



Iontaobhas Scoileanna Éamainn Rís
Edmund Rice Schools Trust

St Vincent's Secondary School
Glasnevin
Dublin 11



Dignity at Work Charter
&
Anti-Bullying Policy
(2019)

Dear staff member,

The purpose of this document is to ensure that the Board of Management of St Vincent's is compliant with current legislation in relation to health, safety and welfare requirements. The general duties of the Board, as an employer, are covered in section 8 – 12 of the *Safety, Health and Welfare at Work Act, 2005*.

The Board has a duty ***to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his employees***

(Section 8 – Safety, Health and Welfare at Work Act, 2005)

Section 8(h) of 2005 Act covers bullying in the workplace and this is a broad new provision which requires the Board to determine and implement the safety measures to protect staff from bullying within the workplace. It is against this background that the Dignity at Work Charter and an Anti-Bullying Policy have been created for the well-being of all staff. This policy also incorporates the principles outlined in the HSA's *Code of Practice for employer and employees on the prevention and resolution of bullying at work*.

This policy is linked to all other relevant pastoral and organisation policies within the school.

A copy of this document will be issued to each staff member of St Vincent's and it is their responsibility to ensure that they become familiar with the contents of the 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. **All visitors and contractors must respect the philosophy and contents of the Dignity in Work policy.**

The Dignity at Work Policy will be on the Agenda of the first staff meeting of every school year as an opportunity to remind staff of the policy and their commitment to creating a positive working environment and the right of each individual to dignity in their workplace.

In the unlikely event of a complaint in relation to bullying in the workplace in St. Vincent's, the procedures contained within, will be followed.

This document will be monitored and reviewed as required and in light of experiences by the Board of Management.

Dignity at Work Charter

St Vincent's adopts the HSA Dignity in the Workplace Charter endorsed by IBEC and ICTU and adopted by JMB (ACS) and ASTI/TUI.

The JMB (ACS) and ASTI/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 at Work Charter, St Vincent's

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 by management, work colleagues, visitors and students.

This approach places a positive emphasis on the importance of each individual and the contribution s/he makes to the success of the school. 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 St. Vincent's 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 Dignity at Work Charter

- To create and maintain a positive working environment in St Vincent's where the right of each individual to dignity at work is recognised and protected
- To ensure that all are aware of and committed to the principles set out in this Charter.

The staff of St Vincent's commit themselves to working together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work in the school 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. School 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.

Expectations of School Staff

All staff should:

- Constantly model the behaviour that we would expect the young people in our charge to emulate.
- Show respect for the dignity of the person and feelings of each and every individual.
- Demonstrate tolerance for diversity of culture, beliefs and opinions.

The following ethical values underpin the standards of teaching, knowledge, skill, competence and conduct as set out in the Code of Professional Conduct for Teachers as established by the Teaching Council.

Respect: Teachers uphold human dignity and promote equality and emotional and cognitive development. In their professional practice, teachers demonstrate respect for spiritual and cultural values, diversity, social justice, freedom, democracy and the environment.

Care: Teachers' practice is motivated by the best interests of the students entrusted to their care. Teachers show this through positive influence, professional judgement and empathy in practice.

Integrity: Honesty, reliability and moral action are embodied in integrity. Teachers exercise integrity through their professional commitments, responsibilities and actions.

Trust: Teachers' relationships with students, colleagues, parents, school management and the public are based on trust. Trust embodies fairness, openness and honesty.

(Code of Professional Conduct – Teaching Council)

Introduction

The Board of Management of St Vincent's is committed to providing all employees with an environment that is free from any form of workplace bullying and harassment. This commitment is expressed in the School Charter.

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

A complaint of workplace bullying or harassment may, following due procedure, result in disciplinary action.

In approving this policy, the Board has agreed that:

- It be brought to the attention of all staff
- All staff be asked to co-operate in its implementation.

Objectives of the Policy

The objective of the Board policy is to eliminate workplace bullying and harassment in order to contribute to a supportive environment where staff have the right to carry out the work of the school in line with the philosophy of an Edmund Rice School.

The policy guarantees that all complaints will be taken seriously and investigated promptly, and that all parties involved will be treated with respect.

The primary aim of the Dignity at Work Policy is to resolve any issues and to restore, as far as is practicable, the relationships of the parties involved (rather than to apportion blame).

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

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 and will be treated as bullying and subject to disciplinary action.

Definitions

For the purpose of this policy, the following definitions apply as per the related Codes of Practice:

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.

Harassment and Sexual Harassment:

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 Travelling 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, nonverbal 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.

Why might an individual be reluctant to take action?

- Workplace culture passively supports bullying i.e. staff in general are unaware of the seriousness of bullying
- Fear that the complaint may not be taken seriously
- Fear that staff member may be seen as unable for the job or/and a weak person
- Fear that making a complaint could result in further intimidation and increased bullying
- Fear that because there are no witnesses to the bullying it would be one person's word against another
- Fear that career progression might be impeded
- Fear that the Board of Management will support the alleged perpetrator especially if the alleged bully is a person in authority.

It should be noted that where there are witnesses to bullying they might be unwilling to come forward because they are afraid of being branded troublemakers or of losing friendships.

The Board would encourage staff to report all incidents of inappropriate or bullying behaviour and would hope to create a school climate which is open, supportive and encourages staff to disclose and discuss bullying behaviour. The aim would be to develop a school culture where there is no such thing as an innocent bystander.

What can staff do to ensure that workplace bullying or harassment does not occur in St Vincent's?

- Have an awareness and understanding about workplace bullying and harassment.
- Be familiar with and accept responsibility for the Board of Management's policy and how it works.
- Understand that **all** reports of bullying and harassment at work will be investigated and dealt with by the Board of Management.
- Understand that by reporting incidents of bullying that they are not considered to be "*telling tales*" but rather are behaving responsibly.

What can I do to stop people bullying me?

- Approach the individual explaining the unacceptable behaviour and requesting that they stop it immediately.
- Tell them it has to stop! This may be more difficult for some individuals than for others. When bullies know that their behaviour will not be tolerated, they will be halted – at least temporarily.
- If you find that impossible, tell somebody – a contact person, the ASTI/TUI school steward, the Deputy Principal, the Principal, the Chairperson, Professional Association, Management Body, other... *Get help and support.*

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.

Dealing with conflicting evidence?

Where there is a total conflict of evidence between the complainant and the accused, a detailed investigation will be necessary. The Board of Management (or the agents or representatives appointed by the Board) investigating the complaint should talk to any witnesses in order to try to ascertain the veracity of the alleged incident. In reality, there will often be no witnesses and the investigator will be presented with two conflicting accounts. In such a case, the matter rests on the balance of probabilities and this in turn, depends on the credibility that can be ascribed to either party. It is not simple.

In such an instance, it is important to pay attention to both the detail of the evidence and the consistency of the account presented by each party. If the complainant's evidence is consistent and detailed and the alleged perpetrator's evidence is vague about matters that s/he should have been expected to recall, then their testimony is less compelling.

Another relevant factor is whether the person alleging bullying mentioned the problem to colleagues at the time. Although it may be difficult (if not impossible) to establish the factual details of the complaint, it may be possible to establish behaviour that in the Board of Management's view is unacceptable.

Protection from intimidation when making a complaint?

The Board of Management of St. Vincent's state that employees will be protected against intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Any employee found to be retaliating against a colleague/employee for complaining about bullying would be subject to the disciplinary procedure/action.

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 as part of health, safety and welfare at work
- Awareness/availability of a Dignity in Workplace Policy
- Existence of Charter: Dignity in the Workplace
- Dignity in the workplace as well as inappropriate/bullying behaviour are defined in the Dignity in Workplace Policy and there is an ongoing commitment by the Board of Management to encouraging and promoting a positive working environment
- Employee's right to complain is respected
- Informal resolution of complaints is encouraged.

Guidelines and procedures for dealing with allegations of bullying/harassment in St. Vincent's

There are two stages for dealing with cases of alleged bullying/harassment: **informal known** as Stage One and **formal** known as Stage Two. The designated contact person (normally the Principal) can advise on both stages. If you decide to follow Stage One and the problem persists, the complaint can then be dealt with under Stage Two.

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.

Procedure for dealing with allegations of bullying

Stage One:

If any employee feels they are being bullied they should do the following:

- In the first instance raise the issue informally with the person who is creating the problem pointing out that their conduct/behaviour (conduct or behaviour needs to be explained) is unwelcome, offensive or interfering with work and request that it stop immediately
- Alternatively, if the employee feels uncomfortable with a direct approach, they could raise the issue with the Principal who would deal with the matter in a sensitive manner. (Sometimes an informal approach can be particularly helpful). The role of the Principal is to listen and support a complainant. The Principal does not advise the complainant – he/she should ensure though that the complainant knows about the school's anti-bullying policy.
- If the behaviour fails to stop then the person should note the incidences of bullying – what was said done or gestured, dates, times, locations, witnesses if there are any and report it officially to the Principal. (If the person engaging in bullying is the Principal or they do not feel comfortable in reporting it this way then they should report it to the Chairperson of the Board of Management who can deal with the matter in a sensitive manner. Likewise, if the bullying behaviour is aimed at the Principal or the Deputy Principal it should be reported to the Chairperson of the Board of Management who can deal with the matter in a sensitive manner.

Every attempt will be made to resolve the matter informally and if considered appropriate counselling and support services (including mediation) may be made available. If it is not possible to resolve the matter informally, Stage Two would follow whereby a formal complaints procedure shall be applied.

Staff members subjected to bullying/harassment shall make a formal complaint to the Principal who will be responsible on behalf of management for investigating such complaints and recommending action. ***Ultimate disciplinary action is the responsibility of the Board of Management. Disciplinary action should take account of contractual arrangements applying in given situations.*** Prior to the commencement of Stage Two of the investigation the alleged harasser will be given a copy of the formal written complaint and advised that an investigation will ensue which may lead to disciplinary action. Depending on the severity of the alleged bullying/harassment the alleged perpetrator may be suspended with pay pending the investigation. Both the complainant and the alleged perpetrator will be advised of their right to be accompanied and/or represented by their Union representative or a colleague.

Stage Two:

- A written report should be made by the complainant and signed by the complainant
- The complaint will be investigated with minimum delay as confidentially as possible by two individuals, one of whom shall be the same sex as the complainant if so requested. A panel of trained and competent individuals will be created by the Board of Management following consultation with staff. This panel will be reviewed and updated every 3 years. Due respect shall be had for the rights of the complainant and the alleged perpetrator
- Both parties may be accompanied/represented at all interviews and meetings held and these shall be recorded
- Where a complaint is found to be substantiated, the extent and nature of the bullying/harassment will determine the form of the disciplinary action to be taken. These actions may include a verbal warning, a written warning, suspension from duties with or without pay, suspension from full duties with or without pay or dismissal
- 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.

It is the opinion of the school that issues of bullying/harassment are best dealt with within the school. However, no aspect of this Policy affects any employee's individual legal rights to take their complaint outside of the school.

Where any staff members do not find it appropriate to report to the Principal as above, he/she may report to the Deputy-Principal or the Chairperson, Board of Management.

In cases where the Principal or Deputy Principal is the victim of the bullying/harassing behaviour the matter should be reported to the Chairperson of the Board of Management.

Investigations of any complaint will be handled with sensitivity and with due respect to the rights of both the complainant and the alleged harasser. The normal grievance procedure or existing practice will be the mechanism for resolving such complaints. It is understood that all complaints will be investigated with the minimum of delay consistent with fairness to both parties.

All individuals/parties involved in the procedures referred to above are expected to maintain absolute confidentiality.

If it is found that the perpetrator's behaviour had been misinterpreted and s/he was genuinely unaware of the effect of actions, further procedures may not be necessary as the investigation may come to an end. However, the ongoing relationship between both individuals should be monitored over a number of months.

Where there has been a conflict of evidence it may be difficult, if not impossible, to establish as fact the full details of the complaint. However, it may be possible to establish behaviour that in the Board of Management's view is unacceptable.

Protection against Intimidation:

The Board will protect employees against intimidation, victimisation or discrimination if they file a complaint or assist in a bullying investigation. Employees found retaliating against an employee for complaining about bullying will be subject to disciplinary procedures.

False or Malicious Complaints:

If the Board becomes aware that a complaint about bullying is false or malicious in nature, again disciplinary procedures will be used on the employee making the false complaint.

Communications, Training and Monitoring

This policy will be communicated to all staff to ensure that they understand the Board's commitment to dealing effectively with bullying. School Management have a duty to create a harassment-free workplace and to deal speedily with complaints.

This Dignity at Work Policy will be monitored and be reviewed as required and in light of experiences by the Board of Management.

This Dignity at Work Policy was agreed on *11th February 2019*

Signature:

(Chair of Board of Management)

Date for Review: