### **What can I do to stop people bullying me?**

Tell them 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 ASTI Steward, a Deputy Principal, and 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 perpetrators(s), for School culture/ethos and for the Board of Management.

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

Where there is a 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, 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 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.



**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 Board Policy
- Employee's right to complain is respected
- Informal resolution of complaints is encouraged.

## **Guidelines on the implementation Rosemont's Anti-bullying Policy**

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

Stage One: Informal and Stage 2: Formal.

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, Deputy Principal.

A complainant may decide, for whatever reason, to bypass the informal procedure and proceed to Stage Two.

The following section outlines the procedures to be followed with respect to a complaint.

The Procedure for dealing with bullying in the workplace is as follows:

Code of Practice Detailing Procedures for Addressing Bullying in the Workplace (Extract from IR Code of Practice S.I. No. 17 of 2002 Code of Practice)

### **1. Informal Procedure**

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt should be made to address an allegation of bullying as informally as possible by means of an agreed informal procedure. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved.

(a) Any employee who believes he or she is being bullied should explain clearly to the alleged perpetrator(s) that the behaviour in question is unacceptable. In circumstances where the complainant finds it difficult to approach the alleged perpetrator(s) directly, he or she should seek help and advice, on a strictly confidential basis, from a contact person. A contact person in the school environment could, for example, be one of the following:

- A work colleague;
- A member of management
- An employee/trade union representative.

In this situation the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned.

(b) Having consulted with the contact person, the complainant may request the assistance of the contact person in raising the issue with the alleged perpetrator(s). In this situation the approach of the contact person should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

- (c) A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure should not reflect negatively on a complainant in the formal procedure.

## **2. Formal Procedure**

If an informal approach is inappropriate or if after the informal stage, the bullying persists, the following formal procedures should be invoked:-

- a. The complainant should make a formal complaint in writing to his/her Principal. If the Principal/Deputy Principal is the subject of the complaint, the formal complaint should be made to the Chairperson of the Board of Management.
- b. The alleged perpetrator(s) should be notified in writing that an allegation of bullying has been made against them. They should be given a copy of the complainant's statement and advised that they shall be afforded a fair opportunity to respond to the allegation(s).
- c. The complaint should be subject to an initial examination by a designated member of management, who can be considered impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution which would require the agreement of all parties, or a view that the issue can be resolved informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint should take place with a view to determining the facts and the validity or otherwise of the allegation(s).

### **Investigation**

- d. The investigation should be conducted by either a designated member or members of management or, if deemed appropriate, an agreed third party. The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s).
- e. The investigation should be governed by terms of reference, preferably agreed between the parties in advance.
- f. The investigator(s) should meet with the complainant and alleged perpetrator(s) and any witness or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s). Both the complainant and alleged perpetrator(s) may be accompanied by a work colleague or employee/trade union representative if so desired.
- g. Every effort should be made to carry out and complete the investigation as quickly as possible and preferably within an agreed timeframe. On completion of the investigation, the investigator(s) should submit a written report to the Board of Management containing the findings of the investigation.
- h. The complainant and the alleged perpetrator(s) should be informed in writing of the findings of the investigation.
- i. Both parties should be given the opportunity to comment on the findings before any action is decided upon by the Board of Management. The method of communicating the commentary may be in writing and/or by the individuals presenting at a Board of Management meeting.

## **Outcome**

- j. Should the Board of Management decide that the complaint is well founded, the alleged perpetrator(s) should be given a formal interview to determine an appropriate course of action. Such action could, for example, involve counselling and/or monitoring or progressing the issue through the disciplinary and grievance procedure of the employment.

### **3. Confidentiality**

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

### **4. At all stages of the process a clear record should be kept of:**

- the investigation undertaken.
- all communications to/by the complainant
- the subject of the complaint
- the steps and all the decisions taken

The above records should be held by the Chairperson of the Board of Management in a confidential manner in a secure place.

Where a complaint has been rejected or has not been upheld, a statement to that effect shall conclude the record in the personnel file of the complainant. All records in relation to a rejected/not upheld complaint shall be removed from the personnel file of the subject of the complaint. A statement of the outcome of the investigation will conclude all other files. Where a statement of the outcome of the investigation confirms the allegation to be true then the statement of outcome shall be placed on the file/record of the person against whom the investigation upheld the complaint.

**5. Protection and Support**

Staff shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliation against a member of staff for complaining about bullying/harassment is considered a disciplinary offence. A malicious complaint made by a staff member will be treated as misconduct under the disciplinary procedure.

**6. Assistance in the event of Harassment**

Every effort will be made to assist if they so wish, persons who are victims of bullying/harassment to deal with the problem and where it is requested, the services of a counsellor will be made available by the Board of Management. Persons who bully/harass others may be requested to attend counselling to prevent further incidences of harassment occurring. Access to such counselling may be made available by the Board of Management.

**7. Training/Awareness**

It is considered that all personnel who have a role in either the informal or formal procedure – e.g. designated members of management, worker representatives, union representatives etc- should be made aware of appropriate policies and procedures which should, if possible, include appropriate training,

**The policy is subject to periodic review. Next review date: August 2013**

**Signed:** .....

**(for and on behalf of the Board of Management of Rosemont Secondary School)**

**Date:** .....

## **Appendix One: Sample Unacceptable Behaviour in the Workplace.**

Bullying can take a number of forms and the following list is not exhaustive:

- Aggressive behaviour/attitude/body language, including shouting and uncontrolled anger, being treated in a dictatorial manner, insensitivity regarding the person and the personal life of another, personal insults, verbal abuse, offensive language, ridicule, slagging, belittling of one's subject, continually shouting down other opinion, rudeness, not greeting each other, lack of common courtesy, rude and unhelpful behaviour, spreading negativity by belittling the efforts of others ('What are you doing that for – you'll get no thanks!'), not being on time for class/breaks/lunch, non-co-operation, unwillingness to accept/adapt to new staff/management ideas, inability to accept change and competition, whispering comments, whispering in groups, sudden silences that exclude, public verbal attacks, criticising a colleague(s) in their absence, dominant behaviour by strong personalities, a written note of correction rather than a verbal exchange
- Intimidation (physical, psychological or emotional) by open aggression, by saying 'we usually do things this way', condescending tone or unreasonable demands, dictated to in front of students, being 'taken to task' in front of others, threats, staring, persistent negativity in behaviour and attitude, insidious laughter intended to exclude, asking inappropriate questions regarding one's personal life/social life or work, intrusion into personal life, undermining authority, with-holding significant information and resources, labeling, loud conversations that exclude, writing of anonymous notes, persistently being 'narky', talking during staff and other meetings when somebody else is speaking, back-biting, bitchiness or malicious comments, disparaging and demeaning comments, being forced into a committee or particular opinion or decision against one's wishes,
- Public or private humiliation, name-calling, ridicule, mocking and belittling new ideas and enthusiasm of others, derogatory jokes, being mimicked in one's absence and before students or colleagues, verbal confrontation in front of a class, seeking popularity with students at the expense of a colleague by not being supportive in an encounter with students, not consulting when taking pupils out of class, malicious tricks, spreading



rumours, intrusion of personal privacy, being 'spoken down' to, ignoring another, branding by association, personalising issues, not sharing/minding/returning resources,

- Ostracising and/or marginalising an individual from relevant discussion or groups (whether overt or subtle), preventing a person from joining a group, social exclusion at breaks/meetings, ignoring a person when addressed, dealing with a person only through a third party (including a student), 'cubbing or cliquery', subjecting another to 'the silent treatment' or, a form of 'sending to Coventry', being slotted into a clique/group (on the basis of incorrect assumptions)

## **Appendix Two: Definitions**

### **Definition of Bullying:**

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