

**Silvermines NS**

**Dignity at Work  
Policy**

RE: DIGNITY AT WORK POLICY (required under Safety, Health and Welfare at Work Act 2005)

Dear Staff Member,

The purpose of this document is to ensure that the Board of Management of Silvermines NS is compliant with current legislation in relation to the Health and Safety Act 2005 and the Code of Practice on the Prevention of Workplace Bullying (May 2007).

The objective of the policy is to ensure school management is compliant with their duties under section 8 (2) (b) of the 2005 Act as regards 'managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk'. It also applies to employees in relation to their duties under section 13 (1) (e) of the 2005 Act to 'not engage in improper conduct or behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person'.

A copy of this document will be issued to each staff member. It is each employee's responsibility to ensure that they become familiar with the contents of this 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.

In the unlikely event of a complaint in relation to bullying in the workplace in Silvermines NS, the procedures contained within this policy, will be followed.

This document will be subject to periodic review.

*James Hayden*

Secretary, Board of Management

Introduction: As a school community, Silvermines National School commits itself to working together to maintain a workplace environment that encourages and supports the right to dignity at work.

All who work here and are members of the Board of Management and Parent-Teacher Association are expected to respect the right to dignity in their working life. Every person will be treated equally and be respected for their individuality and diversity. Bullying or harassment in any form and from any party within and without the school is not accepted by us and will not be tolerated.

Our policies and procedures will underpin the objectives of this policy. All individuals, whether directly employed or contracted by Silvermines National School or volunteering as a member of the Board of Management or Parent-Teacher Association or who are volunteering or completing work experience in another capacity have a duty and responsibility to uphold this Dignity at Work Policy.

Aims and Objectives:

- To establish working definitions for bullying and harassment.
- To describe procedures for responding to claims of bullying or harassment.
- To identify ways to promote a positive working environment for all adults in our school community.

Rationale: This school is committed to a positive work environment where work is done in an atmosphere of respect, collaboration, openness and equality.

Adult bullying and harassment in the workplace are phenomena which this school will seek to prevent and will not tolerate. All employees have the right to be treated with dignity and respect. Management is committed to intervening in an appropriate manner - utilising one of the accepted Management/INTO/FORSA/SNA Union procedures - to investigate and deal with allegations of bullying or harassment.

The provisions of Circular 40/97 on Assaults on Staff in Primary Schools will be utilised as appropriate. The Board of Management adopts the definition of adult bullying as set out by the Task Force (2001):

"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 is covered by Employment Equality legislation and is based on a person's standing within one of the nine categories (or grounds) specified in that legislation (gender, marital status, religion, sexual orientation, etc.).

Harassment is defined in law as "unwanted conduct" related to one or more of the discriminatory grounds 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".

It is recognised that bullying and harassment complaints may arise among work colleagues but may also arise in relation to any adults or visitors (including parents or guardians) in the school.

In either case, the commitment to a positive workplace, where dignity at work is respected, prevails.

## Dignity in the Workplace Policy – Silvermines National School 2023

This policy complements the school's Anti-Bullying Policy that addresses bullying behaviour involving children.

Procedures: Establishing a Positive Climate It is agreed that we will all work to make this school a good place to work. A good place to work has a positive work environment characterised by:

- A supportive atmosphere
- A general commitment to good and open communication (e.g. through opportunities at regular staff meetings, parent/teacher meetings, formal and informal conversations, professional development experiences, etc.)
- Appropriate interpersonal behaviour procedures
- Opportunities for members of our community to collaborate on shared projects
- Open discussion and resolution of conflict
- Recognition, feedback and affirmation as appropriate
- Fair treatment of all staff (including fair systems of selection and promotion)
- Opportunities for social interaction that helps build relationships based on mutual respect Every person has a responsibility to play his/her part in contributing to a positive work environment. In this regard, a person who is a witness or bystander has a clear responsibility to raise concerns about dignity at work and threats to this, in an appropriate and timely manner.

The Health and Safety Policy includes a commitment to a positive work environment, in light of the Employer's obligations as outlined at Section 8 of that Act, including the duty to manage work activities in such a way as to prevent "improper conduct or behaviour" likely to put health and safety at risk. Guiding Definitions Bullying behaviour generally amounts to psychological abuse which causes serious pain and suffering.

Studies have shown that any person may become a target, irrespective of their personality or ability. In addition to its unacceptable effects on persons who are its targets, workplace bullying and harassment is extremely detrimental to organisational effectiveness.

Examples of Bullying:

- Verbal abuse/insults or undermining remarks;
- Excessive monitoring of work that is not universal or fair;
- Deliberately withholding work-related information;
- Exclusion with negative consequences;
- Constant humiliation, ridicule or belittling efforts, often in front of others;
- Verbal abuse, including shouting, use of obscene language or spreading malicious rumours;

- Showing hostility through sustained unfriendly contact or exclusion;
- Inappropriate overruling of a person's authority;
- Reducing a job to routine tasks well below the person's skills and capabilities without prior discussion.

Such behaviours need not and should not be part of a workplace. This policy aims to ensure that a positive environment prevents such behaviours from occurring. Where bullying or harassment does occur or is alleged to have occurred, there are means of tackling it through the agreed procedure. An isolated incident of inappropriate behaviour may be an affront to 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 does not constitute bullying.

Complaints relating to instructions issued by a supervisor and/or manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure do not constitute bullying.

Complaints that are appropriate for referral under the normal grievance procedure are usually relatively straightforward to formulate as they refer to a specific issue or incident. Bullying, on the other hand, is repeated, inappropriate behaviour which is specifically targeted at the recipient in order to undermine his or her dignity.

Complaints of bullying are sometimes difficult to articulate as it may involve a series of small seemingly innocuous incidents which culminate to create an intimidating hostile working environment.

Harassment is any act of conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating. Harassment is inappropriate behaviour based on the relevant characteristic of the staff member or adult in school.

Harassment may relate to the following grounds covered by the Employment Equality Act: marital status, family status, sexual orientation, religious belief (or none), age, disability, race or colour, nationality or ethnic or national origin or membership of the Traveller Community such as race, religion, age or any of the other grounds covered by the Act.

Harassment may consist of the single incident or repeated inappropriate behaviour. The following are examples of inappropriate behaviour which may constitute harassment.

These examples of harassment are illustrative but not exhaustive:

The following is a non-exhaustive list of examples of types of behaviour that may constitute bullying:

- Verbal abuse/insults, undermining remarks
- Exclusion with negative consequences
- Intimidation
- Aggression
- Humiliation, ridicule, belittling efforts
- Excessive monitoring of work

- Withholding work-related information
- Ostracising a person.

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/or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

It is recognised that bullying and harassment complaints may arise among work colleagues but may also arise in relation to visitors to the school. In either case, the commitment to a positive workplace, where dignity at work is respected, prevails.

Procedures in Response to an Allegation of Bullying or Harassment Without prejudice to an individual's right to take such advice or steps as they themselves may decide, the Board of Management will take seriously any allegations of workplace bullying or harassment.

Supportive and effective procedures, in accordance with nationally-agreed practice, are in 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.

The Board of Management has a duty of care towards employees. Similarly, employees have a duty of care towards one another.

This policy seeks to set out principles and practices to support the exercise of that duty in our school. Just as inappropriate and undermining behaviour among work colleagues is taken seriously, so is such behaviour when perpetrated against an employee of this school by any other person.

Together we are committed to building and maintaining a work environment where inclusive, respectful, open and equal relationships are the norm.

If any staff member or visitor feels that she or he is being subjected to behaviour which undermines his or her dignity should let his/her objections be known, otherwise the person engaging in the unwelcome behaviour may be unaware of the effect of his/her actions.

The staff member may either approach the alleged perpetrator directly and make the person aware that the behaviour in question is unwelcome or request the Principal or another designated member of staff to approach the person on his or her behalf. Staff members are entitled to end a discussion in the event of unwelcome behaviour from a parent.

An employee who feels he or she is being bullied or harassed may seek information and advice regarding the policy and procedure on a confidential basis from any of the following: a colleague, the principal, the staff union representative or the chairperson of the Board of Management. If, having consulted with the appropriate person, the staff member decides to pursue the matter, he or she may approach the alleged perpetrator directly or request the intervention of the Principal.

In a case involving the Principal, the intervention of the Board of Management can be requested. Where the staff member is not confident about approaching the alleged perpetrator or where a direct approach has not resolved the matter, he or she should request the intervention of the principal or staff representative.

The principal or staff representative will attempt to resolve the matter in an informal low-key and non-confrontational manner by making the alleged perpetrator aware of the effects of his or her behaviour.

Where this does not bring about a satisfactory outcome, the matter may be referred to the Board of Management, who will make every effort to resolve the matter between the parties. Where the matter remains unresolved, the Board of Management may request both parties to consider mediation.

Mediation is the preferred method under this policy for the resolution of complaints of bullying and harassment which are not capable of being resolved by school staff. The objective of mediation is to resolve the matter speedily and confidentially without recourse to a formal investigation and with the minimum of conflict and stress for the individuals involved.

Mediation requires the voluntary participation and co-operation of both parties in order to work effectively. An assigned mediator will meet with both parties, usually separately to begin with, to discuss the alleged offending behaviour.

The mediator will then bring both parties together to reach a common understanding and agreement on acceptable future behaviour. A mediated agreement seeks to reach an accommodation between the parties, thereby restoring harmonious working relations.

A mediated solution will not result in the issues being dealt with under the disciplinary policy. The parties will be requested to attend mediation before alleged offending behaviour is the subject of a formal investigation. If the mediation process does not produce a satisfactory outcome, the complainant may seek to have the matter resolved through formal investigation.

Any information that emerges during the course of the mediation process will remain strictly confidential and cannot be disclosed as part of the formal investigation. The complaint will be clearly formulated in writing setting out details of the offending behaviour (including dates and witnesses if any) and the context in which it occurred.

The alleged perpetrator will be advised that the complaint is the subject of a formal investigation. He or she will be given a copy of the written complaint and invited to respond to the allegations in writing within two weeks.

A copy of the response will be forwarded to the complainant. The investigation will be conducted thoroughly and objectively and with due respect for the rights of both the complainant and the alleged perpetrator. Both parties will be required to co-operate fully with the investigation. Confidentiality will be maintained throughout the investigation to the greatest extent consistent with the requirements of a field investigation.

It is not possible, however, to guarantee the anonymity of the complainant or any person who participates in the investigation. Notwithstanding the difficult circumstances, both the complainant and the alleged perpetrator may be expected to continue with their normal duties and maintain a professional working relationship during the course of the investigation.

The Board of Management will, however, have due regard at all times for its obligations to safeguard the health, safety and welfare of staff and students.

The investigator may interview anyone they feel can assist with the investigation. Staff are expected to co-operate fully with the investigation and would be fully supported throughout the process. Employees who participate in the investigation process will be required to respect the privacy of the parties involved by refraining from discussing the matter with other work colleagues or persons outside school.

It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

The investigation will be conducted by a designated person(s) nominated by the Board of Management who is not connected to the complaint in any way. The investigation will be governed by clear terms of reference based on the written complaint and any other matters relevant to the complaint.

The terms of reference shall specify the following: the timescale within which the investigation will be completed and the scope of the investigation. Both parties will be given copies of all relevant documentation prior to and during the investigation process. The investigator(s) will conduct separate interviews with the complainant and the alleged perpetrator with a view to establishing the facts surrounding the allegations.

Both the complainant and the alleged perpetrator may be accompanied by staff representative or work colleague if so desired. The investigator(s) will interview any witnesses to the alleged incidents of bullying or harassment and other relevant persons. Persons may be required to attend further meetings to respond to new evidence or provide clarification on any of the issues raised. On completion of the investigation, the investigator(s) will submit a written report of the findings and recommendations to the Board of Management.

Both parties will be given a copy of the investigation report and an opportunity to comment before any action is decided upon by the Board of Management. If the complaint is upheld, the matter may be progressed through the disciplinary procedure or other appropriate action may be taken such as counselling and mediation. The complainant and the alleged perpetrator will be informed in writing of management's decision.

When a complaint is not sustained, no action will be made against the complainant, provided that the complaint was made in good faith. In the interests of all staff members and students, any malicious or vexatious complaints will be treated very seriously and may lead to disciplinary action against the complainant. Retaliation against a complainant, witness or any other party will constitute a serious disciplinary offence.

Visitors to the school include frequent substitute staff, extra-curricular activity (ECA) staff, specialist staff, work experience students, parents, volunteers and student teachers. Where complaints against visitors to the school are the subject of a formal investigation, the alleged perpetrator will be expected to co-operate fully with the process and will be afforded fair procedures and an opportunity to respond fully to the complaint. Where the complaint is upheld, appropriate sanctions will apply which may include exclusion of the individual from the premises or suspension or termination of service or other contract.



Ratification and Communication:

This policy was ratified on the date below.

The policy will be distributed to all individuals involved in a consultation process as described above. It will also be available electronically for access at any time.

It will be reviewed periodically.