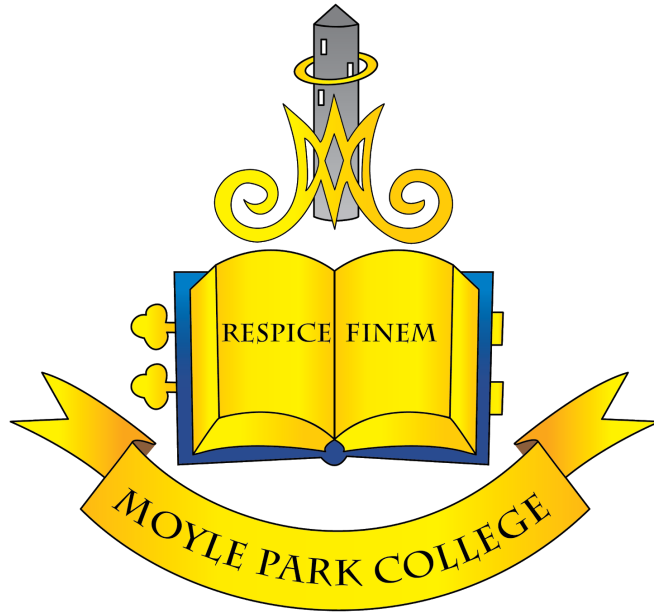


Moyle Park College



Dignity at Work Policy

Policy Statement

The Association of Secondary Teachers of Ireland (ASTI), FORSA and the Teachers' Union of Ireland (TUI) have jointly agreed this policy and procedure ("this policy") whereby bullying/harassment/sexual harassment in schools and places of work is dealt with efficiently, effectively and fairly through agreed procedures for the making of and dealing with complaints.

ASTI, FORSA and TUI are fully committed to creating an environment that is free of bullying/ harassment/sexual harassment and which promotes personal integrity and dignity.

This policy sets out the procedure which must be adhered to in the operation of the policy at all stages. The policy is an industrial relations procedure. In circumstances where legal action is invoked, the policy will be suspended and the operation of the law will take precedence.

Review of Policy & Procedure

This policy and procedure ("this Policy") is subject to review no later than five years from the date on which it agreed and in line with changes in law, relevant case law or other developments.

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Introduction

Moyle Park College is committed to ensuring a workplace environment that is free from bullying/harassment/sexual harassment and is characterised by mutual respect, tolerance and affirmation.

Bullying/harassment/sexual harassment is behaviour that is destructive to a positive working atmosphere and will not be tolerated. The Board of Management recognise that all employees have the right to be treated with dignity and respect at work and the right to work in an environment that is free from bullying/harassment/sexual harassment. It is also recognised that the work environment is aimed at providing a high quality service in an atmosphere of respect, collaboration, openness, safety and equality.

Bullying/harassment/sexual harassment at work by the employer, employees and by other persons engaged in the provision of goods and services to the school will not be tolerated. In the event of a complaint being upheld against a non-employee, appropriate sanctions may be imposed which could in particular circumstances include termination of contract, suspension of service, exclusion from the premises etc. as appropriate.

Management's Obligations

Management has a particular responsibility to ensure that the workplace is free from any form of bullying/harassment/sexual harassment and that complaints are addressed expeditiously and with a minimum of distress to all parties involved. Particular responsibility lies with Boards of Management and School Principals to ensure that proper standards are maintained.

The importance of the prevention of workplace bullying/harassment/sexual harassment in the workplace is imperative. The best way to eliminate bullying/harassment/sexual harassment in the workplace is to foster and support an environment which is positive, inclusive and free of bullying/harassment/sexual harassment by any person and where all employees have the opportunity to fulfil their potential.

In particular Boards of Management should:

- Provide information to employees on induction. Policies are available in a folder in the staffroom and the main office and also on the school website - www.moyleparkcollege.ie
- Provide a good example by treating all in the place of work with courtesy and respect;

- Promote awareness of this Policy;
- Be vigilant for signs of bullying/harassment/sexual harassment at work and take action before a problem escalates;
- Deal sensitively with employees involved in a complaint whether as complainant or respondent;
- Ensure that the complainant and respondent are treated fairly;
- Explain the Dignity at Work procedures to be followed if a complaint is made.
- Ensure that an employee making a complaint is not victimized for doing so; and
- Monitor and follow up the situation after a complaint is made.

Employees Obligations

In accordance with the Safety, Health and Welfare at Work Act 2005, all employees have a duty not to engage in improper conduct or behaviour that is likely to endanger their own safety, health and welfare or work or that of any other person.

Employees have responsibility in creating and contributing to the maintenance of a work environment free from bullying/harassment/sexual harassment or conduct likely to contribute to same. All employees carry responsibility for their own behaviour and have a positive duty to comply with this policy and to treat all colleagues with respect and dignity.

Employees also have an obligation to cooperate with the investigation of complaints of bullying/harassment/sexual harassment and to cooperate by providing any relevant information when an allegation of bullying at work is being looked into whether in an informal or formal stage.

Complaints of bullying/harassment/sexual harassment will be treated with fairness, sensitivity and respect. Confidentiality will be maintained throughout to the greatest extent possible, consistent with the requirements of a fair investigation. In the course of investigating the complaint, no assumptions should be made about the culpability of the alleged perpetrator. Employees who make complaints of bullying/harassment/sexual harassment will not be victimized, even if the complaint is not upheld

Making a complaint under this policy will not affect an employee's statutory rights or entitlement to make a claim to the Workplace Relations Commission. A claim to the Workplace Relations Commission must be made within six months of the alleged occurrence of harassment/sexual harassment. The time limit may be extended up to a maximum of 12 months if the complainant has demonstrated reasonable cause for the delay.

Nothing in the policy limits the right of Boards of Management to investigate any matter which may relate to bullying/harassment/sexual harassment in circumstances other than where a complaint has been made. All employees continue to have an obligation to cooperate with such investigation.

The policy extends to behaviour which occurs off the school premises, such as at work related social functions or training events, provided there is a nexus with the work of the school and its employees.

Complaints of bullying/harassment/sexual harassment may be dealt with either in an informal or a formal way as set out below.

The intention of this policy is:

- To provide a fair, consistent and expeditious mechanism to process complaints of bullying, harassment and sexual harassment in the workplace;
- To do so in a manner that affords all concerned full rights in accordance with natural justice and fair procedures;
- To outline the procedures in the event of a complaint of bullying, harassment/sexual harassment being made;
- To encourage the use of informal resolution methods and the use of mediation as often and as early as possible to resolve issues or complaints as provided for in this policy.

Definitions

A. 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

The following behaviours are illustrative rather than exhaustive examples of types of bullying:

- Exclusion with negative consequences;
- Giving employees impossible deadlines to complete tasks;
- Consistently removing work or responsibilities from an employee without explanation or reason;
- Verbal abuse/insults;
- Being treated less favourably than colleagues;
- Intrusion-pestering, spying or stalking;
- Menacing behaviour;
- Intimidation;
- Aggression;
- Undermining a person's authority, work or achievements;
- Excessive monitoring of work;
- Humiliation;
- Withholding work-related information;
- Blame for things beyond the person's control.

Bullying at work can involve people in many different work situations and at all levels:

- Manager/supervisor to employee;
- Employee to supervisor/manager;
- One employee to another (or group to group);
- Non-employee to employee; and
- Employee/supervisor/manager to non-employee.

B. Harassment

Harassment is any form of unwanted conduct related to any of the discriminatory grounds outlined below, being 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. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words or other material.

Harassment includes situations where the employee does not have the relevant characteristic under the discriminatory grounds but the perpetrator believes that s/he has that characteristic. Further, a single incident may constitute harassment.

The following behaviours are illustrative rather than exhaustive examples of types of harassment:

- Verbal harassment-jokes, comments, ridicule or songs;
- Written harassment-including faxes, messaging, emails or notices or social media;
- Physical harassment-jostling, shoving or any form of assault or other forms of unwanted physical contact;
- Intimidatory harassment-gestures, posturing or threatening poses;
- Visual displays such as posters, emblems or badges;
- Excessive monitoring of work;
- Isolation or exclusion from social activities.

It should be noted that it is up to the employee/person to decide what behaviour is unwelcome irrespective of the attitude of others.

C. Sexual Harassment

Sexual Harassment is any form of unwanted 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. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words or other material.

Sexual harassment is a form of discrimination on the gender ground in relation to conditions of employment.

The following behaviours are illustrative rather than exhaustive examples of types of harassment:

- Physical conduct of a sexual nature-this may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse;
- Verbal conduct of a sexual nature-this includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments;
- Non-verbal conduct of a sexual nature-this may include the display of pornographic or sexually suggestive pictures, objects, written materials,

emails, text-messages, faxes or other forms of social media. It may also include leering, whistling or making sexually suggestive gestures; and

- Gender-based conduct - this includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sexual orientation such as derogatory or degrading abuse or insults which are gender based.

The Employment Equality Acts 1998 - 2015 do not prohibit all relations of a sexual or social nature at work. To constitute harassment/sexual harassment the behaviour complained of must firstly be **unwelcome**. It is the unwanted nature of the conduct which distinguishes harassment/sexual harassment from behaviour which is welcome and mutual. The fact that an individual has previously agreed to the behaviour does not stop him/her from deciding that it has become unwelcome.

In addition, to constitute harassment/sexual harassment under the Employment Equality Acts 1998 - 2015, the behaviour must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Key points

Investigations into bullying/inappropriate behavior/harassment and sexual harassment will take due account of the impact of the behaviours on the recipient.

The reasonable and essential discipline arising from the good management of the performance of an employee at work does not amount to bullying/harassment/sexual harassment (including the supervision of work and performance related discussions). Similarly, actions taken which can be justified as regards the safety, health and welfare of employees do not amount to bullying/harassment/sexual harassment.

For example, an employee whose performance is continuously signaled at a level below required targets may feel threatened and insecure in his/her work but this in itself does not indicate bullying/harassment.

In addition, it should not be confused with workplace interpersonal conflicts, which do not necessarily constitute bullying/harassment/sexual harassment.

Examples of what is not Bullying:

- An isolated incident of inappropriate behaviour may be an affront to a person's 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;
- Reasonable and essential discipline arising from the appropriate management of the performance of an employee at work;
- Legitimate management responses in crisis situations which require immediate action;
- Complaints relating to reasonable instructions issued by a manager, assignment of normal duties or relating to terms and conditions of employment.

Examples of what is not Harassment/Sexual Harassment:

- Fair and constructive criticism of an employee's performance, conduct or attendance;
- Reasonable and essential discipline arising from the appropriate management of the performance of an employee at work;
- Legitimate management responses in crisis situations which require immediate action;
- Complaints relating to reasonable instructions issued by a manager, assignment of normal duties or relating to terms and conditions of employment.

This policy does not apply to:

- Complaints of bullying/harassment/sexual harassment made by employees against students. Such complaints will be treated in accordance with the school's Code of Behavior;
- Matters of the professional competence of teachers which are dealt with in accordance with circular letter 49/2018;
- Incidents between employees which occur outside of the school setting and/or school events and which do not have a nexus to the work of the school and its employees;
- Complaints which are the subject of legal proceedings;
- Complaints which fall outside the definition of bullying/harassment/sexual harassment which are processed through other agreed procedures e.g. the nationally agreed grievance procedure;
- Complaints of bullying/harassment/sexual harassment made by a student(s) against employees. Such complaints will be dealt with under the appropriate disciplinary procedures and/or child protection procedures;

- Complaints by parents. These will be dealt with through other relevant procedures.

Management will ensure that this policy is implemented in an effective and timely manner. It is important to note that availing of the processes in this policy in no way affects the complainants' right to make a statutory complaint under the Employment Equality Acts 1998 to 2015.

While it is a decision for the complainant as to whether s/he invokes this Policy or not, in most cases, the informal route and specifically mediation, is the preferred approach of ACCS (representing school management) and unions representing staff in the sector.

Whether formal or informal, a complaint must be made within six months of the latest incident(s) of alleged bullying/harassment/sexual harassment. In exceptional circumstances, the six-month time limit may be reviewed. The decision on whether to admit an allegation under this Policy outside of this time limit rests with the Principal

Informal Procedure

Stage I – Informal Procedure using either:

- 1.1 Self-initiated attempt at informal resolution
- 1.2 Discussion with a contact person

1.1 Self-Initiated Attempt at Informal Resolution

An employee (the complainant) who feels that he/she may have been subjected to bullying/harassment/sexual harassment should immediately ask the person engaging in this behaviour (the respondent) to stop. It may be possible and sufficient for the complainant to explain clearly to the respondent that the behaviour in question is unwelcome, that it offends them or makes them uncomfortable and that it interferes with their work.

A complainant should make an appointment and discuss the matter with the respondent with a view to resolving the complaint. In many situations this approach is effective, as direct communication between the complainant and the respondent (the "Parties") can help to build both understanding and awareness. It can often be the case that a person is not aware of their behaviour, that it is unacceptable or the impact which it has on the other person.

Resolution at this stage could involve an apology from one person to another and/or a clarification of the circumstances from one person to another and/or an agreement that unacceptable behavior will not happen again. This will be the Chairperson of the Board of Management where the Principal is a party to the complaint.

1.2 Discussion with a Contact Person

In circumstances where the complainant finds it difficult to approach the respondent directly, he/she may discuss the situation with school management or one of the school's contact persons.

The role of the contact person at this informal stage will be to support and advise the person who has contacted him/her as to what steps might be taken to resolve the situation informally. He or she will act as an impartial mediator but will have no direct role in the grievance procedure. He or she may be trained in counselling skills and will at no stage divulge any information about the particular case without the consent of the staff member who has sought advice from him or her. As soon as any member of staff is made to feel uncomfortable to the extent to which she or he feels bullied or harassed, she or he should keep detailed notes of incidents including times, dates and particulars of incidents. If other members of staff witness any of the incidents, they may be asked, without prejudice to themselves, to provide a report to the Principal/Contact Person.

It is to be noted that speaking to the Contact Person is not the same as making a formal complaint. If despite the above actions, the issue is not resolved and the unacceptable conduct continues, the staff member who is the victim will bring the matter to Stage Two.

Stage 2: Formal Procedure

Should the complainant find that the informal procedure outlined does not bring about a resolution of the problem, (s)he should approach the contact person, Principal or other person who can represent his or her case to either the Principal or representative of the Board of Management. The nature of the complaint may be outlined orally or in writing. On receipt of the complaint, the Principal or person acting on behalf of the Board of Management will investigate the complaint in the following way:

1. By interviewing the complainant to ascertain the details of the complaint, finding out who was involved; when the incident(s) occurred; where the incident(s) occurred; whether there were witnesses to the event(s) and possible solutions to the problem. A written record of the meeting will be kept

and a written statement provided by the complainant. Confidentiality of the complainant will be maintained at this stage in the investigation.

2. The alleged bully/harasser will now be advised of the complaints brought against him/her; given an opportunity to be heard; allowed representation if requested; be assured of confidentiality where possible. (S)he will be given the opportunity to read the written statement(s) of the complainant and will be offered the opportunity to reply in writing.

3. Copies of all written records will be kept in the school files.

4. If, following the investigation into the complaints, the latter are found to be valid, prompt action will be taken by the Principal or Board of Management to stop the bullying or harassment up to and including disciplinary action. (See Disciplinary Procedure JMB/ASTI) Action may involve some or all of the following:

- A verbal warning
- A written warning
- Suspension with pay of the alleged harasser and in special circumstances the complainant to facilitate a full investigation

5. If it is found that the perpetrator's behaviour has been misinterpreted and that (s)he was genuinely unaware of the effects of his or her demeanour, words or actions but on being made aware, makes every effort to put the situation right for the complainant, no further action will be taken and the investigation will be closed.

This policy is subject to periodic review by the Board of Management

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