



# Scoil Bhríde Buachaillí

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R.C.N. 20118990 - Roll No. 18046A

## EQUALITY & ANTI-HARRASSMENT (DIGNITY AT WORK) POLICY

### Introductory Statement

The Board of Management of Scoil Bhríde Buachaillí has adopted this policy following consultation with all staff members. The policy is formulated 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).

### Rationale

The Board of Management recognises that all employees have a right to a workplace free from bullying or sexual harassment and is fully committed to ensuring that they are able to enjoy this right. In particular, the Board:

- acknowledges the right of each member of the school community to work in a secure environment and seeks to promote positive habits of self-respect, self-discipline and responsibility among all its members.
- disapproves of vulgar, offensive, sectarian or other aggressive behaviour by any of its members.
- is committed to promoting equity in general and gender equity in particular in all aspects of its functioning.
- has the capacity to adapt and change in response to employees' needs.
- responds to the needs, fears or anxieties of individual members in a sensitive manner.
- promotes habits of mutual respect, courtesy and an awareness of the interdependence of people.
- acknowledges the uniqueness of each individual and his/her own worth as a human being.
- promotes qualities of social responsibility, tolerance and understanding among all its members both in school and out of school.

### Core Principles of Policy

This school is committed to a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

Adult bullying 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 or harassment. The provisions of Circular 40/97 on *Assaults on Staff in Primary Schools* will be utilised as appropriate.

### What is Workplace Bullying and Harassment?

The Board of Management adopts the definition of adult bullying as set out by the Task Force (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, religion, sexual orientation etc.) 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 visitors to the school. In either case, the commitment to a positive workplace, where dignity at work is respected, prevails.

## **Creating and Maintaining a Positive Work Environment**

It is agreed that we will all work 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)
- Appropriate interpersonal behaviour
- Collaboration
- Open discussion and resolution of conflict
- Recognition, feedback and affirmation as appropriate
- Fair treatment of all staff (including fair systems of selection and promotion in line with agreed procedures)

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 Safety Statement - as mandated under the Safety, Health and Welfare at Work Act 2005 – will also include 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.

It is agreed that the adoption of this policy in our school will be accompanied by a number of steps to examine our work environment and, as necessary, to agree changes which reflect a commitment to dignity at work. These steps will be initiated by Management, and be repeated by way of review at appropriate intervals.

The actions to be undertaken may generally be described as Identification, Assessment, Implementing Strategies and Monitoring.

## **Adult Bullying**

Our school recognises that Adult Bullying and Harassment are problems where they occur in any workplace.

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 and harassment is extremely detrimental to organisational effectiveness.

Bullying may include behaviours such as:

- Verbal abuse/insults, undermining remarks
- Excessive monitoring of work
- Withholding work-related information
- Exclusion with negative consequences.

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 or harassment does occur or is alleged to have occurred, there are means of tackling it through the agreed procedure.

### **Allegations of Bullying 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 or workplace bullying or harassment.

Supportive and effective procedures, in accordance with nationally-agreed practice, are in the place in this school. These procedures to address and investigate allegations will focus on the earliest possible resolution, will proceed as necessary from informal to formal stages and will have a stress on confidentiality.

### **Procedures**

The procedures outlined below is designed to address adult bullying, sexual harassment or other harassment arising in the workplace or otherwise in the course of employment, in a fair and effective manner. In implementing the following procedures, it is recommended that emphasis should be placed on assuring the party who considers that s/he is being bullied/harassed that his/her complaint is acknowledged, that the matter will be investigated effectively and sensitively and in accordance with due process.

Equally, where it is found that bullying or harassment has occurred, the emphasis, firstly, is to ensure that the offending behaviour immediately cease and secondly, to help the offending party acknowledge that his/her behaviour is unacceptable and that steps must be taken to address the matter constructively thereby avoiding any recurrence.

It is important to ensure that resolution is achieved at the earliest opportunity. Further, it may be appropriate for the victim or the offender to attend counselling or obtain such other help as may be required.

#### **Stage 1: Decide to address the matter**

1. 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 INTO or other assistance, including Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures, in the circumstances.
2. *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 he/she is being bullied, sexually harassed or harassed on other discriminatory grounds (*party a*), should request a meeting with the other party (*b*), in order to discuss matters. The following should apply:

- where necessary, the meeting may be facilitated by a third party, generally a teaching 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, eg a commitment to cease the particular behaviour, modify the behaviour, 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.

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: Principal teacher or Chairperson of the Board of Management**

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, 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) should:

- 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 judgement and make decisions which s/he considers necessary to resolve matters.
5. The outcome of the discussions should be noted by the parties.

The matter should be dealt with confidentially. 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 of management in accordance with stage 4 below.

### **Stage 4: Board of Management**

- 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 board of management for investigation. The referral should be in writing and dated and should include a copy of the written complaint.
  - The board of management should consider the issues and investigate the matter.
  - The board may enquire into the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages.
  - The board or the chairperson of the board 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 board may request the principal teacher to furnish a written submission.
  - The board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence.
  - Following oral presentations the board of management may designate the chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution; The board of management may convene a number of meetings in order to achieve resolution.
  - The board of management 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 board of management should reach a view on the matter not later than 20 school days after receipt of the written request/referral.

4. Where the board of management 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.

5. Where the board of management finds that bullying/harassment has occurred, the board should deal with the matter appropriately and effectively.

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 the welfare service;
- more serious disciplinary sanctions as may be commensurate and appropriate, such as:
  - oral warning
  - written reprimand
  - written warning
  - final written warning
  - suspension
  - dismissal

6. As part of any resolution, the board of management should monitor the situation and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The board of management should keep matters under review.

### **Summary**

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.

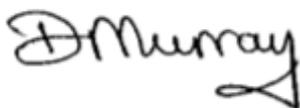
Just as inappropriate and undermining behaviour among work colleagues is taken seriously, so is such behaviour when perpetrated against an employee of this school by any other person.

Together we are committed to building and maintaining a work environment where respectful, open and equal relationships are the norm.

In summary, we are committed to having a good place to work.

### **Ratification and Review**

This policy was ratified by the Board of Management on the date below and communicated to parents thereafter. It is applicable from the date below and subject to regular review by the Board of Management in consultation with the patron of the school, the Parent Association and teaching staff. Revised copies/updates of the policy are available on the school website and issued in hard copy to parent(s)/guardian(s) upon request.



Signed:

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Declan Murray (Chairperson, Board of Management)

Date: 13<sup>th</sup> May 2019