

# **St Kilian's Deutsche Schule/Eurocampus**

## **Dignity at Work Charter**

And

## **Anti-Bullying Policy**

**(Safety, Health and Welfare at Work Act 1989)**

**Academic Year 2017-2018**

Dear Staff Member,

The purpose of this document is to ensure that the Board of Management of St Kilian's Deutsche Schule Dublin is compliant with current legislation in relation to the Health and Safety Requirements under Section 6 (i) of the 1989 Act as follows:

*It shall be the duty of every employer to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his employees.*

*Section 6(i) Safety, Health and Welfare at Work Act, 1989*

A copy of this document will be issued to each staff member of St Kilian's Deutsche Schule, Dublin. 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 St Kilian's Deutsche Schule Dublin, the procedures contained within, will be followed.

This document will be subject to periodic review.

-----

*Secretary, Board of Management*

*Academic Year*



## **Dignity at Work Charter**

### **St Kilian's Deutsche Schule Dublin**

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 St Kilian's Deutsche Schule 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 Kilian's Deutsche Schule 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.



## **Introduction**

The Board of Management of St Kilian's Deutsche Schule is committed to providing all employees with an environment that is free from any form of workplace bullying. This commitment is expressed in the Dignity at Work Charter.

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

A complaint of workplace bullying 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 to contribute to a supportive environment where Staff has the right to carry out the work of the College - 'the education of the whole person'.

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 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:

### **Definition of 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, 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.

### **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.



## **What Constitutes ‘Unacceptable Behaviour’/ Workplace Bullying?**

- *Please refer to Appendix One attached to this document for examples.*

## **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 Organisation: 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, 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 manager, there may be the fear that more senior management will support the manager/supervisor

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 St Kilian's Deutsche Schule?**

Awareness/education about workplace bullying is crucial

Be familiar with and accept responsibility for the Board of Management's Policy and how it works



### **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. 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 Steward, a Deputy Principal, and the Principal. **It is important to 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.

### **What if the alleged perpetrator is proven to be the victim as a result of investigation?**

Where there is a total conflict of evidence between the complainant and the accused, a detailed investigation will be necessary. The Board of Management/Agent 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.

### **Will I be protected against intimidation if I complain?**

The Board of Management of St Kilian's Deutsche Schule 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 Policy
- Existence of Charter: Dignity in the Workplace
- Dignity in the Workplace as well as inappropriate/bullying behaviour are defined in the Board Policy
- Employee's right to complain is respected
- Informal resolution of complaints is encouraged.

### **Guidelines on the implementation of St Kilian's Deutsche Schule Anti-Bullying Policy**

There are two stages for dealing with cases of alleged bullying: Stage One: Informal and Stage 2 Formal. The designated contact people 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.

### **The Procedure for dealing with bullying in the workplace.**

#### **Stage One:**

Employees should be advised that, if possible, they should attempt to resolve the problem informally in the first instance. It may be possible and sufficient for the employee concerned to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.





In circumstances where it is too difficult or embarrassing for an individual to do this on his/her own behalf, an alternative approach would be for an initial approach to be made to a Contact Person(s)

The role of the contact person is to listen and support a target. A contact person does not advise a target. The contact person should ensure the target knows about the school's anti-bullying policy.

It is very important for the recipient of bullying/harassment to keep notes, detailing times and dates of incidents of bullying/harassment and request eyewitnesses, if any, to note them also.

Attempts will be made to resolve the matter informally, if appropriate. Counselling and support services will 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 incorporating the following steps:

### **Stage Two:**

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 as at (d) below 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.

### **Steps:**

- a) A written report should be made by the complainant and signed by the complainant.
- b) The complaint will be investigated with minimum delay as confidentially as possible by two individuals. Gender balance will apply where requested.
- c) Due respect shall be had for the rights of the complainant and the alleged perpetrator.
- d) Both parties may be accompanied/represented at all interviews/meetings held and these shall be recorded.
- e) 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.



- f) Where the transfer of one of the parties involved is deemed to be appropriate, the person who has been bullied/ harassed shall not be transferred unless they so request.
- g) 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.

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

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 Principal as above, he/she may report to the Deputy-Principal/Chairperson, Board of Management. The list of personnel available for reporting should reflect gender balance.

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.

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.

This document is a requirement under Health and Safety Legislation, Section 6 and future Codes of Practice as may be introduced under the Health and Safety Legislation, Employment Equality Act and Industrial Relations Act.

The policy is subject to periodic review.

Board of Management,

-----  
June 2017



## Appendix One: Sample Unacceptable Behaviour in the Workplace.

Bullying can take a number of forms and the following list is not exhaustive:

- Aggressive behaviour/attitude/body language, including shouting and uncontrolled anger, insensitivity regarding the person and the personal life of another, personal insults, verbal abuse, offensive language, ridicule, slagging, belittling of one's subject, continually shouting down other opinion, rudeness, not greeting each other, lack of common courtesy, rude and unhelpful behaviour, spreading negativity by belittling the efforts of others ('What are you doing that for – you'll get no thanks!'), non-co-operation, unwillingness to accept/adapt to new staff/management ideas, inability to accept change and competition, whispering comments, whispering in groups, sudden silences that exclude, public verbal attacks, criticising a colleague(s) in their absence, dominant behaviour by strong personalities, a written note of correction rather than a verbal exchange
- Intimidation (physical, psychological or emotional) by open aggression, by saying 'we usually do things this way', condescending tone or unreasonable demands, dictated to in front of students, being 'taken to task' in front of others, threats, staring, persistent negativity in behaviour and attitude, insidious laughter intended to exclude, asking inappropriate questions regarding one's personal life/social life or work, intrusion into personal life, undermining authority, with-holding significant information and resources, labeling, loud conversations that exclude, writing of anonymous notes, persistently being 'narky', talking during staff and other meetings when somebody else is speaking, back-biting, bitchiness or malicious comments, disparaging and demeaning comments, being forced into a committee or particular opinion or decision against one's wishes,
- Public or private humiliation, name-calling, ridicule, mocking and belittling new ideas and enthusiasm of others, derogatory jokes, being mimicked in one's absence and before students or colleagues, verbal confrontation in front of a class, seeking popularity with students at the expense of a colleague by not being supportive in an encounter with students, not consulting when taking pupils out of class, malicious tricks, spreading rumours, intrusion of personal privacy, being 'spoken down' to, ignoring another, branding by association, personalising issues, not sharing/minding/returning resources,
- Ostracising and/or marginalising an individual from relevant discussion or groups (whether overt or subtle), preventing a person from joining a group, social exclusion at breaks/meetings, ignoring a person when



addressed, dealing with a person only through a third party (including a student), ‘cubbying or cliquery’, subjecting another to ‘the silent treatment’ or, a form of isolating individuals, being slotted into a clique/group (on the basis of incorrect assumptions)

## **Appendix Two: Definitions**

### **Definition of 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, 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.

### **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.

