

Dignity at Work Policy

Introduction

The Board of Management of Mercy Primary School recognises that all employees have the right to a workplace free from bullying, harassment and sexual harassment. The Board is committed to ensuring that its employees can enjoy that right. This policy covers our school building & grounds and work-related undertakings.

The policy includes all forms of harassment, including: harassment within the staff, harassment from other stakeholders (parents and other family members, guardians, carers, contractors, visitors, etc.) of staff members, sexual harassment, digital harassment and other forms of harassment. These are defined in the Appendices at the end of the policy.

Actions to take regarding workplace bullying, harassment or sexual harassment:

The Board of Management recommends that actions (as outlined below) be initiated by its employees in a timely manner, i.e. within 10 school days of an offending incident. However, it is the case that any Statutory Rights remain unaffected by this Dignity at Work policy document - and that no aspect of the policy affects any employee's right to take their complaint to an agency outside of the school.

Steps to address any issues

The Board will usually refer to 'Working Together – Procedures & Policies for Positive Staff Relations,' (Irish National Teachers' Organisation, 2000)

However, the Board may also seek advice and then refer to 'Disciplinary procedures for teachers in primary, voluntary secondary, and community and comprehensive schools,' (Department of Education & Skills Circular 0060/2009), as necessary.

Stage 1: Decide to address the matter

If the party (Party A) considers that s/he is being bullied or harassed, and decides to address the matter, s/he should follow these stages. 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 Union or other assistance, including the Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures in the circumstances.

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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

The party who considers that s/he is being bullied, sexually harassed or harassed on other discriminatory grounds (Party A), should request a meeting with the other party (Party B), in order to discuss matters. The following should apply:

1. Party A should clearly outline his/her difficulties and should clearly object to the bullying/harassment and request that it stop;
2. 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;
3. Both parties should seek to resolve their differences and establish a pattern of interaction exclusive of any forms of bullying/harassment;
4. 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;
5. The resolution, as appropriate, may include any of the following, e.g. a commitment to cease the particular behaviour, modify the behaviour, and 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.

Where necessary, the meeting may be facilitated by a third party, generally a work colleague; Matters should remain confidential between the parties. 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: Formally address the problem

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 of Management may be designated to intervene.

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1. Party A should advise Party B that he/she is proceeding with stage 3.
2. 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.
3. The principal teacher (or Chairperson of the Board of Management, as the case may be or an Investigator/Facilitator/Mediator appointed by the Principal or the Chairperson) would:
 - a. obtain background details including details of what occurred at the previous stage;
 - b. consider the pattern of behaviour and the timescale;
 - c. hear the parties and seek to resolve the matter;
 - d. 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;
 - e. exercise judgment and make decisions which s/he considers necessary to resolve matters.

The outcome of the discussions should be noted by the parties. The matter should be dealt with confidentiality. 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 in accordance with Stage 4 below.

Stage 4: Board of Management (BOM)

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 BOM for investigation. The referral should be in writing and dated and should include a copy of the written complaint.

- The BOM should consider the issues and investigate the matter. The BOM may enquire into the background of the difficulties including obtaining details of the sequence of initiatives taken at previous stages;
- The BOM or the Chairperson of the BOM or an Investigator/Facilitator/Mediator appointed by the BoM 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 BOM may request the principal teacher to furnish a written submission;
- The BOM may afford the parties an opportunity to present their case orally at a board meeting. For mediation purposes, this would happen in each other's presence;

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Following oral presentations, the BOM may designate the Chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards a resolution;

- The BOM may convene a number of meetings in order to achieve resolution;
- The BOM 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.

Having considered all matters, the BOM should reach a view on the matter not later than 20 school days after receipt of the written request/referral.

Where the BOM 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, (as per relevant Disciplinary Procedures.)

Where the BOM finds that bullying/harassment has occurred, the BOM should deal with the matter appropriately and effectively, (i.e. invoking the relevant Disciplinary Procedures.)

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 seek appropriate professional assistance, perhaps through the Employee Assistance scheme;

More serious disciplinary sanctions as may be commensurate and appropriate, such as:

- oral warning
- written reprimand
- written warning
- final written warning
- suspension
- dismissal

(Reference also: Circular 0060/2009)

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

Where an employee is victimised as a result of invoking or participating in any aspect of the complaints procedure, including acting as a witness for another employee, such behaviour will also be subject to disciplinary action. (Ref: Working Together document.)

No record of any complaint will be registered on an employee's file unless the formal procedure outlined above has been invoked.

Gross Misconduct Offences

The Board of Management will adhere to the Principles and Procedures outlined in Circular 0060/2009.

Ratification

This policy was ratified by the Board of Management on 06/02/2024

Signed: *Brian J. Kennedy*

It will be reviewed as requested.

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Appendix 1: Definitions

Workplace Bullying

The Health & Safety Authority defines workplace bullying as: ‘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 it is not considered to be bullying.)

Examples of behaviour that may constitute adult workplace bullying:

- Purposely undermining someone
- Targeting someone for special negative treatment
- Manipulation of an individual’s reputation
- Social exclusion or isolation
- Intimidation
- Aggressive or obscene language
- Jokes that are obviously offensive to one individual by spoken word, text or e-mail
- Intrusion by pestering, spying and stalking
- Unreasonable assignments to duties which are obviously unfavourable to one individual
- Repeated requests with impossible deadlines or impossible tasks.

This list is not exhaustive.

Bullying is not:

- An isolated incident of inappropriate behaviour
- Exercise of proper authority by management
- Fair and constructive criticism of an employee’s performance, conduct or attendance.

(In the workplace environment, conflicts and interpersonal difficulties can arise. Many of these may relate to ‘industrial relations difficulties’ - which should be dealt with through the appropriate industrial relations channels. E.g. Irish National Teachers’ Organisation.)

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Workplace Harassment

The Employment Equality Acts 1998-2011, place an obligation on all employers to prevent harassment in the workplace. Discrimination is defined in the Equality Act 2004 as the

treatment of a person in a less favourable way than another person was, is or would be treated on nine distinct grounds: Gender; Age; Disability; Family status; Marital status; Membership of the Travelling Community; Race, ethnic origin or colour; Religion; Sexual Orientation. The Equality Act 2004 extended the definition of harassment to include discrimination which arises where one of the nine grounds is imputed to a person or where a person who is associated with another person, and is treated, by virtue of the association, less favourably than another person. The Equality Act 2004 outlaws discrimination in the course of employment whether by an employer, another employee or by clients, customers or business contacts of the organisation.

For the purpose of this Dignity at Work Policy, the definition of harassment as outlined in the Equality Act 2004 will apply as follows:

'Harassment is any form of unwanted conduct, related to any of the nine discriminatory grounds and 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.'

Many forms of behaviour may constitute harassment including:

- Verbal harassment – jokes, comments, ridicule or songs
- Written harassment – incl. text messages, emails, notices, social media postings
- Physical harassment – jostling, shoving or any form of assault
- Non-verbal harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from social activities
- Pressure to behave in a manner that the employee thinks is inappropriate, for example, being required to dress in a manner unsuited to a person's ethnic or religious background

Harassment may consist of a single incident or repeated incidents.

Within the staff, there are many roles that often intertwine, Teacher, SNA, Principal, Secretary, Caretaker, etc. As a democratic school, everybody has a right to be treated with equity in line with their role. This means that all employees, whatever their role, should

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expect to be allowed to express their opinion and be listened to. In cases where a staff member identifies harassment, he/she should follow the process outlined in the policy. If the issues are with staff interpersonal relationships, it is advised that the staff member generally follows the Working Together guidelines. If the staff member is unsure, he/she should seek advice of another staff member or their union representative.

Harassment and other Stakeholders

The vision of Mercy Primary School is that everyone has a right to be happy, safe and able to learn. This includes children, staff, parents and the wider community. Anyone entering our building should feel safe to do so. All adults in the school community have a responsibility to ensure their own behaviour falls within our Dignity at Work Policy.

It is important that all stakeholders are responsible for their own behaviours in the school.

Examples are listed below but this is not an exhaustive list:

- All stakeholders should speak to each other with respect. Shouting or other aggressive tones are not acceptable. If a stakeholder displays aggression in the school, they may be asked to remove themselves from the building. In certain cases, the Gardaí must be called.
- In line with the Child Protection Policy, stakeholders should never approach a child in an aggressive manner. Incidents like these are taken very seriously. No matter how justified someone feels about approaching a child in this manner, the child will instantly be removed from the situation for her own safety.
- All meetings with teachers and other staff members should be conducted with a view to resolving a particular situation in line with the school complaints' procedures. Walking out of the room or other forms of antagonistic behaviour are unacceptable.
- Violence, physical or emotional, will not be tolerated. The Gardaí may become involved in any incident of violence between two parties.
- Staff will only speak about a child to her parent/guardian. A common experience for schools occurs when a parent asks a teacher about a punishment to a child who may have affected their own child. The staff of the school will respect your child's right to privacy so it is asked that parents respect other children's rights to privacy.
- When stakeholders meet, it is important to respect that the time of meetings should be kept to a reasonable amount of time. Times of meetings should be agreed beforehand and these should be respected.

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- In line with our ethos, stakeholders should not interrupt class time. Should a parent need to have a discussion or meeting, an appointment must be made in the office or with the teacher. This ensures that issues can be resolved in a planned way. Classes begin at 9.10am and finish at 2:50pm (1:50pm for infants) and this time should not be interrupted. (See Appendix 2: Parents/Guardians meeting with Staff Members)
- When requesting a meeting, the intention of the meeting must be expressed. Staff members have the right not to meet with a stakeholder unless they have outlined what they wish to speak about.
- Stakeholders should not isolate or attempt to influence others against particular individuals or groups in the school.

Any form of harassment, outlined in this policy, will be subject to this policy.

Digital Harassment

Every member of staff in Mercy Primary School is issued with a school email address. This address is accessible to all. This allows anyone to email a staff member, which can carry a number of risks to a staff member's dignity at work. In light of this, the following ground rules apply.

- There should be a period of 5 school days allowed for a response to an email.
- Staff are not expected to check their email after hours. Staff are instructed not to give themselves access to their school email after hours on their personal devices. The Board cannot be responsible if staff check emails after hours.
- Emails sent by and to staff members should be in a respectful tone. A staff member is entitled not to respond to an email that they, themselves, deem to be disrespectful in tone. It is recommended that a staff member that receives an email like this arranges to meet a parent face-to-face rather than responding to the content of the email.
- "Mailbombing," the excessive sending of emails to a staff member falls under this policy. All users of email should be aware that, despite best intentions, their actions may cause distress to their colleagues. This can come in a number of forms:
 - Excessively forwarding on resources, links or information
 - Using Reply To All, where it is not appropriate
 - Excessive contact from an individual, e.g. checking in on a child everyday unless explicitly agreed.
- Unsolicited email (or spam). The Board cannot be responsible for any spam that arrives in a staff member's inbox.

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- Any form of email that falls under the definition of harassment will be treated in the same manner as any other form of harassment.

Other Forms of digital harassment

In the digital age, it is expected that staff are aware of their own online presence and they should adhere to the guidelines of the Teaching Council's Professional Standards. However, staff are entitled to a private life online and this should be respected. For example, a staff member should not feel under pressure to "friend" another member of staff or a parent or anyone else in the school community. Further guidelines on this can be found in the school's Internet Acceptable Usage Policy.

Workplace Sexual Harassment

The Employment Equality Act (1998) defines sexual harassment as any unwelcome act, request or conduct, which could reasonably be regarded as sexually or otherwise on the grounds of gender, to be offensive, humiliating or intimidating to the employee in question, such as:

- any act of physical intimacy
- any request for sexual favours
- any other conduct such as spoken words, gestures or the production, display or
- circulation of written words, pictures or other materials which have an offensive sexual connotation.

Examples of sexual harassment include:

- Unwanted physical or verbal advances.
- Unwanted touching or physical gestures.
- Comments and remarks of a sexual or discriminatory nature.
- Unwelcome comments about personal appearance.
- Displays of pin-ups and/or pornographic material.
- Innuendoes of a sexual nature or based on a person's sex.

This list is not exhaustive.

In such cases, the Board of Management recommends to its employees that they contact An Garda Síochána in the first instance. An Garda Síochána is best placed to provide appropriate support to the complainant and to conduct the subsequent investigation. The Board will cooperate fully (and in confidence) with An Garda Síochána, as required.

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Appendix 2: Parents/Guardians meeting with Staff Members

In Mercy Primary School, we welcome the opportunity to meet with and speak to parents and guardians. However, it is imperative that this does not undermine a staff member's dignity at work. The following is a non-exhaustive list of guidelines:

1. If you have a quick question to ask the teacher on the gate, there is no problem with speaking to the teacher briefly in the morning or at pick up time. However, please note that messages should be very short (less than 1 minute) and please make sure not to park in the Set Down Area. Please note that a teacher may not be able to speak to you and will suggest a suitable time to meet if needs be.
2. Should you wish to have a longer meeting with your child's teacher, please make an appointment with the teacher to meet at a time that is mutually convenient. This can be done either via email or by phoning the school. Please note that staff have 5 days to respond to a request for a meeting. It is important, also, that the intention of the meeting is outlined by the parent/guardian. A staff member has the right to refuse to meet a parent if he/she has not been told what the intention of the meeting is.

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Appendix 3: References and Resources

- ‘Working Together – Procedures & Policies for Positive Staff Relations,’ (Irish National Teachers’ Organisation, 2000)
- ‘Disciplinary procedures for teachers in primary, voluntary secondary, and community and comprehensive schools,’ (Department of Education & Skills Circular 0060/2009)
- ‘Dignity at Work – The Challenge of Workplace Bullying,’ (Health & Safety Authority, 2001) ‘Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work,’ (Health and Safety Authority, 2007.)
- ‘Code of Practice on Guidance, Prevention and Procedures for dealing with Sexual Harassment and Harassment at Work made under the Employment Equality Act, 1998,’ (Equality Authority, 2012.)
- Teaching Council Professional Standards <http://www.teachingcouncil.ie/en/Fitness-to-Teach/>

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Appendix 4: External Supports for School Staff

All staff are reminded of the free and confidential Carecall counselling service/‘employee assistance service’ 1800 411 057.

The Dublin Rape Crisis Centre offers a free confidential listening and support service for women and men who have been raped, sexually assaulted, sexually harassed or sexually abused. 24-Hour Helpline, 365 days/year. 1800 77 8888 or email counselling@rcc.ie The Centre can also refer callers to Local Services.