



Lavally NS Bullying/Harrassment in the Workplace

The procedure set out below may be initiated in relation to any of the following circumstances, which may occur in the workplace or otherwise in the course of employment:

- adult bullying;
- sexual harassment; or
- harassment on other specified discriminatory grounds which could, in the circumstances, be regarded as offensive, humiliating or intimidating.

INTO and management recommend that each board of management/school adopt a policy and procedure on bullying, sexual harassment or other harassment on specified discriminatory grounds, which would include a clear statement that any such behaviour is not acceptable within the school. In this regard, it should be noted that a complaint of sexual harassment or bullying may result in disciplinary action. Where a complaint of sexual harassment or bullying is not upheld, no action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and the disciplinary procedure invoked.

Preamble

The procedure outlined below is designed to address adult bullying, sexual harassment or other harassment arising in the workplace or otherwise in the course of employment, in a fair and effective manner. In implementing the procedure, it is recommended that emphasis should be placed on assuring the party who considers that s/he is being bullied/harassed that his/her complaint is acknowledged, that the matter will be investigated effectively and sensitively and in accordance with due process.

Equally, where it is found that bullying or harassment has occurred, the emphasis, firstly, is to ensure that the offending behaviour immediately cease and secondly, to help the offending party acknowledge that his/her behaviour is unacceptable and that steps must be taken to address the matter constructively thereby avoiding any recurrence.

It is important to ensure that resolution is achieved at the earliest opportunity. Further, it may be appropriate for the victim or the offender to attend counselling or obtain such other help as may be required.

Stage 1: Decide to address the matter

1. The party (party a) who considers that s/he is being bullied, sexually harassed or harassed on other specified discriminatory grounds, should decide to address the matter. However, in light of the potential effects of bullying or harassment on an individual, including loss of confidence, extreme upset, anxiety or fear, party a may initially decide to seek INTO or other assistance, including Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures, in the circumstances.

2. Party a should keep a record of the pattern of behaviour or instances where s/he considers that bullying/harassment has occurred. The record should contain details such as dates, times, persons present, details of what was said or what occurred.

Stage 2: Informally address the problem

1. The party who considers that he/she is being bullied, sexually harassed or harassed on other discriminatory grounds (party a), should request a meeting with the other party (b), in order to discuss matters. The following should apply:

- where necessary, the meeting may be facilitated by a third party, generally a teaching colleague;
- party a should clearly outline his/her difficulties and should clearly object to the bullying/harassment and request that it stop;
- it is important that party a bear in mind, that the other member of staff may not be aware that his/her behaviour is causing difficulty;
- both parties should seek to resolve their differences and establish a pattern of interaction exclusive of any forms of bullying/harassment;
- party b may respond to party a at that meeting or if requested, should be given an opportunity to consider his/her response, in which case the meeting may be adjourned. Party b should respond in a constructive manner;
- the resolution, as appropriate, may include any of the following, e.g. a commitment to cease the particular behaviour, modify the behaviour, plan to eliminate situations where the parties would be in conflict or monitoring.

Alternatively, it may emerge as a result of the discussions between the parties, that there may have been a degree of misunderstanding in relation to certain behaviours and the resolution may make provision for compromise or appropriate explanation or acknowledgement.

2. If there is no satisfactory indication of resolution between the parties, party a should refer the complaint to stage 3, i.e. formal procedures.

Stage 3: Principal teacher or chairperson of the board of management

1. Stage 3 provides a mechanism for the principal teacher to intervene and resolve the matter. However, if the principal teacher is one of the parties, the chairperson of the board of management, should then be involved, in an individual capacity, in order to achieve resolution. In circumstances where the chairperson may also be involved at stage 2, another member of the board, may be designated to intervene.

2. Party a should advise party b that he/she is proceeding with stage 3.

3. Party a should state his/her complaint in writing and request the principal teacher (or chairperson of the board of management, as the case may be) to investigate the matter.

4. The principal teacher (or chairperson of the board of management, as the case may be) should:

- obtain background details including details of what occurred at the previous stage;
- consider the pattern of behaviour and the timescale;
- hear the parties and seek to resolve the matter; act in a fair and impartial manner and deal with the matter sensitively having regard to the nature of the problem and the principles of due process; exercise judgement and make decisions which s/he considers necessary to resolve matters.

5. The outcome of the discussions should be noted by the parties.

The matter should be dealt with confidentially. Where resolution has not been possible and particularly, where there is a likelihood of the offending behaviour continuing, either party or the principal teacher (or chairperson of the board of management as the case may be) should refer the matter to the board of management in accordance with stage 4 below.

Stage 4: Board of management

- It is open to any of the parties or the principal teacher (or chairperson of the board of management, as the case may be) to refer the matter to the board of management for investigation. The referral should be in writing and dated and should include a copy of the written complaint.
- The board of management should consider the issues and investigate the matter.
- The board may enquire into the background of the difficulties including obtaining details on the sequence of initiatives taken at previous stages.
- The board or the chairperson of the board may meet teachers individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process.
- The board may request the principal teacher to furnish a written submission.
- The board may afford the parties an opportunity to present their case orally at a board meeting, in each other's presence.
- Following oral presentations the board of management may designate the chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution; the board of management

may convene a number of meetings in order to achieve resolution.

- The board of management shall act in a fair and impartial manner in order to achieve resolution and shall deal with the matter sensitively, having regard to the nature of the problem.

3. Having considered all matters, the board of management should reach a view on the matter not later than 20 school days after receipt of the written request/referral.

4. Where the board of management finds that bullying/harassment has not occurred, both parties should be informed accordingly. No action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and appropriate action taken.

5. Where the board of management finds that bullying/harassment has occurred, the board should deal with the matter appropriately and effectively.

This may include:

- the issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and that it will not be tolerated;
- a demand that all forms of bullying/harassment cease and that acceptable patterns of interaction be established between the parties;
- an instruction to the offending party that s/he apologise/ express regret or give an assurance that the bullying/harassment behaviour will cease;
- seeking a commitment to attend counselling or the welfare service;
- more serious disciplinary sanctions as may be commensurate and appropriate, such as:
- oral warning
 - written reprimand
 - written warning
 - final written warning
 - suspension
 - dismissal

6. As part of any resolution, the board of management should monitor the situation and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The board of management should keep matters under review.

This procedure was presented to the BOM on _____

Signed _____

(Chairperson)

