

Policy on
Dignity at Work

**Limerick School Project NS,
O'Connell Avenue,
Limerick City.**



DIGNITY AT WORK POLICY

INTRODUCTORY STATEMENT

The Limerick School Project NS community commits itself to working together to maintain a workplace environment that encourages and supports the right to dignity at work for all employees. All who work here and those who are members of the Board of Management (BoM), Parent-Teacher Association(PTA) or the broader school community are expected to respect the right to dignity at work for all employees of the school. Every person will be treated equally and be respected for their individuality and difference. Bullying, victimisation or harassment in any form and from any party within and without the school is not accepted and will not be tolerated. The BoM is committed to ensuring that employee wellbeing is a priority in its capacity as the employer. To this end, where the Board becomes aware of alleged bullying, victimisation or harassment it will intervene, without delay in an appropriate manner. All of the policies and procedures of Limerick School Project NS will underpin the objectives of this *Dignity at Work* policy. All individuals, whether directly employed or contracted by Limerick School Project NS or volunteering as a member of the BoM or PTA or who are volunteering or completing work experience in another capacity have a duty and responsibility to uphold this *Dignity at Work* policy.

The BoM of Limerick School Project NS has adopted this policy in light of a number of background documents, including the Health & Safety Authority's *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work* (2007) and the Equality Authority's *Code of Practice*, given legal effect in the Statutory Instrument entitled *Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2002 (S.I. No. 78 of 2002)*. In establishing this policy the Board consulted with all stakeholders and established a sub-committee consisting of two members of the BoM, two members of the PTA and two members of staff to scrutinise it.

AIMS AND OBJECTIVES

This policy aims to:

- Establish working definitions for bullying, victimisation and harassment
- Describe procedures for responding to claims of bullying, victimisation or harassment
- Identify ways to promote a positive working environment, where the right of each individual to dignity at work is recognised and protected, in our school community.

RATIONALE

Limerick School Project NS is committed to a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality. Adult bullying, victimisation and harassment in the workplace are phenomena which this school will seek to prevent and will not tolerate. All employees have the right to be treated with dignity and respect. Management is committed to intervening in an appropriate manner - utilising one of the accepted

Management/INTO procedures - to investigate and deal with allegations of bullying, victimisation or harassment. The provisions of Circular 40/97 on Assaults on Staff in Primary Schools will also be utilised as appropriate. The Board of Management adopts the definition of adult bullying as set out by the *Task Force on the Prevention of Workplace Bullying* (2001):

"Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work but, as a once off incident, is not considered to be bullying".

Harassment is covered by Employment Equality legislation and is based on a person's standing within one of the nine categories (or grounds) specified in that legislation (gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community). Harassment is defined in law as "unwanted conduct" related to one or more of the discriminatory grounds which "has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person". It is recognised that bullying and harassment complaints may arise among work colleagues but may also arise in relation to any adults or visitors (including parents or guardians) in the school. In either case, the Board's commitment to ensuring a positive workplace, where dignity at work is respected, prevails.

PROCEDURES

Establishing a Positive Climate

It is agreed that all members of our school community must strive to make this school a good place to work. A good place to work has a positive work environment characterised by:

- A supportive atmosphere
- Good and open communication (e.g. through opportunities at regular staff meetings, parent/guardian-teacher meetings, formal and informal conversations, professional development experiences, etc.)
- Appropriate interpersonal behaviour procedures
- Opportunities for members of our community to collaborate on shared projects
- Open discussion and resolution of conflict
- Recognition, feedback and affirmation as appropriate
- Fair treatment of all staff (including fair systems of selection and promotion)
- Opportunities for social interaction that helps build relationships based on mutual respect

Every person has a responsibility to play his/her part in contributing to a positive work environment. In this regard, a person who is a witness or bystander has a clear responsibility to raise concerns about dignity at work and threats to this, in an appropriate and timely manner.

The Health and Safety Policy includes 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.

Guiding Definitions

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

workplace may be carried out online, through mobile phones, social networking sites, email or texts. Examples of bullying include:

- Verbal abuse/insults or undermining remarks;
- Excessive monitoring of work that is not universal or fair;
- Deliberately withholding work-related information;
- Exclusion with negative consequences;
- Constant humiliation, ridicule or belittling efforts, often in front of others;
- Verbal abuse, including shouting, use of obscene language or spreading malicious rumours;
- Showing hostility through sustained unfriendly contact or exclusion; and
- Inappropriate overruling of a person's authority;
- Reducing a job to routine tasks well below the person's skills and capabilities without prior discussion
- Impersonation, 'outing' or 'trolling' via social media sites or email

Such behaviours need not and should not be part of a workplace. This policy aims to ensure that a positive environment prevents such behaviours from occurring. Where bullying, victimisation or harassment does occur or is alleged to have occurred, there are means of tackling it through the agreed procedure. An isolated incident of inappropriate behaviour may be an affront to dignity at work but as a once off incident is not considered to be bullying. Fair and constructive criticism of an employee's performance, conduct or attendance does not constitute bullying. Complaints relating to instructions issued by a supervisor and/or manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure do not constitute bullying.

Complaints that are appropriate for referral under the normal grievance procedure are usually relatively straightforward to formulate as they refer to a specific issue or incident. Bullying, on the other hand, is repeated, inappropriate behaviour which is specifically targeted at the recipient in order to undermine his or her dignity. Complaints of bullying are sometimes difficult to articulate as it may involve a series of small seemingly innocuous incidents which culminate to create an intimidating hostile working environment.

Harassment is defined in Section 14A(7) of the Employment Equality Act as any form of unwanted 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. It may include spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating. Harassment is inappropriate behaviour based on the relevant characteristic of the staff member or adult in school.

Harassment may relate to the following grounds covered by the Employment Equality Act: marital status, family status, sexual orientation, religious belief (or none), age, disability, race or colour, nationality or ethnic or national origin or membership of the Traveller Community. Harassment may consist of a single incident or repeated inappropriate behaviour. The following are examples of inappropriate behaviour which may constitute harassment. These examples of harassment are illustrative but not exhaustive:

- Verbal harassment such as jokes, derogatory comments, ridicule or song;
- Written harassment such as text messages, emails or through social media;
- Physical harassment such as jostling or shoving;
- Intimidatory harassment such as gestures or threatening poses;
- Visual displays such as posters, emblems or badges;
- Persistent negative body language; or
- Ostracising a person.

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

a single incident or repeated inappropriate behaviour. It may be targeted at one person or a group. The following are some examples of inappropriate behaviour which may constitute sexual harassment. These examples are illustrative but not exhaustive:

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

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

Victimisation is defined in the *Employment Equality Acts* as occurring where an employee is dismissed or suffers other adverse treatment as a reaction to:

- a) A complaint of discrimination made by the employee;
- b) Any proceedings by a complainant;
- c) An employee having represented or otherwise supported a complainant;
- d) The work of an employee having been compared with that of another employee for any of the purposes of the *Employment Equality Acts*;
- e) An employee having been a witness in any proceedings under the *Employment Equality Acts* or the *Equal Status Acts*;
- f) An employee having opposed by lawful means an act which is unlawful under the *Employment Equality Acts* or the *Equal Status Acts*;
- g) An employee having given notice of an intention to take any of the actions mentioned at paragraphs (a)-(f).

Procedures in Response to an Allegation of Bullying, Victimisation or Harassment

Without prejudice to an individual's right to take such advice or steps as they themselves may decide, the Board of Management will take seriously any allegations of workplace bullying, victimisation or harassment. Supportive and effective procedures, in accordance with nationally-agreed practice, are in place in this school. These procedures to address and investigate allegations will focus on the earliest possible resolution and will proceed as necessary, confidentially, from informal to formal stages. The Board of Management has a duty of care towards employees. Similarly, employees have a duty of care towards one another. This policy seeks to set out principles and practices to support the exercise of that duty in our school. Just as inappropriate and undermining behaviour among work colleagues is taken seriously, so is such behaviour when perpetrated against an employee of this school by any other person. Together we are committed to building and maintaining a work environment where inclusive, respectful, open and equal relationships are the norm.

If any staff member or visitor feels that she/he is being subjected to behaviour which undermines his or her dignity, she/he should let her/his objections be known, otherwise the person engaging in the unwelcome behaviour may be unaware of the effect of her/his actions. The staff member may either approach the alleged perpetrator directly and make the person aware that the behaviour in question is unwelcome or request the principal or another designated member of staff to approach the person on his or her behalf.

An employee who feels she/he is being bullied or harassed may seek information and advice regarding the policy and procedure on a confidential basis from any of the following: a colleague, the principal, the staff union representative or the chairperson of the Board of Management. If, having consulted with the appropriate person, the staff member decides to pursue the matter, he

or she may approach the alleged perpetrator directly or request the intervention of the principal. In a case involving the principal, the intervention of the Board of Management can be requested.

Where the staff member is not confident about approaching the alleged perpetrator or where a direct approach has not resolved the matter, he or she should request the intervention of the principal or staff representative. The principal or staff representative will attempt to resolve the matter in an informal low-key and non-confrontational manner by making the alleged perpetrator aware of the effects of his or her behaviour. Where this does not bring about a satisfactory outcome, the matter may be referred to the Board of Management, who will make every effort to resolve the matter between the parties. Where the matter remains unresolved, the Board of Management may request both parties to consider mediation. Either party can opt not to participate in mediation, if they wish.

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

If the mediation process does not produce a satisfactory outcome, the complainant may seek to have the matter resolved through formal investigation. Any information that emerges during the course of the mediation process will remain strictly confidential and cannot be disclosed as part of the formal investigation. The complaint will be clearly formulated in writing setting out details of the offending behaviour (including dates and witnesses if any) and the context in which it occurred. The alleged perpetrator will be advised that the complaint is the subject of a formal investigation. He or she will be given a copy of the written complaint and invited to respond to the allegations in writing within two weeks. A copy of the response will be forwarded to the complainant.

The investigation will be conducted thoroughly and objectively and with due respect for the rights of both the complainant and the alleged perpetrator. Both parties will be required to co-operate fully with the investigation. Confidentiality will be maintained throughout the investigation to the greatest extent consistent with the requirements of a field investigation. It is not possible, however, to guarantee the anonymity of the complainant or any person who participates in the investigation. Notwithstanding the difficult circumstances, both the complainant and the alleged perpetrator may be expected to continue with their normal duties and maintain a professional working relationship during the course of the investigation. The Board of Management will, however, have due regard at all times for its obligations to safeguard the health, safety and welfare of staff and students. The investigator may interview anyone they feel can assist with the investigation. Staff are expected to co-operate fully with the investigation and would be fully supported throughout the process. Employees who participate in the investigation process will be required to respect the privacy of the parties involved by refraining from discussing the matter with other work colleagues or persons outside school. It will be considered a disciplinary matter to intimidate or exert pressure on any person who may be required to attend as a witness.

The investigation will be conducted by a designated person(s) nominated by the Board of Management who is not connected to the complaint in any way. The investigation will be governed by clear terms of reference based on the written complaint and any other matters relevant to the complaint. The terms of reference shall specify the following: the timescale within which the investigation will be completed and the scope of the investigation. Both parties will be given copies of all relevant documentation prior to and during the investigation process. The investigator(s) will conduct separate interviews with the complainant and the alleged perpetrator with a view to establishing the facts surrounding the allegations. Both the complainant and the alleged perpetrator may be accompanied by a staff representative or work colleague if so desired. The investigator(s) will interview any witnesses to the alleged incidents of bullying, victimisation

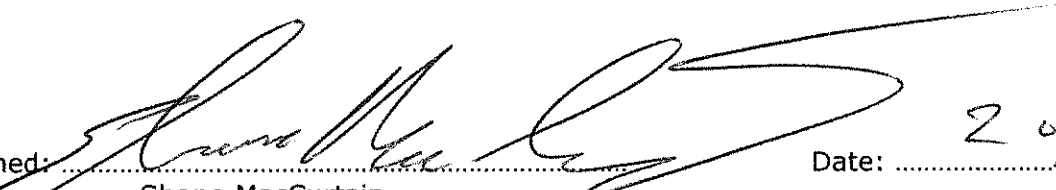
or harassment and other relevant persons. Persons may be required to attend further meetings to respond to new evidence or provide clarification on any of the issues raised. On completion of the investigation, the investigator(s) will submit a written report of the findings and recommendations to the Board of Management. Both parties will be given a copy of the investigation report and an opportunity to comment before any action is decided upon by the Board of Management.

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

Visitors to the school include frequent substitute staff, extra-curricular activity staff, specialist staff, work experience students, parents/guardians, volunteers and student teachers. Where complaints against visitors to the school are the subject of a formal investigation, the alleged perpetrator will be expected to co-operate fully with the process and will be afforded fair procedures and an opportunity to respond fully to the complaint. Where the complaint is upheld, appropriate sanctions will apply which may include exclusion of the individual from the premises or suspension or termination of service or other contract.

REVIEW AND RATIFICATION

This policy will be reviewed regularly in consultation with the stakeholders. On-going review and evaluation of this policy will ensure legal compliance and the maintenance of best practices.

Signed:  Date: 20/9/21
Shane MacCurtain
Chairperson, BOM