



Harassment/ Bullying in the Workplace Policy

Reviewed June 2016

CEDAR LODGE SCHOOL

HARASSMENT/BULLYING IN THE WORKPLACE

A CODE OF PRACTICE

INTRODUCTION

At Cedar Lodge we recognise that its staff are its most valuable and valued resource and is committed to prohibiting harassment or bullying in the workplace. Harassment or bullying can adversely affect an employee's confidence and job performance and it creates an intimidating and uncomfortable working environment. Staff have the right not to be harassed or bullied and should not feel or be made to feel guilty or embarrassed about exercising that right.

Cedar Lodge seeks to promote a harmonious working environment for all its staff. Any behaviour on the part of staff or a group of staff which may harass, bully, threaten, humiliate, intimidate or give offence to another staff member or group of staff is unacceptable and may incur disciplinary action.

Cedar Lodge is committed to ensuring harassment or bullying does not occur in the workplace and undertakes to investigate all complaints of harassment or bullying quickly and sensitively to ensure that such behaviour is neither accepted nor condoned and that proper steps are taken to prevent further occurrences. Any victimisation of complainants will not be tolerated by the school.

PURPOSE OF THE CODE OF PRACTICE

The purpose of this document is to:

- (a) remind staff of the need for a continuing spirit of cooperation, common sense and goodwill towards their colleagues;
- (b) alert staff to what constitutes harassment and bullying in the workplace;
- (c) emphasise that harassment or bullying will not be tolerated and will be dealt with promptly and fairly;
- (d) raise awareness of the support which is available;
- (e) establish procedures to be followed if harassment or bullying occurs;
- (f) ensure that complaints are handled speedily and confidentially.

WHAT IS HARASSMENT/BULLYING?

Harassment or bullying can be defined as improper, offensive and humiliating behaviour, practices or conduct which are unwanted by the recipient, cause personal offence or injury, create an intimidating and stressful work environment and which may threaten a person's job security or promotion prospects.

It is not the intention of the perpetrator but the deed itself and the impact on the recipient which determine what constitutes harassment/bullying.

FORMS OF HARASSMENT/BULLYING

Harassment/bullying may take many forms. It can range from extreme forms such as violence and bullying, to less obvious actions like ignoring someone at work. Whatever the form of harassment/bullying, it will be unwanted behaviour which is unwelcome and unpleasant. Forms of harassment/bullying may include:

- (a) physical contact ranging from touching to serious assault;
- (b) verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters etc;
- (c) visual display of posters, graffiti, obscene gestures, flags, bunting and emblems etc. Only the authorised display of flags and emblems which are in line with the spirit and purpose of the Joint Declaration of Protection will be permitted;
- (d) isolation or non-cooperation at work, exclusion from social activities etc;
- (e) Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups;
- (f) intrusion by pestering, spying, stalking etc;
- (g) unfair and excessive criticism, publicly insulting the victim, ignoring their point of view and constantly changing or setting unrealistic work targets.

Employers and employees must be alert to the various forms of harassment/bullying.

Although harassment or bullying may involve an overt use of power, coercion or violence, it can also appear in far more subtle guises. In some cases it can be unintentional on the perpetrator's part.

LEGISLATION

Some forms of harassment/bullying may be unlawful and lead to proceedings under:

- The Sex Discrimination (NI) Order 1976.
- The Fair Employment (NI) Act 1989.
- The Disability Discrimination Act 1995.
- The Race Relations (NI) Order 1997.
- The Protection From Harassment (NI) Order 1997.

Extreme forms of harassment/bullying, may also constitute offences under criminal law.

ROLE AND RESPONSIBILITIES OF MANAGERS

Principals, as do all staff, have a responsibility to ensure that their behaviour is at all times beyond question.

Principals have an additional responsibility to ensure that their staff do not harass or bully others. Any indication of this type of behaviour in officers must be dealt with immediately. Principals must also ensure that offensive material of a sexual, racial or religious/political nature is not displayed or circulated.

Principals must:

- (a) ensure that any complaint of harassment or bullying is treated seriously and sensitively;
- (b) ensure that in the case of sexual harassment, where possible a member of staff of the same sex as the complainant is available to listen to the complaint;
- (c) consult the human resources section immediately for advice on handling the complaint.

COUNSELLING

Counselling will be made available to both the complainant and the alleged harasser.

PROCEDURE FOR DEALING WITH COMPLAINTS

Complaints can be dealt with either informally or formally.

Making a complaint of harassment is likely to be a difficult or distressing experience for the staff concerned and in turn for the staff against whom the allegation is made. It is vital therefore, that all such cases are accorded the highest level of confidentiality. Any complaint of this nature should be raised as soon as possible following an act of alleged harassment or bullying so that the matter can be dealt with promptly and decisively.

Informal Procedure

A staff member who feels that he/she is subject to unacceptable behaviour may wish to try to deal with the situation informally by making it clear to the offender that the behaviour is unacceptable and must stop. In this approach he or she may wish to seek the confidential advice or support of a colleague, line manager, the equal opportunities officer, or a trade union representative who will attempt to help resolve the problem without resort to formal procedures.

Formal Procedure

It is recognised that there may be situations where it is not easy or practical to tell the harasser that the behaviour is unacceptable, and/or that the nature of the harassment/bullying requires that a formal procedure be adopted. It is not necessary to have gone through the informal procedure without making a formal complaint.

An staff wishing to make a formal complaint should raise the matter with:-

- (a) the line manager, principal or vice-principal; and/or
- (b) a senior officer in the human resources section; and/or
- (c) the equal opportunities officer; and/or
- (d) a trade union representative.

The equal opportunities officer must be advised as soon as a formal complaint is made. Complaints will be investigated as appropriate by the principal or vice-principal, together with an officer from the human resources section. Those carrying out the investigation must not be connected with the allegation in any way.

An staff involved in investigating a complaint should not be a member of any subsequent disciplinary panel.

Those staff responsible for investigating a complaint will do so discretely and sensitively and will:-

- (a) Ask the complainant for details of the complaint and make it clear that these will be given to the alleged offender(s). While it is preferable that a complaint should be made in writing this will not preclude the investigation of a complaint made verbally.
- (b) Give the alleged offender(s) details of the complaint and ask for a response within 10 working days.

Both parties to a complaint may seek the help and assistance of a work colleague or trade union representative. Those staff responsible for investigating the complaint will prepare a written report within 10 working days from the final date on which the response from the alleged offender(s) was due. This report will be made available to both parties to the complaint. If the investigation establishes that there is a case to answer action will be initiated in accordance with the appropriate disciplinary procedures. In the event of a complaint being substantiated sanctions contained in the disciplinary procedures will be applied. Copies of the disciplinary procedures are available from the human resources section. Care should be taken to ensure that the career and reputation of both parties are not unjustly affected. If the complaint is upheld, any subsequent action must not be detrimental to the complainant. Similarly if the complaint is deemed to have been unfounded the alleged offender should not suffer.

AFTER THE INVESTIGATION IS COMPLETE

Consideration of Transfer

(a) Redeployment if disciplinary action is taken.

Were a complaint has been upheld the complainant may wish to avoid any further contact with the harasser. Should the harasser remain in employment with the Board and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration should be given to relocating the harasser in the first instance and where transfer of the complainant occurs it should not lead to any disadvantage to him/her.

(b) Redeployment where disciplinary action has not been taken. In such cases consideration may still be given, where practicable, to the voluntary transfer of one of the employees concerned.

Monitoring

All complaints of harassment/bullying will be monitored to ensure that they are effectively resolved and that no victimisation or retaliation occurs. This action will be taken even where a complaint has not been upheld.