

into



Irish National Teachers' Organisation
Cumann Múinteoirí Éireann

A nation's greatness depends upon the education of its people



TACKLING HARASSMENT AND BULLYING IN SCHOOLS

ISSUES OF CONCERN

Harassment at work demands action by employing authorities, teachers and trade unions. Harassment affects working conditions, health and safety and undermines equality at work.

The INTO, as a “non-party, non-sectarian, non-sexist and non-racist organisation (Rule 2 of the Organisation)” takes harassment at work very seriously as an equal opportunities issue for teachers and pupils. The issue of bullying is also of concern to teachers.

This leaflet provides information for all members, including School Representatives, teacher governors, principals and vice-principals, as well as Branch Secretaries and District Officers.

SUMMARY

Harassment and bullying can take many forms but the common feature of this behaviour is that it is unwanted by the victim.

The INTO believes that harassment and bullying are unacceptable.

POLICIES FOR SCHOOLS

The INTO is seeking to negotiate the establishment, within all employing authorities, of policies and agreed procedures to deal with issues of harassment and bullying as they apply to teachers and to pupils.

WHAT IS HARASSMENT?

Harassment is unwanted behaviour which is offensive to the person involved, causing her or him to feel threatened, humiliated or patronised. Such behaviour can interfere with the person's work performance, undermine job security and create a threatening or intimidating work or learning environment.

Harassment may be experienced by an individual on the basis of their sex, race, sexual orientation, disability, religion, class, cultural or language difference.

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Harassment can take many forms including:

- Σ Physical contact such as unnecessary touching;
- Σ threatened or actual physical abuse or attack;
- Σ verbal abuse such as suggestive remarks, “jokes”, name calling;
- Σ display or distribution of offensive material, graffiti or badges;
- Σ non-verbal abuse such as offensive gestures and body language.

In extreme forms, harassment can constitute serious criminal offences such as assault, rape or incitement to religious or racial hatred.

WHAT IS BULLYING?

Bullying is a form of harassment in which the bully undermines and belittles or assaults the recipient. Bullies may seek to exploit others perceived personal weaknesses, either because they enjoy the exercise of such power or because they are under pressure themselves, or even because they believe such behaviour is the best means of managing relationships.

Common examples of bullying within teaching include:

- Σ the allocation of additional workload;
- Σ withholding of work responsibility;
- Σ changing priorities and objectives unreasonably;
- Σ the imposition of impractical deadlines;
- Σ excessive and unreasonable supervision;
- Σ persistently picking on people in front of others;
- Σ deliberately ignoring or excluding individuals from activities;
- Σ constantly attacking a member of staff in terms of their professional or personal standing;
- Σ or unnecessary invoking of disciplinary or professional competence procedures.

All such behaviour is clearly disadvantageous for the person subjected to those measures. Bullying may also involve abuse and undue criticism in front of colleagues and pupils (the CEC (Rule 101) has already defined the censuring of other teachers or the criticism of their work publicly or in the presence of pupils as conduct injurious to the professional or trade union interests of the organisation).

COMMON FEATURES

In many cases the behaviour of the harasser or bully may not be easily linked to any specific factors and may appear to be completely arbitrary. It may, in such cases, derive from the relationship between the two people involved. Power is often an important element.

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In practice, forms of harassment and bullying may overlap.

The common feature of all harassment and bullying is that it is unwanted by the person subject to those actions.

For those who are harassed and bullied, the result may be stress which can involve depression or illness. Harassment can affect work performance and cause absenteeism. Harassment can have direct effects upon a person's mental and physical well-being and can have a detrimental effect on the ability to fulfil potential.

ADDRESSING HARASSMENT: ADVICE TO MEMBERS AND SCHOOL REPRESENTATIVES

The harassed member may be seeking to secure better understanding from someone who may otherwise be unaware of the perhaps unintentional effect of remarks or actions.

It is essential that members feel confident that their complaints will be treated seriously and sensitively. INTO School Representatives have a responsibility to act speedily and are advised to seek prompt advice from the appropriate Northern Committee Representative, Branch Secretary or from Northern Office. Even if Representatives are unable to handle the matter themselves, they should assist the member in contacting Northern Office.

The first step in tackling harassment is to make it clear to the alleged harasser that the behaviour is unacceptable. The member may find it difficult to challenge the person concerned and may wish to be accompanied by the INTO Representative.

If the member feels unable to speak in person to the individual concerned then the request to desist may be put in writing. The ideal outcome at this stage is for the unacceptable behaviour to stop so that the member's environment can become secure and non-threatening.

If the unacceptable behaviour continues or if the member wishes to report the matter, the INTO Representative is advised to contact Northern Office for advice. In particular, if the alleged harasser/bully is in a senior management position in the school, the Representative should seek assistance from Northern Office.

The Union should be advised immediately of any alleged retaliation leading, for example, to complaints about the member's work or of the imposition of unreasonable workload.

The member concerned should be urged to keep notes, detailing incidents of harassment, including dates and times.

If it is decided to make an oral or written report, the person who has alleged to have harassed the member should be informed of the complaint and assistance should be sought from the Northern Committee, Branch Secretary or Northern Office.

An allegation of harassment is a serious matter for the person against whom the complaint is made. Members in this position have equal rights to representation from the INTO and should be advised of the service available from Northern Office. Building understanding is important in the early stages of dealing with a complaint.

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LEGAL REMEDIES

There may be legal remedies to some forms of harassment. Decisions as to whether or not the INTO supports moves to seek legal remedies will be determined through the Union's agreed procedures following reference to Northern Office.

Harassment based on gender, race or disability can be unlawful discrimination, for which, depending on the circumstances of the case, there can be legal remedies through industrial tribunals. Employers can be liable for the distress and financial loss caused by the actions of employees who harass others and should take all reasonable steps to avoid and prevent harassment from occurring. Victimisation, in the form of retaliation by the harasser to complaints made, can also amount to unlawful discrimination.

Under health and safety legislation, an employer is under a duty to provide a safe system of work for employees and to take reasonable steps to prevent staff from being injured at work. Such injury can include psychiatric injury resulting from harassment or bullying at school. Again, this legal duty of care is an incentive for an employer to act to prevent bullying or harassment occurring.

In extreme cases, such as where violence or fear of violence is involved, there may be appropriate remedy sought under criminal law, including the granting of injunctions to restrain the perpetrators.

LEGAL AND PROFESSIONAL SUPPORT FROM THE INTO

The requirements of law can be a benchmark in developing and implementing equal opportunities policies which specifically address harassment. The Union can offer sensitive and confidential legal and professional support in relation to individual cases and, where appropriate, can also provide free legal assistance.

For further advice contact your Branch Secretary, Northern Committee Member or Northern Office.