COLÁISTE BHAILE CHLÁIR

Dignity at Work Policy and Code of Procedures

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

ADOPTED BY THE BOARD OF MANAGEMENT

21 March 2019

Approved by Galway & Roscommon Education & Training Board

9 APRIL 2019

THIS POLICY HAS BEEN PREPARED IN CONSULTATION WITH PARENTS, STUDENTS, STAFF, THE BOARD OF MANAGEMENT AND GALWAY AND ROSCOMMON EDUCATION AND TRAINING BOARD

Table of Contents

Link to Mission Statement	Page 3
Board of Management Cover Letter	Page 4
Management \ Union Adoption of Charter	Page 5
Charter Policy and Proceedures, Introduction	Page 6
Objectives of the Charter	Page 6
Positive Values and Behaviours	Page 6
Procedures for Disseminating The Charter	Page 7
The Policy	Page 7
Definitions	Page 8
Unacceptable Behaviours	Page 9
The Effects of Bullying	Page 10
How to ensure no workplace bullying in D.L.S.	Page11
The need to act and how to act	Page 11
The Role of The Contact Person	Page 11
How to respond if an informal complaint is made against you	Page 12
Performance Criteria	Page 13

Proceedures for dealing with bullying;

Informal	Page 14
Formal	Page 15
List of Appendices	Page 19

LINK TO MISSION STATEMENT

Coláiste Bhaile Chláir is a school under the trusteeship of Galway and Roscommon Education & Training Board. We are an inclusive school both in our intake and in the curriculum which we provide. We aim to provide the highest standard of education and care for all our students.

We endeavour to fulfil our mission in partnership with parents/guardians, staff, students, trustees and the local community.

Dear Staff Member,

The purpose of this document is to ensure that the Board of Management of Coláiste Bhaile Chláir is compliant with current legislation in relation to the Safety, Health and Welfare Act 2005 and the Code of Practice on the Prevention of Workplace Bullying (May 2007)

The objective of the policy is to ensure school management is compliant with their duties under section 8 (2) (b) of the 2005 Act as regards 'managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk'.

It also applies to employees in relation to their duties under section 13 (1) (e) of the 2005 Act to 'not engage in improper conduct or behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person'.

A copy of this document will be issued to each staff member as specified in this policy through the Staff Handbook.

It is each employee's responsibility 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 school premises in order for management, staff, visitors and the general public to view.

In the event of a complaint in relation to bullying in the workplace, the procedures contained within this policy, will be followed.

This document will be subject to annual review and in line with any changes in relevant legislation.

Alan Mongey
Secretary, Board of Management
Academic Year 2018/2019.

Coláiste
Bhaile Chláir

Dignity at Work Charter

Coláiste Bhaile Chláir (CBC) adopts the HSA Dignity in the Workplace Charter endorsed by IBEC and ICTU and adopted by ETBI and TUI.

CBC, GRETB, ETBI and TUI **"**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 in the Workplace Policy and Procedures

Introduction:

A core employment value is the commitment to ensuring that each individual is guaranteed a working environment where s/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 s/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 our school 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 The Dignity in the Workplace Policy ("The Policy")

- To create and maintain a positive working environment in Coláiste Bhaile Chláir where the right of each individual to dignity at work is recognised and protected.

In consultation with all the staff, the following positive values and behaviours were identified as underpinning the working environment in this school during our re-envisioning process in 2016;

Professionalism, Collegiality, Mutual respect, Honesty, Reflect more on one's daily interaction with others, Friendly to all regardless of opinions, Team work, Clarity in communication, Student Focussed, Supportive, Learn from mistakes and make amends, Unity, Positive attitude, Growth-of-individual be the focus, Compassion, Inclusivity and Empowerment, Fairness, Listen to individual opinions, Vibrant and energetic, Co-operation and sharing of resources, Good facilities, Convivial atmosphere, Positive staff-student relationship.

- To ensure that all are aware of and are committed to the principles set out in this policy.

The Board of Management of Coláiste Bhaile Chláir is committed to providing all employees with an environment that is free from any form of workplace bullying.

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

A complaint of workplace bullying will be taken seriously and dealt with promptly and in accordance with due process.

In approving this policy, the Board has agreed that:

- It be brought to the attention of all staff. (A copy of the approved Charter be given to each staff member working under the B.O.M. through the staff handbook. All other personnel working in the school in any capacity, be made aware of the publicly displayed copy of this Charter.)

- All Staff are expected to co-operate in its implementation.

The Policy

The objective of the Policy is to eliminate workplace bullying and to contribute to a supportive environment where Staff have the right to carry out the work of Coláiste Bhaile Chláir - '*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

DEFINITIONS

Definition of Bullying: *(This definition derives from the Codes of Practice 2002 under the Industrial Relations Act and the Health and Safety at Work Act.)*

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.

(Codes of Practice 2002 under the Industrial Relations Act and the Health and Safety at Work Act)

Harassment and Sexual Harassment: *(These definitions derive from The Employment Equality Act, 1998 and the 2004 Act specifically deals with harassment in the workplace.)*

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 Traveller Community is a form of discrimination in relation to conditions of employment.

Sexual Harassment:

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.

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)

Non Workplace bullying, sexual harassment and harassment.

The scope of this policy re sexual harassment and the harassment provisions extend beyond the workplace, for example, to work related conferences and work related training that occur outside the workplace. It also extends to work related social events.

What Constitutes 'Unacceptable Behaviour'/ Workplace Bullying?

Bullying can take a number of forms. Under the Health and Safety Act there is a requirement that personnel are consulted in respect of acceptable/unacceptable behaviour and that through this consultation process, the staff will have ownership of the policy as it relates to their school / organisation.

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

- Exclusion with negative consequences
- Verbal abuse/insults
- Physical abuse
- Being treated less favourably than colleagues
- Shouting
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive monitoring of work
- Humiliation
- Withholding work-related information
- Setting unreasonable and unrealistic targets
- Blame for things beyond the person's control
- Unequal treatment

<u>This list is not exhaustive.</u>
It is noted that a once-off incident is not normally considered to be bullying behaviour.

In consultation with all the staff the following list of unacceptable behaviours is included;

Being reprimanded in public in front of colleagues, Dismissive, Negative personal comments, Excluded from school related events, Gossiping to students about colleagues, Being lied to, Intimidation (verbal or non-verbal), Aggressive or threatening behaviour, Not being listened to, Unfairness, Discussing and/or facilitating conversations about other staff members with students, Not being

consulted, Being excluded from conversations, Sexual harassment, Lack of meaningful consultation, Being undermined, Inappropriate touching, Any physical assault, Lack of professionalism, Not recognising and respecting each individual's work, Not showing basic courtesy, Hindering others' work progress, Segregation, Derogatory remarks, Sneering, Sarcasm, Favouritism, Sexism, Speaking inappropriately, Claiming ownership and control of school property and resources, Undermining one's ability to do one's job, Lack of respect, Inequality, Snide remarks, Undermining ability of another, Cronyism, Degrading comments, Non adherence to fair procedures, Not treating all sectors of the staff equally, Undermining tone \ Inappropriate whispering.

This list is not exhaustive and some behaviours above could warrant being dealt with through the Grievance Procedure or other relevant procedures.

What are the Effects of Bullying?

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

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 Organisation: 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?

- 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 s/he may be seen as unable for the job or/and a weak person.
- If the alleged bully is a person in authority, there may be the fear that management will support the alleged perpetrator(s).
- 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 s/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 Coláiste Bhaile Chláir?

- 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. If you find it impossible or difficult to make an approach, tell somebody – a Contact Person, the TUI Steward, The Principal, a Deputy Principal, or other…GET HELP AND SUPPORT. . It is inappropriate for work colleagues to act out their behaviour in an unacceptable manner.

The Role of the Contact Person.

The role of the Contact Person is to listen and support a complainant at the informal stage. The Contact Person may also be a support for the alleged perpetrator but not both sides in the same incident. The Contact Person only deals with issues covered under the Dignity at Work Charter and works within the terms of reference of the role as set out in appendix A of this Charter. The Contact Person should ensure that the person who comes seeking support is familiar with Dignity at Work Charter of Coláiste Bhaile Chláir.

Record Keeping

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.

How to respond if an informal complaint is made against you.

If someone speaks to you or writes to you indicating that they find some aspect of your behaviour inappropriate, you should take it very seriously. Your immediate response may be to get angry, deny or reject the complaint. Try not to respond in this way; reflect carefully on what is said and take time to consider your response.

If you wish you may seek advice from the Contact Person**.**

While you may have had no intention to bully, harass, or discriminate against your colleague, if they perceive your behaviour as unwelcome, threatening, or intimidating, you must listen. Where you consider your behaviour has caused offence, unintentionally or otherwise, apologise to the complainant and modify your behaviour accordingly. Remember that the complainant is being dealt with under the informal proceedure and if matters are resolved, no disciplinary action will follow.

If you do not accept the validity of the complaint, you have the right to present your account of the issue to the complainant.

There are four possible outcomes when a complaint goes through the formal stage;

1. The complaint is upheld.
2. The complaint is found to be unfounded.
3. The complaint is found to be vexatious.
4. The complaint cannot be proved.

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 organisational culture/ethos and for the Board of Management.These are outlined earlier in this policy.

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 forms part of health, safety and welfare at work
- Awareness/availability of Policy
- Existence of Charter in a visible place: 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.
- The effectiveness of the Charter is evaluated each year.

Procedure for Dealing with Workplace Bullying

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

- Stage 1: 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, without prejudice, 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 in Coláiste Bhaile Chláir 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, without prejudice, 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).

3. Investigation

a. 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).

b. The investigation should be governed by terms of reference, agreed between the parties in advance.

c. 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.

d. 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.

e. The complainant and the alleged perpetrator(s) should be informed in writing of the findings of the investigation.

f. 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.

g. 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.

4. Confidentiality

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

5. Record Keeping

At all stages of the process a clear record should be kept of the following;

- 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.

6. 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.

Section 27 (3) of the Safety, Health and Welfare at Work Act 2005 states:

"27 (3) An employer shall not penalise or threaten penalisation against an employee for;

(*a*) acting in compliance with the relevant statutory provisions.
(*b*) performing any duty or exercising any right under the relevant statutory provisions.
(*c*) making a complaint or representation to his or her safety representative or employer or the Authority, as regards any matter relating to safety, health or welfare at work.

A malicious complaint made by a staff member will be treated as misconduct under the disciplinary procedure.

7. 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.

8. 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.

9. Statutory Rights

Using the complaints proceedure will not affect the complainant's right to make a complaint of sexual harassment or harassment under the Employment Equality Act 1998 and 2004 (or subsequent relevant acts). Any such complaint must be filed within 6 months of the action complained of, which period may be extended to 12 months if exceptional circumstances prevented the bringing of the complaint within the initial 6 month period.

10. Disciplinary Action (In the event of Gross Misconduct or Victimisation.)

It is expected that all persons will conduct themselves in a reasonable and respectful manner at all times. If at any stage during the procedure as set out above, the conduct of any of the parties could be construed as serious/gross misconduct, a separate disciplinary hearing within the terms of the relevant disciplinary code for the staff concerned may be initiated. In this context, certain types of bullying/harassment (e.g. bullying/harassment of a violent/abusive nature, false or malicious allegations of bullying/harassment, victimisation of complainants or intimidation of witnesses) will be investigated and can under the relevant appropriate procedure, become grounds for disciplinary action up to and including dismissal.

In the event that the process determines that an initial complaint was vexatious and or malicious, the matter may be referred for investigation under the appropriate disciplinary procedure.

11. Industrial Relations:

If full utilisation of the range of available internal procedures has not resolved a bullying complaint, the services of a rights commissioner may be accessed directly by individuals involved.

Rights Commissioners can assess how procedures were applied in bullying cases and thereafter intervene in a range of ways, including, where appropriate, carrying out a new investigation. Application for a Rights Commissioner hearing must be made directly by the appellant, citing the Industrial Relations Acts 1969 and 2001.

Application forms for such hearings are available online or by request from the Labour Relations Commission.

Findings of Rights Commissioners, which are delivered in the form of a recommendation, can be appealed to the Labour Court

REVIEW AND EVALUATION OF THIS POLICY

The implementation, monitoring and review of this policy will be a done by senior management in conjunction with the staff, parents and the board of management on an ongoing basis as admission policies are under legislative review nationally. It is envisaged that the policy would be reviewed on a formal basis two years after the date of adoption by the board of management.