



# Belvedere College SJ

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Name of Policy/Document	Dignity at Work Charter		



## Dignity at Work Charter

*Belvedere College SJ Adopts the  
HSA Dignity in the Workplace Charter  
Endorsed by IBEC and ICTU and adopted by JMB and ASTI*

JMB and ASTI “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.”

## Dignity in the Workplace Policy and Procedures

### Introduction:

A core employment value is the commitment to ensuring that everyone 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 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.

The Policy guarantees that all complaints will be taken seriously, investigated promptly, and followed through and that all parties involved will be treated with respect.

### Objectives of Dignity at Work Policy

The fundamental 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 school – *‘the education of the whole person’*.

Other objectives are;

- To create and maintain a positive working environment in Belvedere College 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 policy.
- To evaluate the effectiveness of the school policy on anti-bullying and harassment behaviour.
- Raise awareness of bullying and harassment as an inappropriate and uncaring mode of behaviour.

### The Policy

Staff will be protected from victimisation or discrimination for assisting in an investigation. Victimisation because of a member of Staff raising a complaint will not be tolerated.

This policy protection extends to bullying and harassment at work by management, fellow employees, subordinates, clients, customers, and other business contacts, and beyond the place of work too off-site and too work-related social events.

This policy does not apply to:

- Complaints of bullying/harassment/sexual harassment made by employees against students. Such complaints will be treated in accordance with the school's Code of Behaviour;
- Matters of the professional competence of teachers which are dealt with in accordance with circular letter 49/2018;
- Incidents between employees which occur outside of the school setting and/or school events and which do not have a nexus to the work of the school and its employees;
- Complaints which are the subject of legal proceedings;
- Complaints which fall outside the definition of bullying/harassment/sexual harassment which are processed through other agreed procedures e.g., the nationally agreed grievance procedure;
- Complaints of bullying/harassment/sexual harassment made by a student(s) against employees. Such complaints will be dealt with under the appropriate disciplinary procedures and/or child protection procedures;
- Complaints by parents. These will be dealt with through other relevant procedures.

Management will ensure that this policy is implemented in an effective and timely manner. It is important to note that availing of the processes in this policy in no way effects the complainants' right to make a statutory complaint under the Employment Equality Acts 1998 to 2015.

The key principles of the policy are to:

Ensure that the College has proactive measures in place to promote a positive culture of dignity and respect and to create a working and learning environment which makes clear the expectations of members of our community regarding respecting each other and that unacceptable behaviour will not be tolerated.

Create a safe and respectful environment where people feel encouraged to come forward with the issues they are experiencing and have trust and confidence in the process that the issues will be dealt with appropriately and fairly.

Ensure that there is a range of supports available, both voluntary and full-time dedicated roles, whom you can approach and seek support and guidance from and that these are widely communicated.

Ensure that there are a range of informal and formal options for resolution available for those experiencing issues of a bullying and harassment nature and to promote informal options as the most effective means of dispute resolution.

Promote understanding of our definitions of bullying and harassment.

Expectation that you will co-operate with all efforts to resolve complaints under the policy and without undue delay as appropriate.

Expectation that you will respect the confidentiality of the process. However, you are strongly encouraged to seek support from the support services available and your family which will involve you sharing information confidentially with them.

Enhance transparency by having external expert involvement at key stages of the dignity and respect process.

Have an effective and transparent monitoring and analysis process of dignity and respect related data, and the reporting of this data to relevant internal and external bodies on a defined periodic basis to demonstrate accountability.

The Board of Management of Belvedere College is committed to providing all employees 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. A complaint of workplace bullying will be taken seriously and dealt with promptly and in accordance with due process. 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

## Teaching Council of Irelands Code of Professional Conduct for Teachers 2016

The policy is underpinned by the Teaching Council of Irelands Code of Professional Conduct for Teachers 2016. This Code sets out the following standards that apply to all registered teachers regardless of their position.

### 1. Professional Values and Relationships

Teachers should:

- 1.1 be caring, fair and committed to the best interests of the pupils/students entrusted to their care, and seek to motivate, inspire, and celebrate effort and success
- 1.2 acknowledge and respect the uniqueness, individuality and specific needs of pupils/ students and promote their holistic development
- 1.3 be committed to equality and inclusion and to respecting and accommodating diversity including those differences arising from gender, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, membership of the

Traveller community and socio-economic status, and any further grounds as may be referenced in equality legislation in the future

1.4 seek to develop positive relationships with pupils/students, colleagues, parents, school management and others in the school community, that are characterised by professional integrity and judgement

1.5 work to establish and maintain a culture of mutual trust and respect in their schools.

## 2. Professional Integrity

Teachers should:

2.1 act with honesty and integrity in all aspects of their work

2.2 respect the privacy of others and the confidentiality of information gained in the course of professional practice, unless a legal imperative requires disclosure or there is a legitimate concern for the wellbeing of an individual

2.3 represent themselves, their professional status, qualifications and experience honestly

2.4 use their name/names as set out in the Register of Teachers, in the course of their professional duties

2.5 avoid conflict between their professional work and private interests which could reasonably be deemed to impact negatively on pupils/students.

## 3. Professional Conduct

Teachers should:

3.1 uphold the reputation and standing of the profession

3.2 take all reasonable steps in relation to the care of pupils/students under their supervision, so as to ensure their safety and welfare

3.3 work within the framework of relevant legislation and regulations

3.4 comply with agreed national and school policies, procedures and guidelines which aim to promote pupil/student education and welfare and child protection

3.5 report, where appropriate, incidents or matters which impact on pupil/student welfare

3.6 communicate effectively with pupils/students, colleagues, parents, school management and others in the school community in a manner that is professional, collaborative and supportive, and based on trust and respect

3.7 ensure that any communication with pupils/ students, colleagues, parents, school management and others is appropriate, including communication via electronic media, such as e-mail, texting and social networking sites

3.8 ensure that they do not knowingly access, download or otherwise have in their possession while engaged in school activities, inappropriate materials/images in electronic or other format

3.9 ensure that they do not knowingly access, download or otherwise have in their possession, illicit materials/images in electronic or other format

3.10 ensure that they do not practise while under the influence of any substance which impairs their fitness to teach.

#### 4. Professional Practice

Teachers should:

4.1 maintain high standards of practice in relation to pupil/student learning, planning, monitoring, assessing, reporting and providing feedback

4.2 apply their knowledge and experience in facilitating pupils'/students' holistic development

4.3 plan and communicate clear, challenging and achievable expectations for pupils/students

4.4 create an environment where pupils/students can become active agents in the learning process and develop lifelong learning skills

4.5 develop teaching, learning and assessment strategies that support differentiated learning in a way that respects the dignity of all pupils/ students

4.6 inform their professional judgement and practice by engaging with, and reflecting on, pupil/ student development, learning theory, pedagogy, curriculum development, ethical practice, educational policy and legislation

4.7 in a context of mutual respect, be open and responsive to constructive feedback regarding their practice and, if necessary, seek appropriate support, advice and guidance

4.8 act in the best interest of pupils/students.

## 5. Professional Development

Teachers should:

5.1 take personal responsibility for sustaining and improving the quality of their professional practice by:

- actively maintaining their professional knowledge and understanding to ensure it is current
- reflecting on and critically evaluating their professional practice, in light of their professional knowledge base
- availing of opportunities for career-long professional development.

## 6. Professional Collegiality and Collaboration

Teachers should:

6.1 work with teaching colleagues and student teachers in the interests of sharing, developing and supporting good practice and maintaining the highest quality of educational experiences for pupils/students

6.2 work in a collaborative manner with pupils/ students, parents/guardians, school management, other members of staff, relevant professionals and the wider school community, as appropriate, in seeking to effectively meet the needs of pupils/students

6.3 cooperate with the Inspectorate of the Department of Education and Skills and other statutory and public non-statutory educational and support services, as appropriate

6.4 engage with the planning, implementation and evaluation of curriculum at classroom and school level

## Management's Obligations

Management has a particular responsibility to ensure that the workplace is free from any form of bullying/harassment/sexual harassment and that complaints are addressed expeditiously and with a minimum of distress to all parties involved. Responsibility lies with the Board of Management and the School Principal to ensure that proper standards are maintained. The importance of the prevention of workplace bullying/harassment/sexual harassment in the workplace is imperative.

To eliminate bullying/ harassment/sexual harassment in the workplace Belvedere Colleges goal is to foster and support an environment which is positive, inclusive, and free of bullying/harassment/sexual harassment by any person and where all employees have the opportunity to fulfil their potential.

The Board of Management will:

- Provide information to employees on induction,
- Provide good example by treating all in the College with courtesy and respect;
- Provide training on this Policy;
- Promote awareness of this Policy;
- Be vigilant for signs of bullying/harassment/sexual harassment at work and act before a problem escalates;
- Deal sensitively with employees involved in a complaint whether as complainant or respondent;
- Ensure that the complainant and respondent are treated fairly;
- Explain the Dignity at Work procedures to be followed if a complaint is made. A copy of the procedures is provided on the website and from the Operations Manager, at induction and through other suitable channels;
- Ensure that an employee making a complaint is not victimised for doing so; and
- Monitor and follow up the situation after a complaint is made.

#### Responsibilities of Employees:

In accordance with the Safety, Health and Welfare at Work Act 2005, all employees have a duty not to engage in improper conduct or behaviour that is likely to endanger their own safety, health and welfare or work or that of any other person. Employees have responsibility in creating and contributing to the maintenance of a work environment free from bullying/harassment/sexual harassment or conduct likely to contribute to same.

All employees carry responsibility for their own behaviour and have a positive duty to comply with this policy and to treat all colleagues with respect and dignity. Employees also have an obligation to cooperate with the investigation of complaints of bullying/harassment/sexual harassment and to cooperate by providing any relevant information when an allegation of bullying at work is being investigated whether in an informal or formal stage.

Complaints of bullying/harassment/sexual harassment will be treated with fairness, sensitivity, and respect. Confidentiality will be maintained throughout to the greatest extent possible, consistent with the requirements of a fair investigation. While investigating the complaint, no assumptions shall be made about the culpability of the alleged perpetrator. Employees who make complaints of bullying/harassment/sexual harassment will not be victimized, even if the complaint is not upheld.

Making a complaint under this policy will not affect an employee's statutory rights or entitlement to make a claim to the Workplace Relations Commission. A claim to the Workplace Relations Commission must be made within six months of the alleged occurrence of harassment/sexual harassment. The time limit may be extended up to a maximum of 12 months if the complainant has demonstrated reasonable cause for the delay. Nothing in the policy limits the right of Boards of Management to investigate any matter which may relate to bullying/harassment/sexual harassment in circumstances other than where a complaint has been made. All employees continue to have an obligation to cooperate with such investigation.

## Bullying

### 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. (HAS and WRC 2021).*

### Four Types of bullying behaviour

There are three four main types of bullying behaviour:

- **Physical** - examples include: hitting, pushing, shoving or intimidating or otherwise physically hurting another person, damaging or stealing their belongings. It includes threats of violence
- **Verbal/written** - examples include name-calling or insulting someone about an attribute, quality or personal characteristic
- **Social** (sometimes called relational or emotional bullying) – examples include: deliberately excluding someone, spreading rumours, sharing information that will have a harmful effect on the other person and/or damaging a person's social reputation or social acceptance
- **Cyberbullying** - any form of bullying behaviour that occurs online or via a mobile device. It can be verbal or written, and can include threats of violence as well as images, videos and/or audio. For more information, see: [Cyberbullying](#).

Some specific forms of bullying include:

**Racist bullying:** belittling, mocking, intimidating, or shaming someone because of their physical appearance, ethnic background, religious or cultural practices and/or the way they dress or talk.

**Homophobic and transphobic bullying:** bullying on the basis of sexuality or gender expression. It can include physical violence, cyberbullying, name calling, exclusion, 'jokes' and/or sexual harassment. It is a common experience for young people who are same sex attracted, gender diverse or for those who may not behave according to gender stereotypes. Many Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) staff may not feel confident or safe enough to tell anyone about being bullied, especially if they have not disclosed their sexuality or gender identity to friends, family or others.

The following behaviours are illustrative rather than exhaustive examples of types of bullying:

- Exclusion with negative consequences;
- Giving employees impossible deadlines to complete tasks;
- Consistently removing work or responsibilities from an employee without explanation or reason;
- Verbal abuse/insults;
- Being treated less favourably than colleagues;
- Intrusion-pestering, spying, or stalking;
- Menacing behaviour;
- Intimidation;
- Aggression;
- Undermining a person's authority, work, or achievements;
- Excessive monitoring of work;
- Humiliation;
- Withholding work-related information;
- Blame for things beyond the person's control.

Bullying at work can involve people in many different work situations and at all levels:

- Manager/supervisor to employee;
- Employee to supervisor/manager; • One employee to another (or group to group);
- Non-employee to employee; and
- Employee/supervisor/manager to non-employee

This list is not exhaustive.

What is not bullying at work?

It is important to distinguish bullying from other inappropriate behaviours or indeed appropriate workplace engagement. As set out in the definition above, a once-off incident of bullying behaviour may be an affront to dignity at work and may be unsettling but does not of itself make for an adequate level of distress as to fall within the definition of bullying, and other remedies should be sought for these scenarios. As a once-off, such behaviours cannot be presumed to be done in a targeted, purposeful, and unremitting way.

Apart from once-off behaviours, other on-going behaviours which may upset or unsettle a person may not come within the bullying definition either. Behaviour considered bullying by one person may be considered routine interaction by another, so the 'reasonableness' of behaviours over time must be considered. Disrespectful behaviour, while not ideal, is not of itself bullying. Conflicts and disagreements do not, of themselves, make for a bullying pattern either. There are various workplace behavioural issues and relationship breakdowns which are troubling, upsetting, and unsettling but are not of an adequate level of destructiveness to meet the criteria required for a bullying case.

Objective criticism and corrections that are intended to provide constructive feedback to an employee are not usually considered bullying, but rather are intended to assist the employee with their work.

Bullying 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 an employer or supervisor relating to the management and direction of employees (for example managing a worker's performance, taking reasonable disciplinary actions, or assigning work), or
- workplace conflict where people disagree with or disregard the others' point of view.

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.

## 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. The discriminatory grounds in Belvedere College SJ. include:

- Age: a person's age, this does not apply to a person aged under 16. Children are covered by Child Protection legislation.
- Civil status: a person's civil status be it single, married, separated, divorced, widowed, civil partnered and formerly civil partnered
- Disability: includes people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- Family status: being a parent of a person under 18 years or the resident primary carer or parent of a person with a disability
- Gender (including gender identity): a person's gender identity including male, female, other
- Membership of the Traveller community: now recognised as an ethnic group
- Race: includes race, skin colour, nationality, or ethnic origin
- Religion: a person's religious belief, background, outlook or none
- Sexual orientation: a person's sexual orientation including gay, lesbian, bisexual and heterosexual
- Socio-economic status: a combined economic and sociological measure of a person's work experience and of an individual's economic and social position in relation to others, based on income, education, and occupation.

## 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. (Where appropriate complaints relating to sexual harassment may be processed through the JMB/ASTI Sexual Harassment for Schools – separate document)*

## 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. (Employment Equality Act 2004)*

Why might an individual be reluctant to take action?

- Because the 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 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 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 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...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.

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
- Employee's right to complain is respected
- Informal resolution of complaints is encouraged.

### Procedures for dealing with workplace bullying

While it is a decision for the complainant as to whether s/he invokes this Policy or not, in most cases, the informal route and specifically mediation, is the preferred approach of Belvedere College SJ.

Whether formal or informal, a complaint must be made within six months of the latest incident(s) of alleged bullying/harassment/sexual harassment. In exceptional circumstances, the six-month time limit may be reviewed.

The decision on whether to admit an allegation under this Policy outside of this time limit rests with the Principal. (This will be the Chairperson of the Board of Management where the Principal is a party to the complaint).

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

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 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.

A complainant may decide, for whatever reason, to bypass the informal procedure and proceed to Stage Two.

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

#### Informal Procedure Stage I – Informal Procedure using either:

- Self-initiated attempt at informal resolution
- Discussion with a contact person
- Assisted attempt at informal resolution with the designated person
- Mediation

#### Self-Initiated Attempt at Informal Resolution

An employee (the complainant) who feels that he/she may have been subjected to bullying/harassment/sexual harassment should immediately ask the person engaging in this behaviour (the respondent) to stop. It may be possible and sufficient for the complainant to explain clearly to the respondent that the behaviour in question is unwelcome, that it offends them or makes them uncomfortable and that it interferes with their work. A complainant should make an appointment and discuss the matter with the respondent with a view to resolving the complaint. In many situations this approach is effective, as direct communication between the complainant and the respondent (the “Parties”) can help to build both understanding and awareness. It can often be the case that a person is not aware of their behaviour, that it is unacceptable or the impact which it has on the other person.

Resolution at this stage could involve an apology from one person to another and/or a clarification of the circumstances from one person to another and/or an agreement that the unacceptable behaviour will not happen again.

#### Discussion with a Contact Person

In circumstances where the complainant finds it difficult to approach the respondent directly, he/she may discuss the situation with one of the school's Contact Persons. In this situation, the Contact Person should listen patiently, be supportive and discuss the various options with the complainant. It is to be noted that speaking to the Contact Person is not the same as making a formal complaint. See further details on the role of the Contact Person in Appendix 1.

#### Assisted Attempt at Informal Resolution with the Designated Person

(cannot be the Contact Person above) If the matter is unresolved in Stage 1.1/1.2, the complainant may approach the school's Designated Person who shall be at Deputy Principal level 8. (If the Designated Person is a party to the complaint, the matter should be referred to the principal. If the Principal is a party to the complaint, the matter should be referred to a designated member of the Board of Management).

The Designated Person will provide the complainant with this agreed Policy and advise him/her of the availability of the Employee Assistance Service. The Designated Person will encourage the complainant and the respondent to engage in meaningful dialogue to resolve the matter or gain a level of agreement within 10 school days. The Designated Person in this instance could facilitate resolution by getting the Parties together or, alternatively, just speak to the alleged offender.

#### Mediation

If this does not resolve the issue, the Designated Person will consider whether the matter should be referred to mediation. If the Designated Person (having consulted with the Principal) Unless the Principal is a party to the complaint, decides that mediation is appropriate, subject to the agreement of the Parties, a mediator will be organised by the College as soon as possible. In the first instance, the mediator will be a professional mediator from the Workplace Relations Commission (WRC), if available.

The use of mediation is strongly advocated as a process of resolving complaints by seeking to arrive at a solution through agreement between the Parties rather than proceeding to the formal procedure of investigation.

Mediation is particularly suited to workplace disputes where frequently the Parties will continue to work together into the future.

#### The Mediation Process

Mediation is a voluntary, confidential process that allows two or more disputing parties to resolve their conflict in a mutually agreed way with the help of a trained mediator. The objective of mediation, which is available without making a formal complaint, is to resolve matters speedily and confidentially without recourse to a

formal investigation. Mediation aims to minimise conflict and stress for the Parties.
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While all matters related to the mediation process remain strictly confidential to the Parties themselves, the mediator will advise the Designated Person of the date the mediation concludes and whether the mediation was successful or not.

Points to note: While a complainant is encouraged not to skip stages, he/she may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure. Nothing in the informal procedures, including mediation, inhibits the complainant from invoking the formal procedures.

Employees should be aware that if an allegation is deemed sufficiently serious, it may be necessary to commence an investigation even if an employee is not prepared to proceed with a formal complaint.

## Formal Procedure

### Stage 2 - Formal Procedure – Initial Internal Examination

2.1 The complainant may refer the matter to the formal procedure:

- If the matter is unresolved in the informal stage; or
- the employee wishes it to be treated formally; or
- the alleged complaint is too serious to be dealt with in the informal procedure; or
- the behaviour complained of continues after the informal procedure has been followed.

2.2 The complainant shall lodge the complaint with the Principal. If the Principal is a party to the complaint, a member of the Board of Management will replace the Principal in carrying out this role in the Formal Procedure. The complaint should be in writing, signed and dated. The complaint should be confined to precise details of the alleged incident(s) of bullying/ harassment/sexual harassment, including the dates of such incident(s). The Complainant will also furnish whatever supporting documentation she/he may wish to rely on to support his/her case.

2.3 The complaint will be subject to an initial examination by the Principal or where applicable a member of the Board of Management (where the Principal is a party to the complaint), with a view to determining an appropriate course of action. The respondent will be notified in writing of the nature of the complaint, given a copy of the allegation, informed of his/her right to be accompanied by a work colleague or an employee/trade union representative, if so desired, at any meetings with the Principal (If the Principal is a party to the complaint, a member of the Board of Management will replace the Principal in carrying out this role), that s/he will be given an opportunity to fully respond to the allegations and to present his/her own case.

2.4 The Principal (If the Principal is a party to the complaint, a member of the Board of Management will replace the Principal in carrying out this role) in progressing the complaint, may seek to ascertain whether a full and confidential investigation is the only way forward or, whether some other method might be recommended prior to initiating a full investigation of the complaint. For the complaint to be addressed in a way other than full investigation, the Principal (If the Principal is a party to the complaint, a member of the Board of Management will replace the Principal in carrying out this role) will consult with both/all Parties to the complaint. An appropriate course of action at this stage, for example, could be exploring a mediated solution or a view that the issue can be resolved informally. Should these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place in accordance with Stage 3 of this Policy. The complainant will provide the names and contact details of witness(es) to specific incident/s (if any) in advance of the commencement of Stage 3 of this policy. The process outlined above at 2.3 and 2.4 should be completed within a 30-working day timeframe. If both parties agree to mediation/informal resolution, the formal process will be put on hold until the outcome of mediation/informal resolution is known.

### Stage 3 – Formal Procedure – External Investigation

3.1 The Principal (If the Principal is a party to the complaint, a member of the Board of Management will replace the Principal in carrying out this role) will recommend for the complaint to be investigated by an Investigator appointed from the panel established by the Office of Government Procurement (the “Investigator”). The Investigator will be appointed as soon as possible by the Board of Management. Following his/her appointment the Principal (If the Principal is a party to the complaint, a member of the Board of Management will replace the Principal in carrying out this role) will inform the Parties. The Principal (If the Principal is a party to the complaint, a member of the Board of Management will replace the Principal in carrying out this role) will refer the complaint and any relevant documentation, including the names of any witnesses, to the Investigator as soon as possible following receipt of the complaint.

The Parties may normally be accompanied by a work colleague or an employee/trade union representative if so desired at meetings conducted by the Investigator. As this is not a legal process, legal representation is not normally permitted at meetings. It will be a matter for the Investigator to determine in his/her sole discretion whether there are exceptional circumstances whereby a request by the respondent to have legal representation will be permitted. If the Investigator permits legal representation as provided for herein, the sample Terms of Reference in Appendix 2 will be deemed to be accordingly amended.

3.2 The investigation will be conducted in accordance with Terms of Reference, consistent with the sample Terms of Reference in Appendix 2 and this Policy.

3.3 The Investigator shall investigate the complaint and the investigation will be conducted thoroughly, objectively and with sensitivity. Confidentiality will be maintained throughout to the greatest extent possible, consistent with the requirements of a fair investigation, fair procedures, due process and with due

respect for the rights of the Parties. The Investigator will meet with the Parties and any witnesses or relevant persons with a view to establishing the facts surrounding the allegation(s).

3.4 The Investigator will furnish a copy of the draft Investigation Report to the Parties. The Parties will be afforded the opportunity to propose specific amendments (in writing) on matters of fact to the draft Investigation Report. If the Parties choose to provide a written response/submission on matters of fact, same must be furnished to the Investigator within 10 school days (Unless both Parties agree otherwise) of the date the report was sent to the Parties.

3.5 The Investigator will then issue the final written Investigation Report (the "Investigation Report") to the Parties and to the Principal (If the Principal is one of the Parties, the Investigation Report will issue to the Chairperson of the Board of Management) determining whether the complaint has been upheld or not. This Report will be prepared in accordance with Appendix 3.

The Investigator shall make findings of fact and may make recommendations in his/her report pertinent to the issues raised. S/he will indicate whether the matter should be dealt with in accordance with the Disciplinary Procedure and if so, the stage of the Disciplinary Procedure.

### Appeal Process

3.6 Either party may appeal the findings of the Investigation Report to a nominee of the Workplace Relations Commission (WRC). The appeal, which must be in writing, must be lodged with the Secretary to the Board of Management (If the Principal is one of the Parties and is Secretary to the Board of Management, the appeal must be lodged with the Chairperson of the Board of Management) within 15 days of the issue of the Investigation Report to the Parties and the ground(s) of appeal should be clearly stated in the appeal. The appeal to the nominee of the Workplace Relations Commission is a procedural appeal and the sole ground on which an appeal can be taken is that the Investigator did not adhere to the Terms of Reference. The appeal is not to re-investigate the original complaint, rather, the nominee of the Workplace Relations Commission will consider the appeal on the ground(s) specified in the appeal provided it relates to an alleged failure by the Investigator to adhere to the Terms of Reference.

The Investigator may be required to make him/herself available to the nominee of the Workplace Relations Commission to clarify procedural matters.

The nominee of the Workplace Relations Commission will either dismiss the appeal, in which case the Investigation Report will stand or uphold the appeal, in which case a new Investigator will be appointed, and the complaint will be investigated ab initio under the Formal Procedure.

## Disciplinary Procedures

Should the Investigation Report uphold the complaint and direct that the matter be dealt with under the disciplinary procedures, any disciplinary action will be in accordance with the agreed disciplinary procedure which may lead to disciplinary sanctions up to and including dismissal. Retaliation taken against an employee for making a bullying/harassment/sexual harassment complaint or against a witness is considered a disciplinary offence.

A vexatious and/or malicious complaint made by an employee will be dealt with through the disciplinary Procedures (As per the HSA 2007 Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work).

The Investigator shall, if required, make him/herself available in the event of disciplinary action being considered.

## 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.

## 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.

## 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 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.

## 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,

## Timeframe

It is crucial that the recommended timeframes be followed. Where situations arise where the timeframe needs to be changed, it will be done in consultation with the Parties.

## Monitoring

This policy will be reviewed by Belvedere SJ. on a regular basis in line with changes in the legislation, relevant case law and other developments. Furthermore, the Board of Management will monitor complaints of bullying/ harassment/sexual harassment.

The policy is subject to periodic review.

Signed: .....  
(for and on behalf of the Board of Management of Belvedere College SJ)

Date: .....



