

MIDDLETON COLLEGE



Dignity at Work Policy and Code of Procedures

**Dignity: The quality or state of being worthy,
honoured, or esteemed.**

Middleton College adopts the HSA Dignity in the Workplace Charter

Endorsed by IBEC and ICTU and adopted by JMB and ASTI

At Middleton College we 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.

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 and harassment. It is in such a context that the philosophy and policy statement will be realised.

Objectives of Dignity at Work Policy

The objective of the Board policy is to eliminate workplace bullying and to contribute to a supportive environment where Staff members have the right to carry out the work of Midleton College.

- To create and maintain a positive working environment in Midleton College; the right of each individual to dignity at work is recognised and protected.
- The Board of Management & Board of Directors of Midleton College are committed to providing all employees with an environment that is free from any form of workplace bullying and harassment; this document outlines the Boards' policy and procedures in relation to workplace bullying and harassment.
- To ensure that all are aware of and committed to the principles set out in this policy, it is to be brought to the attention of all staff and staff are asked to cooperate in its implementation.
- A complaint of workplace bullying or harassment will be taken seriously and dealt with promptly and in accordance with due process as detailed in this document.

Bullying

Definition of Bullying:

“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.”

What Constitutes 'Unacceptable Behaviour' / Workplace Bullying?

Bullying can take a number of forms. Under the Health and Safety Act (2005) there is a requirement that personnel are consulted in respect of acceptable/unacceptable behaviour and that through this consultation process, the staff have ownership of the policy as it relates to the school.

A person may be subject to bullying by a Board Member, manager, colleague, volunteer, by an employee under their supervision, or by non-employees such as clients or business contacts of the organisation both within the workplace and off site at work related events. Bullying or harassment can be perpetrated against an individual or group of employees and can take many forms, both obvious and more subtle or insidious.

It is noted that an isolated incident of the behaviour in this definition may be an affront to dignity but as a once-off incident is not considered to be bullying.

Bullying examples include:

- Open aggression, threats, shouting, verbal abuse, and use of obscenities
- Humiliating and ridiculing a person in front of others
- Setting impossible deadlines/targets
- Persistently finding fault with a person's work and using this as an excuse to humiliate the person rather than trying to improve their performance
- Undermining behaviour
- Withholding information necessary for the completion of tasks
- Excessive supervision and checking of a person's work
- Constantly taking the credit for another person's work but never the blame if things go wrong
- Passing on gossip or unfounded rumours
- Exclusion with negative consequences
- Physical abuse

Bullying is not:

- Legitimate management responses to pressurised situations that require immediate action or which arise from staff shortages, increased workload etc. This includes reasonable and essential disciplinary actions or any actions taken which can be justified as regards the safety, health and welfare of employees
- Constructive and fair criticism of an employee's work or performance
- An isolated incident of any of the behaviours listed above. This might be an affront to dignity but as a once-off incident it may not be considered to be bullying

These lists give an indication of what is, and what is not, meant by bullying. It is neither exhaustive nor prescriptive.

What are the Effects of Bullying?

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

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 school: individuals who are bullied will find it difficult if not impossible to give their best in the workplace. Among the well-documented effects are increased sickness/absenteeism, low morale, a tense atmosphere, the formation of 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 this school?

- By being familiar with the school policy.
- By participating in any in-service training 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. It is inappropriate for work colleagues to act out their behaviour in an unacceptable manner. If you find it impossible or difficult to make an approach, tell somebody – the Principal, the Deputy Principal, a colleague, the ASTI, or other union steward...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 and Directors.

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 and harassing behaviour are defined in the Board Policy.
- Employee’s right to complain is respected.
- Informal resolution of complaints is encouraged.

Harassment including Sexual Harassment

The Equality Act 1998 (Code of Practice) (Harassment) Order 2012 specifically deals with harassment and sexual harassment in the workplace. The Code aims to give practical guidance and advice.

Harassment is defined in Section 14A(7) of the Employment Equality Act as any form of unwanted conduct that has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

It distinguishes between sexual harassment (sexual or gender based) and harassment based on one or more of the other grounds.

Harassment that is based on the following grounds - Gender, Age, Civil 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

- *Gender* — man, woman, (this also includes transgender).
- *Civil Status* — single, married, separated, divorced, widowed, in a civil partnership within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 or being a former civil partner in a civil partnership that has ended by death or been dissolved.
- *Family Status* — responsibility as a parent or as a person in loco parentis in relation to a person under 18, or as a parent or the resident primary carer of a person over 18 with a disability which is of such a nature as to give rise to the need for care or support on a continuing, regular or frequent basis.
- *Sexual Orientation* — heterosexual, bisexual or homosexual.
- *Disability* — this is very broadly defined in section 2(1) of the Employment Equality Act and includes most disabilities. “Disability” means
 - the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body,
 - the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
 - the malfunction, malformation or disfigurement of a part of a person’s body,
 - a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or

- a condition, disease or illness which affects a person’s thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour, and includes a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.
- *Age* — the protection against age-related discrimination (including harassment) in employment applies only to employees over the maximum age at which a person is statutorily obliged to attend school. The minimum school leaving age is currently 16 years, or the completion of three years of post-primary education, whichever is the later.
- *Race* — race, colour, nationality or ethnic or national origins.
- *Religious Belief* — includes different religious background or outlook, (including absence of religious belief).
- *Membership of the Traveller Community* — “Traveller community” means the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland, and are now recognized as an ethnic majority.

The protection of the Act extends to situations where the employee does not have the relevant characteristic related to the discriminatory ground but the perpetrator believes that he/she has that characteristic, for example, if the perpetrator believes the employee is gay and the employee is not. Protection is also extended to cover different treatment of an employee because he/she has rejected or accepted the sexual harassment or harassment.

The Employment Equality Act protects employees who, for example, seek redress under the Act, support a complainant, or give evidence in proceedings, by prohibiting their being victimised by dismissal or other penalty for doing so.

Harassment can include the following: Acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures, or other material.

- Jokes, comments, ridicule or songs
- Text messages, emails, notices
- Jostling, shoving or any other form of physical assault
- Visual displays such as posters or badges
- Gestures, posturing or threatening poses
- Excessive monitoring of work
- Isolation or exclusion from work-related social activities
- Unreasonably changing a person’s job content or targets
- 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.

Examples of sexual harassment include:

- 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 work place 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 or faxes. It may also include leering, whistling or making sexually suggestive gestures.
- Gender-based conduct — this includes conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex such as derogatory or degrading abuse or insults which are gender-related.

A single incident may constitute harassment; this list is neither exhaustive nor prescriptive.

Procedures for dealing with workplace bullying and harassment

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.

These procedures refer to alleged instances of bullying or harassment; note should be made of the agreed procedures: ‘Grievance Procedure for Voluntary Secondary Schools with Boards of Management’ (2000) and the *Towards 2016* – ‘Revised Procedures for Suspension and Dismissal of Teachers’ and ‘Disciplinary procedures for teachers in primary, voluntary secondary, and community and comprehensive schools’. There are also local school procedures in place for non-teaching staff.

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

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 can be handled effectively in an informal way under Stage 1. 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, for whatever reason, to bypass the informal procedure and proceed to Stage 2.

The Procedure for dealing with bullying in the workplace is as follows:

The following section outlines the procedures to be followed with respect to a complaint.

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.

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.

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.

A complainant may decide, for whatever reason, 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:-

The complainant should make a formal complaint in writing to his/her Principal; the Board of Management is informed by the Principal that a complaint has been received. 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.

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).

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).

Investigation

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).

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

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.

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.

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

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.

Outcome

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 a referral for counselling and/or monitoring or progressing the issue through the disciplinary and grievance procedure of the employment.

Appeal

An employee may seek a review by the Board of Management of the investigation by requesting so in writing within 10 days. The review may only be requested on one of the following grounds:

- i. the provisions of the agreed procedures were not adhered to
- ii. all the relevant facts were not considered or not considered in a reasonable manner
- iii. the subject of the complaint concerned was not afforded a reasonable opportunity to answer the allegation
- iv. the course of action recommended is disproportionate to the findings of the investigation.

The Board of Management will nominate a Panel to undertake the review; this Panel shall issue its findings to all parties.

3. Confidentiality

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

4. Record

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

- 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 Principal or, if appropriate, 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 in the complaint.

5. 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 procedure.

6. 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 may 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 or through the Employee Assistance Program.


7. 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,

This policy was adopted by the Board of Management in April 2019.

Signed: 
(Board of Management)

Date: 30/4/19
Date of next review: September 2020

Signed: 
(Principal)

Date: 30/4/19



Dignity

IN THE WORKPLACE



WE at **Midleton College**

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.



Nothing in this Charter overrules a person's legal and statutory rights.

This Charter is endorsed by

