



**ST. VINCENT'S
CASTLEKNOCK COLLEGE**

Dignity at Work Policy and Procedure St Vincent's Castleknock College

1) Introductory Statement:

A core employment value at St. Vincent's Castleknock College is the commitment to ensuring that each individual is guaranteed a working environment where they may expect to be treated with dignity and respect by both management and work colleagues. Integral to this employment value is commitment to provide a workplace free from bullying, harassment and sexual harassment.

St Vincent's Castleknock College ("**SVCC**") is committed to creating and maintaining a positive working environment where the right of each individual to dignity at work is recognised and protected. This policy document outlines what is meant by bullying, harassment, and sexual harassment and, in this context, details the responsibilities of all members of the school community, with particular emphasis on personal professional responsibility and the leadership role of school management. This policy also provides awareness regarding the steps which individuals may take if they believe that they have been bullied, harassed or sexually harassed in the workplace. It promotes a solution focused approach, where a prompt and informal problem-solving approach offers the best potential for addressing allegations of bullying, harassment and sexual harassment effectively.

This policy has been written in line with '*Dignity in the Workplace Charter*' endorsed by IBEC and ICTU and adopted by the JMB and ASTI (see Appendix 1). It is also in compliance with the *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work* published in December 2020.

2) Purpose and Objectives of Dignity at Work Policy:

The Board of Management of St. Vincent's Castleknock College ("the Board") is committed to providing all staff members with an environment that is free from any form of workplace bullying. The purpose of this document is to outline the Board's policy and procedures in relation to workplace bullying, harassment, and sexual harassment.

The objective of this policy is to eliminate workplace bullying and to contribute to a supportive environment where staff have the right to carry out the work of the school and '*the development education of the whole person*'. This policy document underpins a school culture of respect and dignity for all and places a positive emphasis on the importance of each individual encouraging trust and collegiality among all staff members. A complaint of workplace bullying, harassment and sexual

harassment will be treated seriously and dealt with promptly and in accordance with due process. The Board will endeavour to ensure that all staff will be protected against victimisation or discrimination for making a complaint or assisting in an investigation. Victimisation as a result of a member of staff raising a complaint will not be tolerated.

The key aims of this policy are to:

- To create and maintain a positive working environment in SVCC where the right of each individual to dignity and respect at work is recognised and protected
- To create and maintain an environment where bullying, harassment and sexual harassment are not tolerated in any form.
- To ensure that each individual is aware of his/her responsibility to behave in a way that reflects a culture of dignity and respect. In that regard school management has duties under the Safety, Health and Welfare at Work Act 2005 to take steps to prevent any improper conduct or behaviour that is likely to put the safety, health and welfare of employees at risk. The 2005 Act also places obligations on employees not to engage in improper conduct or behaviour that is likely to endanger the safety, health and welfare of the individual or other member of staff. The Employment Equality Acts 1998 – 2015 place obligations on employers to prevent harassment in the workplace and to take reasonable steps to prevent bullying, harassment and sexual harassment in the workplace, to reverse the effects of it and to take reasonable steps to prevent its reoccurrence.
- To ensure that all are aware of and committed to the principles set out in this policy

3) Scope of this Policy:

This policy applies to the conduct of all staff (teaching and non-teaching), members of the Board of Management and Trustees both in the workplace and at work associated events including off-site events, meetings, conferences, training, work-related sporting and social occasions, whether on the grounds of SVCC or outside of those grounds while engaged in activities relating to SVCC, representing SVCC and communicating in relation to any SVCC related activity including written, email, telephone, internet and social media or providing service to SVCC.

4) Relationship of this Policy to the Characteristic Spirit of the School:

The Mission Statement of St Vincent's Castleknock College is set out as follows:

To have a College which is concerned with the development of the whole person in a Christian atmosphere which encourages involvement in a balance of religious, intellectual, cultural and sporting activities and which promotes the growth of self-worth and respect for others in the spirit of St Vincent de Paul.

The philosophy of St Vincent de Paul (1581–1660), the Patron Saint of Christian charity, continues to inform and inspire the students, faculty, staff and extended community of St Vincent’s Castleknock College. As a Vincentian College, it is committed to following Vincent de Paul’s philosophy, which emphasises respect for the individual, service to the needy, human solidarity and adherence to the belief that self-giving helps make the world a better place.

Everyone within a school, regardless of the level and frequency of contact they have with young people, shares the responsibility for creating a positive ethos and climate of respect and care –one in which everyone can make a positive contribution to the wellbeing of each individual within the school and to the wider community.

5) Definitions:

5.1) 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 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work). However, in the context of this policy, placing a once-off offensive or hurtful public message, image or statement on a social network site or other public forum where that message, image or statement can be viewed and/or repeated by other people will be regarded as bullying behaviour.

Bullying can take several forms. A characteristic of bullying is that it usually takes place over a period of time. It can include oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emblems, graffiti or other material. Further examples of Bullying are outlined at Section 6.1 below.

5.2) Harassment:

Is any form of unwanted 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 and which is related to any of the discriminatory grounds:-

- Gender
- Civil Status
- Family Status
- Sexual Orientation
- Religion
- Age
- Disability
- Race (including race, skin colour, nationality or ethnic origin)
- Membership of the Traveller Community

Harassment includes situations where the person does not have the relevant characteristic related to the discriminatory ground but the perpetrator believes that he/she/they has that characteristic. The unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures, emblems or other material.

(Employment Equality Act 1998 - 2015). Harassment may consist of a single incident or repeated inappropriate behaviour. Examples of Harassment are outlined at Section 6.1 below.

5.3) Sexual Harassment:

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 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. Many forms of behaviour can constitute sexual harassment and can include physical conduct of a sexual nature, non-verbal conduct of a sexual nature and gender-based conduct. A single incident may constitute sexual harassment. Examples of behaviours which could constitute sexual harassment are outlined at Section 6.2 below.

6) Prevention of Workplace Bullying, Harassment and Sexual Harassment?

6.1) Bullying/Harassment

Many forms of behaviour can constitute Bullying/Harassment; examples include but are not limited to the following:

- Social exclusion, isolation or non-cooperation at work with negative consequences
- Verbal abuse/insults and name calling
- Physical abuse/assault
- Unwanted physical contact
- Interference with personal property or work area
- Being treated less favourably than colleagues in similar roles
- Shouting and aggressive behaviour
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Intimidation/aggressive interactions
- Use of aggressive and obscene language
- Shoving/jostling
- Undermining behaviour
- Belittling a person's opinions
- Excessive monitoring of work or unreasonable scrutiny
- Humiliation
- Derogatory or offensive nicknames
- Withholding information necessary for the proper performance of a person's job
- Setting unreasonable and unrealistic targets
- Blaming a person for things beyond their control
- Unequal treatment
- Dissemination of malicious rumours, gossip and innuendo

Bullying/Harassment does not include:

- Expressing differences of opinion strongly
- Offering constructive feedback, guidance or advice about work-related behaviour which is not of itself welcome
- Ordinary performance management

- Reasonable corrective action taken by any employer or supervisor relating to the management and direction of employees (e.g. managing a worker's performance, taking reasonable disciplinary actions, assigning work)
- Workplace conflict where people disagree with or disregard others' point of view

6.2) Sexual Harassment

Many forms of behaviour can constitute Sexual Harassment; examples include but are not limited to the following

- Unwanted physical contact including unnecessary touching, patting, pinching or brushing against another individual's body
- Sexual assault
- Unwelcome sexual advances, propositions or pressure for sexual activity
- Continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome
- Unwanted or offensive flirtations, suggestive remarks, innuendoes, lewd comments or sexual jokes, stories and comments
- Display of pornographic or sexually suggestive pictures, objects, written materials, emails, text messages or other communications
- Leering, whistling or making sexually suggestive gestures

6.3) 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 they 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 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 they 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

6.4) 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 in-service 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

6.5) What can I do to stop people bullying me?

Tell them it must 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, a Contact Person, the ASTI Steward, a Deputy Principal, or other. Seek help and support.

6.6) 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.

6.7) 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 behaviour are defined in the Board Policy
- Staff member's right to complain is respected
- Informal resolution of complaints is encouraged

7) The Procedure for dealing with Complaints of Bullying/Harassment/Sexual Harassment:

SVCC supports both informal and formal approaches to resolving complaints regarding Bullying, Harassment and Sexual Harassment. Before deciding on which approach to adopt, it is recommended that an allegation of bullying/harassment/sexual harassment first be brought to the Principal. If the Principal is the subject of the allegation, then the Chairperson of the Board of Management can instead be informed for this purpose. Alternatively, a complainant may seek help and advice, on a strictly confidential basis, from a **Contact Person** who should listen to their complaint and discuss the various options available to them to resolve the matter.

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

Stage One: Informal and Stage Two: Formal

Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work published in December 2020.

7.1) 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.

- Mediation is an important consideration for resolving issues
- Prompt and informal route preferable
- Early intervention matters
- Collaborative and non-adversarial approach is important
- 'Light touch approach'

Elements:

- Being listened to
- Complaint is taken seriously
- Dealt with fairly, speedily and confidentially
- Focus on the future working relationship
- Problem solving orientation

7.2) Informal Route –the steps:

a) First Informal Process:

- An informal route should enable the affected staff member to raise the matter(s) with the perceived bully ‘quickly and calmly, focusing on the facts regarding acts done and their consequences’
- Access to a ‘Contact Person’ –information and guidance

b) Secondary Informal Process:

- A ‘Nominated Person’ to deal with the complaint
- The complaint may be verbal or written
- The Nominated Person establishes the facts, the context and a course of action for resolving the issues
- The Nominated Person keeps a nominal record of the stages of the complaint

7.3) Role of Contact Person – First Informal Process:

- Actively listen and provide support allowing the concerned staff member to speak about their experience
- Provide the complainant with a copy of the school’s Policy, explain the procedures, the various options available and help the person identify whether their complaint fits the definitions within the Policy
- Help the staff member to clarify what they are experiencing and to empower them to decide what course of action, if any, they may wish to take
- The role of the Contact Person generally would be a supportive one: to listen, and offer guidance on options in line with the school’s policy and procedures, all on a strictly confidential basis
- The main purpose of the role is supportive listening and information provision. The Contact Person will have no role in the investigation of any complaints and should not be tasked with any further involvement in the details or right and wrongs of a complaint

7.4) Moving to the Secondary Informal Process:

The new Code introduces a ‘*Secondary Informal Process*’ to cover those scenarios where the first (informal) approach ‘*is unsuccessful or if the complainant or the employer deem it inappropriate for the seriousness of the issues*’. Via this secondary route, ‘*the employer may nominate a separate person who has had appropriate training and experience and who is familiar with the procedures involved to deal with the complaint on behalf of the organisation*’.

7.5) Role of Nominated Person – Secondary Informal Process:

- The Nominated Person should establish the facts, the context and then the next course of action in dealing with the matter under the informal procedure
- If the complaint concerns alleged bullying/harassment/ sexual harassment as defined and includes concrete examples of inappropriate behaviour, the person complained against should be presented with the complaint and their response established

- The Nominated Person(s) will encourage the complainant and the respondent to engage in meaningful dialogue in an effort to resolve the matter or gain a level of agreement
- The Nominated Person in this instance could facilitate resolution by getting the Parties together or, alternatively, just speak to the alleged offender
- The nominated person who was responsible for managing the complaint should keep a nominal record of all stages; the complaint, the first meeting, action agreed and signed records of the final meeting. The purpose of the records, which do not include the detail of discussions, is to provide evidence of the complaint having been met with an organisational response and attempt at resolution. Records should be kept in accordance with relevant Data Protection Legislation (section 2(1) governing Retention), within an agreed human resources system and be available only to that legislation

7.6) Mediation:

In certain circumstances, where issues remain unresolved at the informal process, the Nominated Person(s) will consult with the School Management and consider whether the matter should be referred to external mediation. If School Management and Nominated Person(s) agree that mediation is appropriate, subject to the agreement of the Parties, an appropriately professionally qualified mediator will be organised.

Note:

All informal resolution avenues should be contemplated and where appropriate, exhausted before a formal process is invoked.

Closure of Informal Stage:

The following are some of the steps that should ideally be used to close off informal proceedings, ensuring that both parties have their rights met:

- Obtain closure after a resolution is found through informal procedures. Both parties should be given support or periodical reviews, insofar as is reasonable, which, if necessary, could include counselling or other appropriate interventions or support services
- Where a complaint has been assessed as vexatious, the matter should be progressed through other relevant procedure
- In many situations, with the co-operation of all parties, the matter can rest here

8) Formal Procedure:

Proceeding to a formal process should not be viewed as automatic and it is important that it is recognised that it is the reasonable evidence-based decision of management. Escalating a complaint to a formal process should only be done following a review of all aspects of the circumstances surrounding matters complained of.

This process includes a formal complaint and a formal investigation. The purpose of an investigation is to set up a fact-finding approach and determine the facts and credibility or otherwise of a complaint of alleged bullying. It is a significant step and all parties should be aware of possible consequences. In particular, an investigation will make it more difficult to restore normal workplace relations and may not have the desired outcome for the parties concerned. The outcome of an investigation may eventually, separately lead to a disciplinary process being instigated in respect of the person

complained about, but the investigation itself will be a fact-finding one with the focus on what, or did not occur.

Procedure:

- a. The complainant should make a formal complaint in writing to their Principal that should be signed and dated. Where this is not possible, a written record should be taken of the complaint by the assigned person and signed by the complainant and dated. 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
- b. The complaint should be confined to precise details of alleged incidents of bullying, including their dates, and names of witnesses, where possible
- c. 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)
- d. The complainant and the respondent should be advised of the aims and objectives of the formal process, the procedures and approximate ideal timeframe involved, and the possible outcomes. Both parties should be assured of support as required throughout the process

8.1) Investigation:

The investigation should be governed by terms of reference which should include the following:

- An indicative timescale for its completion – this timeframe should be proposed, and its rationale explained
- The scope of the investigation, sets out the procedure to be adopted for findings of fact related to the complaint and a statement that the investigator will consider, based on the facts before them whether the behaviour(s) complained about, on the balance of probabilities, have occurred
- The confidentiality of the process should be emphasised to all concerned

The scope of the investigation should indicate that the investigator will decide, based on the facts before them, whether the behaviour complained about may, on the balance of probabilities, have occurred. The investigator should not uphold or dismiss the allegations and/or suggest or impose sanctions.

Statements from all parties, including witnesses, should be recorded in writing as the use of written statements tends to make matters clearer from the outset and maintains clarity throughout the investigation. Copies of the record of their statements should be given to those who make statements to the investigator. Copies should also be provided to the complainant and the person complained about and should result in findings of fact only.

If possible, all parties should continue to work normally during the investigation.

The objective of an investigation is to ascertain whether, on the balance of probabilities, the behaviours complained about occurred, it having already been established that the behaviours come within the description of workplace bullying. Details of the complaint, responses of the person complained of, witness statements and other relevant evidence are relied on for this purpose.

The investigation should be conducted by either a designated member(s) of management or, if necessary, (for example in the case of any possible conflict of interest) an independent third party. In either case, the person nominated should have appropriate training and experience and be familiar with the procedures involved.

The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the person complained of.

The investigator should meet with the complainant, the person complained about, and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts.

A work colleague or staff member/trade union representative (provided the person has representation in line with the principles of natural justice and fair procedure) may accompany the complainant and the person complained of, if so desired.

The investigation will consider all material and evidence before it and a decision will be made on balance of probability, as to whether the complaint is valid. If the investigator concludes that the accused staff member has a case to answer, on the balance of probability, then the investigator may recommend whether or not the employer should invoke the Disciplinary Procedure.

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.

8.2) Outcome:

If a complaint is upheld, the Board of Management may direct the matter to be dealt with under the disciplinary procedures

- Retaliation or a vexatious and/or malicious complaint will be dealt with through the relevant disciplinary procedures

8.3) Confidentiality:

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

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 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 the complaint.

8.4) 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.

9) The Appeals Process:

- An appeals process for both parties should be in place
- The reason for the appeal should be outlined in writing to management if such an option is being taken
- The time period for an appeal should be within one week of receipt of the written findings of the investigation
- The appeal should be heard by another party, of at least the same level of seniority as -but preferably more senior than -the original investigator. This party should have had no involvement in the investigation
- The appeal should focus on the conduct of the investigation in terms of fair process and adherence to procedure
- It should be noted that an appeal is not a re-hearing of the original issues

The outcome of the appeal shall be final insofar as the employer duties under health and safety legislation is required.

10) Assistance in the event of Bullying/Harassment:

Every effort will be made to assist if they so wish, persons who are victims of bullying/harassment to deal with the problem and where it is requested, the services of a counsellor will be made available by the 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.

11) 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.

12) Review and Evaluation:

The policy is subject to periodic review after the date below and approved by the Board of Management.

Date of policy adoption: This policy was ratified by the Board of Management on 15 June 2022

Signed: 
Chairperson of BoM

Date: 15 June 2022

Signed: 
Headmaster

Date: 15 June 2022

Appendix 1: What Constitutes ‘Unacceptable Behaviour’/ Workplace Bullying?

Bullying can take several 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 will have ownership of the policy as it relates to their school.

Acceptable behaviours include:

- Appreciation of contribution
- Affirmation
- Accepting constructive feedback
- Encouragement
- Inclusiveness
- Not spreading gossip/rumours
- Empowerment
- Empathy
- Caring
- Communicating appropriately
- Listening attentively
- Apology
- Readiness to forgive
- Providing inclusions
- Opportunity to speak
- Being courteous, respectful
- Good manners
- Appropriate Language
- Being positive
- Respect and tolerance
- Honesty, loyalty, integrity
- Acting justly and responsibly
- Understanding

Behaviour which makes for a bullying pattern will likely include not just one but a range of the following behaviours:

- Exclusion with negative consequences
- Verbal abuse/insults
- Physical abuse
- Being treated less favourably than colleagues
- Shouting
- Intrusion – pestering, spying or stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive monitoring of work
- Humiliation
- Withholding work-related information
- Setting unreasonable and unrealistic targets
- Blame for things beyond the person’s control
- Unequal treatment

This list is not exhaustive.

Appendix 2: JMB Dignity at Work Policy and Code of Procedures

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

Link to full document:

<https://www.asti.ie/document-library/dignity-at-work-policy-and-code-of-procedures/>