

Dignity in the Workplace Policy & Procedures

Presentation Secondary School, Kilkenny



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Date for Next Review:

Introduction

A core employment objective at Presentation Secondary School (PSS), Kilkenny is the creation and maintenance of a positive and safe working environment, where the rights of each staff member to dignity at work is recognised, encouraged, supported and protected by work colleagues, management and the board of management (BOM).

This approach places an emphasis on the importance of each staff member and the contribution made by each staff member, towards creating a positive working environment, which will maximise the success of our school community. PSS will always strive to create and support the best possible working conditions in our school.

This policy was drawn up in consultation with staff, parent representatives and the BOM and with reference to the school mission statement.

Mission Statement

- The Presentation Secondary School, Kilkenny is a Catholic Voluntary School. It is a community of students, staff, parents/guardians and management who share a Christian vision of life.
- Our school seeks to ensure that students are enabled to reach their full potential—academic, spiritual, physical, social, cultural and creative – encouraging them to face life with optimism, self-confidence and an appreciation of excellence at all levels.
- Inspired by the vision of Nano Nagle, the foundress of the Presentation Order, this school shows special concern for the disadvantaged and is committed to promoting a just society.
- Recognising the uniqueness of each individual, we strive to develop an awareness of personal dignity and to foster mutual respect and sensitivity to the environment.
- In keeping with the evolving nature of society, our response is creative and relevant to the needs of our time.
- We acknowledge that this vision can only become a reality through the positive co-operation of all partners in the school and wider community.

Scope

This policy applies to all persons employed at PSS. The policy also applies beyond the workplace to off-site activities and to work related events such as conferences, training courses, school trips, social outings, sporting events, away days etc. Trustees, management, teaching and support staff, students and parents/guardians should value and affirm each other and aim to work together in a collaborative manner. The network of relationships must be underpinned by a respect for all persons and be characterised by courtesy, tolerance, loyalty and respect for the integrity of all.

Underlying legislation

PSS has based its *Dignity in the Workplace Policy and Procedures* on the codes of practice outlined under the Industrial Relations Act 1990 (Codes of Practice on Addressing Bullying in the Workplace 2002), the Safety, Health and Welfare at Work Act 1989 (Code of Practice on the Prevention of Bullying), the Employment Equality Act 1998 and the Equal Status Act 2000 (Code of Practice on Sexual Harassment and Harassment at Work).

Definitions

Workplace 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” (Code of Practice 2002 under the Industrial Relations Act 1990)

Forms of Workplace Bullying

Workplace bullying can take many forms. Bullying puts at risk the safety, health and welfare of people at work. Repeated inappropriate behaviour of any of the following are examples of types of bullying:

- Exclusion with negative consequences
- Verbal abuse/ insults
- Physical abuse
- Being treated less favourably than colleagues
- Intrusion; pestering, spying or stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive monitoring of work
- Humiliation
- Withholding work-related information
- Repeatedly manipulating a person’s job content and targets
- Blame for things beyond the person’s control

This list is not exhaustive.

Harassment

Harassment is closely related to bullying and whilst it is illegal and should not be tolerated in the workplace, it does not fit the definition of workplace bullying. Harassment is governed by Equality legislation and is predicated on the complainant being a member of one of the nine categories for discrimination.

The Employment Equality Acts 1998 – 2015 define harassment as:

“unwanted conduct which is related to any of the nine grounds for discrimination which are gender, civil status, family status, sexual orientation, age, disability, race, religious belief and/or membership of the traveller community”

Forms of Harassment

Many forms of behaviour may constitute harassment. A single incident may constitute harassment. The following is an illustrative but not an exhaustive list of the types of harassment:

- Verbal – jokes, comments, ridicule or songs
- Written – text messages, emails, faxes, notices
- Physical – jostling, shoving or any form of assault
- Intimidatory – gestures, posturing or threatening poses
- Visual displays – posters, emblems, badges
- Excessive monitoring of work
- Isolation or exclusion from social activities
- Unreasonably changing a person's job content or targets
- Pressure to behave in a manner that the employee thinks is inappropriate

Sexual Harassment

The Employment Equality Acts 1998 – 2015 define sexual harassment as

“any form of unwanted verbal, non-verbal or physical conduct of a sexual nature”

Forms of Sexual Harassment

Many forms of behaviour can constitute sexual harassment. A single incident may constitute sexual harassment. It includes examples like those contained in the following list. The list is illustrative rather than exhaustive.

- Physical conduct of a sexual nature
- Verbal conduct of a sexual nature
- Non-verbal conduct of a sexual nature
- Gender-based conduct

Cases of harassment and sexual harassment are defined as 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”* and are prohibited under the Acts.

Procedures for Addressing Bullying/Harassment in the Workplace

In addressing workplace bullying PSS will adapt the procedures outlined within the *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)

There are two procedures for dealing with cases of alleged bullying – Informal and Formal.

1. Informal Procedures

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
- (b) In this situation the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned.
- (c) 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.
- (d) A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure.

2. Formal Procedures

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

- (a) The complainant should make a formal complaint in writing to the Principal. If the 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).

Formal 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. (*Towards 2016*)

- (k) If either party is unhappy with the outcome of the investigation, the issue may be processed through the normal industrial relations mechanisms

Confidentiality

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

Record-Keeping

- (m) At all stages of the process a clear record should be kept of:
- all communications to/by the complainant
 - the subject of the complaint
 - the investigation undertaken.
 - the steps and all the decisions taken

In the case of a formal investigation, the above records should be held by the Chairperson of the Board of Management in a confidential manner.

Where a complaint has been rejected, a statement to that effect shall conclude the record in the personnel file of the complainant. All records in relation to a rejected 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 complaint to be upheld then the statement of outcome shall be placed on the file/record of the person against whom the investigation upheld the complaint.

Assistance in the event of Bullying/Harassment

Every effort will be made to assist persons who are victims of bullying/harassment and where it is requested, the services of a counsellor will be made available by the BOM.

Members of staff against whom a complaint has been upheld will be requested to attend counselling to prevent further incidences of bullying/harassment occurring. Access to such counselling may also be made available by the BOM.

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. (*Towards 2016*)

Training/Awareness

It is considered that all personnel who have a role in investigating and resolving issues related to workplace bullying e.g. members of management, union representatives, should be made aware of appropriate policies and procedures. Such personnel should if possible attend appropriate training.

Review and Ratification

This policy was adopted by the Board of Management on _____

This policy is subject to review at the discretion of the Board of Management but sufficiently in advance to allow changes to be communicated to interested parties.

This policy has been made available to school personnel and provided to the Parents Council.

A copy of this policy will be made available to DES and CEIST if requested.

Signed _____
Chairperson of Board of Management

Date _____

Signed _____
Principal

Date _____

Review Date _____