

Sligo Grammar School Ltd.



Dignity at Work Policy

Dignity at Work

1. Purpose

This policy sets out Sligo Grammar School's commitment to creating and maintaining an environment where all members of the School Community are free to work without fear of bullying and harassment from any source. The purpose of the policy is to prevent and deter bullying behaviour and harassment and where it occurs to have effective procedures in place to address the matter.

2. Scope

This policy concerns internal staff relations between all employees, between employees and management and also between employees and the Board of Management and/or the Board of Directors of Sligo Grammar School.

This anti-harassment policy is underpinned by equality legislation, in particular the Employment Equality Act 1998 and the Equal Status Act 2000. Breaches of the policy may constitute grounds for disciplinary action and, in cases involving serious offences, disciplinary action up to and including suspension or dismissal.

3. Objective

We aspire to fulfil the commitment contained in the mission statement by fostering an atmosphere of respect, understanding and encouragement between all who teach and work in the school and that the development and contribution of every individual can be acknowledged, and all can work together to benefit personal growth and the common good.

4. Definition of Bullying and Harassment

Definition of 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."

Examples of bullying

While the following examples of bullying and harassment are not exhaustive, it is important to be mindful of the fact that if a person behaves inappropriately to another and the victim can make a case that injury has been caused, then in such incidences there is a case for harassment.

Bullying can include:

- Verbal: personal insults, demeaning remarks, humiliation in front of others, nicknames, ridicule, persistent identification of one person 'as a joke', threats
- Non-verbal or indirect : exclusion, hostile attitude, spreading malicious rumours
- Abuse of power : excessive criticism, withholding essential information
- Physical : aggressive behaviour, physical intimidation, unwelcome physical contact up to and including assault

It should be noted that the issuing of reasonable work related instructions or the exercise of lawful management rights or duties would not be construed as bullying. Furthermore it should not be confused with workplace inter-personal conflicts which may, in themselves, be damaging and stressful, but which do not necessarily constitute bullying. It should not be confused with industrial relations difficulties, which should be handled using the appropriate industrial relations procedures.

Definition of Sexual Harassment

Sexual harassment includes acts of physical intimacy, or requests for sexual favours or any act or conduct by a perpetrator, including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome to the recipient and could reasonably be regarded as sexually offensive, humiliating or intimidating to the recipient. The unwanted nature of sexual harassment distinguishes it from flirtatious or sexual behaviour, which is entered into freely and mutually. It is the damaging impact of the unwanted behaviour on the recipient, not the intention of the perpetrator, which counts. The impact of sexual harassment is taken into account when cases of sexual harassment are investigated.

Examples of Sexual Harassment

- **Verbal:** unwelcome sexual advances, suggestive jokes and innuendo, requests for sexual favours, threats
- **Non-verbal or indirect:** sexually suggestive pictures or written material, leering or gestures; spreading rumours about a person's sexual behaviour or orientation
- **Electronic:** sexually suggestive messages or images transmitted by computer or other electronic means
- **Physical:** unwelcome physical contact, up to and including assault

Definition of Racial Harassment

Racial harassment, which is harassment on the grounds of race, including national or ethnic origins, is defined as unwanted or unwelcome conduct, or incitement to such conduct, based on a person's race, which is offensive to the recipient and which might threaten a person's security or create a stressful, hostile or intimidating work or study environment.

Examples of Racial Harassment

- **Verbal:** offensive jokes or remarks about a person's race or ethnic origin (including membership of the travelling community), ridicule or assumptions based on racial stereotypes
- **Non-verbal or indirect:** exclusion, hostile or demeaning attitudes, spreading malicious rumours
- **Visual:** production, display or circulation of materials offensive to particular racial or ethnic groups, such as cartoons or racial propaganda
- **Physical:** physical assault, threats of physical assault

Definition of Other Forms of Harassment

Any act or conduct by a perpetrator is considered to be harassment if it is unwelcome to the recipient and could reasonably be seen as offensive, humiliating or intimidating to the recipient, in relation to one or more of the following characteristics of the recipient: gender; marital or family status; sexual orientation; religion; age; disability and membership of the traveller community. Such behaviour can take many forms, similar to those of sexual harassment, racial harassment or bullying. It should be noted that such behaviour may be destructive and is unacceptable.

Harassment by Outsiders

Harassment by persons not directly connected to the school, such as clients, service providers etc is unacceptable and should be promptly reported. Although the school has no power to discipline the offender in such cases, upon receipt of a complaint and after investigation, it will take action in an effort to prevent reoccurrence of such conduct.

5. Creating a positive environment

All members of the school community share the responsibility for ensuring an environment that is free from any form of bullying or harassment. It is not the intention of these guidelines to prevent normal good-humoured banter between colleagues. However, care needs to be taken not to cross the line into unacceptable behaviour, which is offensive, abusive, intimidating, malicious or insulting. In any case, such behaviour should stop immediately when a colleague indicates it is unacceptable to him or her.

Management has a specific responsibility to support and implement this anti-bullying and harassment policy, to provide a reasonable work and study environment, and to ensure that appropriate codes of behaviour are maintained in the School.

Individual members of the school also have a responsibility to help to ensure that unacceptable behaviour does not continue unchecked or unreported. Individual responsibility includes awareness of one's own behaviour and its potential effects on others. Those who are concerned about incidents of bullying, sexual harassment, racial harassment or other forms of harassment,

e.g. as colleagues, friends, witnesses, or as people against whom an allegation has been made, should feel free to seek confidential help and advice from the sources of help listed below.

6. Procedures for Dealing with Complaints of Bullying and Harassment in the Workplace

Purposes of Complaints Procedure

- To provide a fair, consistent and expeditious mechanism to process complaints of bullying and harassment against staff.
- To do so in a manner that affords all concerned full rights in accordance with natural justice.
- To outline the principles for both the employer, the staff member and their representatives in the event of complaints of bullying and harassment being made against staff.

Specifically this procedure may be utilised

- To investigate complaints of bullying / harassment made by staff against other members of staff.
- To investigate complaints of bullying / harassment made by staff against holders of management responsibility.
- To investigate complaints of bullying / harassment made by holders of management responsibility against staff.

Issues to which these procedures do not apply

- Complaints of bullying / harassment made by staff against students. Such complaints will be treated in accordance with the Anti-bullying Policy of Sligo Grammar School.
- Matters of the professional competence of teachers which cannot be dealt with at school level or which are referred to the Department of Education & Science for investigation under the terms of circular letter 43/85 or other existing arrangements.
- Anonymous complaints.
- Frivolous and vexatious complaints which do not impinge on the work of the staff member.
- Complaints which are the subject of legal proceedings.
- Complaints of bullying / harassment made by a student(s) against a staff member do not fall within the remit of these procedures. Such complaints will be dealt with under appropriate guidelines or other agreed codes of practice.

Note: Claims of harassment under the nine grounds set out in the Employment Equality Act, 1998, may be taken under the provisions of that Act. Section 32 of the Act defines these grounds as follows:

1. • Sex
2. • Marital Status
3. • Sexual Orientation
4. • Age (18 – 65)
5. • Family Status
6. • Religion
7. • Disability
8. • Race
9. • Membership of Travelling Community

7a. Stage 1 Informal Procedures

7.1 A staff member who feels that he / she may have been bullied or harassed should immediately ask the person harassing them to stop. It may be possible and sufficient for the employee concerned to explain clearly to the person engaging in the unprovoked conduct that the behaviour in question is unwelcome, that it offends them, or makes them uncomfortable and that it interferes with their work. A person who wishes to make a complaint (hereinafter referred to as the complainant) should make an appointment and discuss the matter with the staff member (hereinafter referred to as the alleged perpetrator(s)) with a view to resolving the complaint. It is important for the recipient of bullying / harassment to keep notes, detailing times and dates of incidents of bullying / harassment and request eye witnesses, if any, to note them also.

7.2 If the complainant feels that he / she cannot directly address the alleged perpetrator(s) engaging in the unprovoked conduct they should ask a Designated Person to do so on his / her behalf. In Sligo Grammar School, the Board of Management, following constructive and positive consultation and agreement, shall approve three Designated Persons where possible, in line with good industrial relations practice, with the relevant trade union(s).

There shall be two Designated Persons, nominated by the teaching staff of Sligo Grammar School and one person by all other staff. It is recommended that a Designated Person would retain the position for two years; however a person may opt out of the position at any time.

Any employee of the School may approach any one of these three designated persons to raise the issue with the alleged perpetrator.

In this situation the approach of the Designated Person should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

If the harassment complained of does not cease, or, if in the first instance, it is of a nature that the complainant (following discussion with a Designated Person) considers that it should be reported, the matter should proceed to stage 2.

The procedures at stage 1 should be concluded within 5 working days of the reporting of the matter to Designated Person.

Counselling and supporting services will be made available on both parties of the complaint at any stage in the proceedings.

7b. Stage 2 Formal Procedures

The claimant may consider an informal approach to be inappropriate and decide to by-pass Stage 1, or if, after the informal stage, the bullying persists, formal procedures in Stage 2 should be invoked:-

7.3 The complainant should make a formal complaint in writing to the Principal, or to the Board of Management. The complaint should be confined to precise details of actual incidents of bullying.

7.4 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).

7.5 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 or 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.

7.6 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.

7.7 Both parties should be given the opportunity to comment on the findings before Board of Management decides upon any action.

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

7c. Outcome

7.9 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.

7.10 If either party is unhappy with the outcome of the investigation, the issue may be processed through the normal industrial relations mechanisms.

7.11 For teaching staff, whether paid by the Department of Education & Science or privately paid by Sligo Grammar School, the JMB / ASTI agreed disciplinary procedures will be the mechanism for dealing with substantial / vexatious allegations of bullying / harassment following the exhaustion of the formal procedures as provided in this Code of Practice for dealing with bullying behaviour.

7.12 The disciplinary procedures for non-teaching staff (whether paid by the Department of Education & Science or privately paid by Sligo Grammar School) will be adopted from the Code of Practice (Grievance and Disciplinary Procedures) under the Industrial Relations Act. This procedure will be invoked for dealing with substantial/ vexatious allegations of bullying / harassment following the exhaustion of the formal procedures as provided in this Code of Practice for dealing with bullying behaviour.

7.13 Ultimate disciplinary action is the responsibility of the Board of Management. Disciplinary action should take account of contractual arrangements applying in given situations.

8. 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 procedures herein.

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 School.

Persons who bully / harass others may be requested to attend counselling to prevent further incidences of harassment occurring; there should be a minimum of three and a maximum of six such counselling sessions. The School may make access to such counselling available.

9. General

At all stages of the Complaints Procedure a clear record should be kept of:

- The investigation undertaken
- All communications to / by the complainant, the alleged perpetrator(s), the investigator(s), management and the Board of Management.
- The steps and all the decisions taken.

Where a complaint has been rejected or deemed unfounded, a statement to that effect shall conclude the record in the personnel rejected / unfounded complaint shall be removed from the personnel file of the alleged perpetrator(s); 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.

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All members of staff are expected to abide by the Dignity at Work Policy.

The Designated Persons elected during the Academic Year 2008/2009 are as follows:

Teaching staff:

Other staff:

2008

Reviewed and passed by the BOM 18/11/2013

Due for review 2015