Harassment and Sexual Harassment Policy

Catholic University School

Policy Date: 1st October 2026

JMB, ASTI, TUI and FÓRSA are committed to working together to maintain a workplace environment that encourages and supports the right to dignity and respect in the workplace. This Harassment and Sexual Harassment Policy (hereafter the "Policy") has been agreed between the aforementioned parties and is the agreed Policy for use in Voluntary Secondary Schools.

1. Policy Statement

Catholic University School is committed to providing a safe working environment where employees are treated with dignity and respect in an environment which is free from all forms of harassment and sexual harassment.

This Policy has a strong preventative focus, emphasising the duties of all employees to create and maintain a working environment in which everyone is treated with dignity, courtesy and respect and where diversity is valued. Where complaints of harassment or sexual harassment occur, the Policy aims to ensure that all parties will be treated with fairness, sensitivity, respect and confidentiality, with due regard to the rights of all parties.

The Policy recognises the importance of early intervention in managing complaints of harassment and sexual harassment. A key objective is to ensure that all reasonable efforts are made to deal with complaints at local level, informally where appropriate. The Policy promotes mediation as an essential tool in resolving complaints. Mediation is a voluntary process that can be entered into at any stage of the complaints management process and will be actively encouraged from the earliest stage possible where appropriate.

Harassment and sexual harassment by employers, employees and non-employees such as independent contractors, service providers, students, parents and volunteers will not be tolerated. This Policy provides a framework in which complaints of harassment and sexual harassment will be taken seriously and will be followed through to resolution. Employees who make complaints and who support such employees will not be victimised. Where it is established that a person accused of bullying has a case to answer, appropriate action will be taken which may include disciplinary action or other appropriate sanctions such as the suspension of contracts or services or exclusion from the premises.

Vexatious or malicious complaints may lead to disciplinary action or other appropriate sanctions.

2. Background and Context

It is widely recognised that sexual harassment and harassment on the eight non-gender prohibited grounds pollute the working environment and can have a devastating effect on the health, confidence, morale and performance of people affected by it. The anxiety and stress caused by harassment and sexual harassment may lead to victims taking time off work due to sickness and stress, being less efficient at work or leaving their jobs to seek work elsewhere.

In addition to the harassment or sexual harassment itself, employees often suffer short and long-term damage to their employment prospects if they are forced to forego promotion or to change jobs. Harassment and sexual harassment may also have a damaging impact on employees who are

(f) Complaints which fall outside the definition of harassment or sexual harassment which may be addressed through other agreed procedures, for example the appropriate grievance procedure;

(g) Complaints of bullying. Please refer to the school's Anti-Bullying Policy for information on how to address a complaint of bullying.

(h) Complaints of harassment or sexual harassment made by a student(s) against employees. Such complaints may be dealt with under the appropriate disciplinary procedures and/or child protection procedures;

(i) Complaints by parents. These will be dealt with through other relevant procedures.

(j) Anonymous complaints.

5. Definitions

5.1 What is 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 be reasonably 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.**"[1]

"**Workplace Bullying** should meet the criteria of an on-going series of accumulation of seriously negative targeted behaviours against a person or persons to undermine their esteem and standing in a harmful, sustained way. Bullying behaviour is offensive, on-going, targeted and outside any reasonable norm. A pattern and trend are involved so that a reasonable person would regard such behaviour as clearly wrong, undermining and humiliating. It involves repeated incidents or a pattern of behaviour that is usually intended to intimidate, offend, degrade or humiliate a particular person or group of people - but the intention is not important in the identification process."[2]

Workplace bullying can include conduct offensive to a reasonable person, for example oral or written slurs, physical contact, gestures, jokes, displaying pictures, flags/emblems, graffiti, or other material that state/imply prejudicial attitudes that are offensive to fellow employees.

The *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work* states that behaviour which makes for a bullying pattern will likely include not just one but a range of the following examples:

- Exclusion with negative consequences;

[1] As defined, with emphasis, in SI No 674 of 2020, Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020

[2] SI No 674 of 2020, Industrial Relations Act 1990 (Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work) Order 2020, p.11

'Gender' discrimination covers men and women. Discrimination because of pregnancy or maternity leave is also defined as gender discrimination. Under EU law a transgender person who experiences discrimination arising from their gender reassignment, or transition, is protected under the gender ground.

'Civil status' is defined as being single, married, separated, divorced, widowed, in a civil partnership (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010) or being a former civil partner in a civil partnership that has ended by death or been dissolved.

'Family status' means responsibility as a parent or person in loco parentis for a person under the age of 18 years or responsibility as a parent or resident primary carer of a person of 18 years or over with a disability requiring care or support.

'Disability' is defined broadly as, for example: the total or partial absence of a person's bodily or mental functions; the presence of organisms which cause or are likely to cause disease; the malfunction, malformation or disfigurement of a part of a person's body; a condition or malfunction which results in a person learning differently from a person without the condition or malfunction; or a condition or illness which affects a person's thought processes, perceptions of reality, emotions or judgement or which results in disturbed behaviour. The definition includes a disability which exists, which previously existed, which may exist in the future, or which is imputed to a person.

'Sexual orientation' is defined as heterosexual, bisexual or homosexual.

'Age' refers to the protection against age-related discrimination in employment and applies only to employees over the maximum age at which a person is statutorily obliged to attend school. (The minimum school leaving age is currently 16 years, or the completion of three years of post-primary education, whichever is the later.)

'Race' includes race, colour, nationality or ethnic or national origins.

'Religious belief' includes different religious background or outlook, (including the absence of religious belief).

'Membership of the Traveller community', means a member of the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.

Harassment is defined in section 14A(7) of the Employment Equality Acts 1998-2015 ("EEA") as any unwanted conduct related to any of the prohibited grounds that has the purpose or effect of violating a person's dignity at work and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The conduct at issue may not be specifically directed at a particular employee but may nevertheless have the purpose or effect of violating a person's dignity and creating an intimidating, hostile,

Many forms of behaviour can constitute sexual harassment. A single incident may constitute sexual harassment. The *Code of Practice on Sexual Harassment and Harassment at Work* provides the following non-exhaustive list of illustrative examples of sexual harassment:

- Physical conduct of a sexual nature
  This may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse;

- Verbal conduct of a sexual nature
  This includes unwelcome sexual advances, propositions or pressure for sexual contact, continued suggestions for social contact outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive, suggestive remarks, innuendo or lewd comments, graffiti, written materials, emails, text messages or social media posts;

- Non-verbal conduct of a sexual nature
  This may include the display of pornographic or sexually suggestive pictures or objects. It may also include stalking, indecent exposure, leering, whistling or making sexually suggestive gestures; and

- Gender-based conduct
  This includes conduct that denigrates or is abusive of an employee for reasons related to their sex such as derogatory or degrading abuse or insults which are gender-based. This might include conduct that insults or degrades an employee because they are pregnant or because they are transgender.

The examples stated in this Policy are not an exhaustive list and the school reserves the right to take action in respect of these and other inappropriate behaviours.

5.4 Essential Elements of Harassment/Sexual Harassment

5.4.1 Unwelcome Conduct

The EEA does not prohibit all relations of a sexual or social nature at work. To constitute sexual harassment or harassment the behaviour complained of must firstly be unwelcome. It is up to each employee to decide irrespective of the attitudes of others (a) what behaviour is unwelcome and (b) from whom, if anybody, such behaviour is welcome or unwelcome. The fact that an individual has previously acceded to the behaviour does not stop them from deciding that it has become unwelcome. It is the unwanted nature of the conduct which distinguishes harassment and sexual harassment from behaviour which is welcome and mutual.

5.4.2 Violation of Dignity

In addition, to constitute harassment or sexual harassment under the EEA the behaviour must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- Provide training on this Policy;
- Be vigilant for signs of harassment and sexual harassment at work and take action 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;
- Ensure that an employee is not victimised for having made a complaint;
- Communicate actively, promptly and transparently with the Complainant and the Respondent in relation to any informal or formal complaint, while maintaining appropriate confidentiality;
- Monitor and follow up the situation after a complaint is made.

6.4 Employees

Under the Safety, Health and Welfare at Work Act 2005, all employees have a duty not to engage in improper conduct or behaviour which is likely to endanger their own safety, health and welfare at work or that of any other person.

All employees have a role in promoting a workplace culture that is free from any form of bullying, harassment and sexual harassment. All employees have a responsibility to behave with dignity and respect towards one another in the workplace. This applies both in individual interactions and in interactions with other employees, students, parents, volunteers, contractors and anyone present in the school.

Employees have an obligation to cooperate with any investigation of complaints of harassment and sexual harassment, or in circumstances other than where a complaint has been made. Employees have an obligation to provide any relevant information that may assist in such investigations.

6.5 Contact Person

A Contact Person is available to provide information to any employee who may have a query in relation to the operation of this Policy. The role of the Contact Person is to provide information and emotional support in a confidential manner to any employee who feels that they are being subjected to harassment or sexual harassment. Any employee may volunteer to be a Contact Person and the school may have one or more Contact Person(s). The school will provide training for the Contact Person in relation to their role. The Contact Person will provide the employee with a copy of the Policy and explain the options open to the employee. The role of the Contact Person is limited to providing support to the employee; the Contact Person has no role in advising or directing the employee to take a particular course of action.

It is not the role of the Contact Person to act as an advocate or representative of the employee and the Contact Person may not approach the alleged perpetrator(s) on an employee's behalf. The Contact

The mediation process is strictly confidential to the parties.

Where the parties do decide to engage in mediation, the JMB, ASTI, TUI and FÓRSA recommend the media on services provided by the Workplace Relations Commission.

7.3 Informal Procedure

An informal approach may address the unwanted behaviour without the need for further action. This is an informal mechanism that is designed to be flexible in order to allow for minor complaints to be dealt with quickly. Ideally, this initial informal response would address the unwanted behaviour effectively, without the need for a Complainant to have recourse to further action.

Before deciding on what course of action to take, if any, the Complainant may wish to discuss the matter on a confidential basis with the Contact Person. The role of the Contact Person is a supportive, informative role and is outlined in paragraph 6.5 of the Policy.

(a) A Complainant who believes that they are being harassed or sexually harassed should object to the conduct, where this is practicable. In some cases, it may be possible for the Complainant to approach the Respondent directly in order to make the person aware that the behaviour concerned is unwelcome, that it offends them or makes them uncomfortable. In doing so, the Complainant should focus on the facts regarding the alleged unacceptable behaviour and its effects on them.

(b) If it is more suitable, the Complainant should put their concerns in writing to the Respondent, focusing on the alleged unacceptable behaviour and the effects of same.

(c) Sometimes the alleged perpetrator is genuinely unaware that their behaviour is unwelcome and causing distress to the Complainant. An informal discussion is often sufficient to make the person aware of the effects of their behaviour and can lead to a greater understanding and an agreement that the behaviour will stop.

(d) Alternatively, if the Complainant is not comfortable raising the matter directly with the Respondent, or if a direct approach does not resolve the matter, the Complainant may request a Deputy Principal[4] to approach the person on their behalf.

(e) Where a Complainant requests a Deputy Principal to approach the Respondent, they should do so without delay. Where appropriate, the Deputy Principal should attempt to resolve the matter in a low-key and non-confrontational manner by making the Respondent aware of the effects of their behaviour on the Complainant. The Deputy Principal may arrange to meet with the parties separately or jointly in order to try to reach agreement on a resolution of the matter. Both parties should be reminded of supports that are available, including the availability of the Employee Assistance Service.

[4] Where the complaint concerns the Deputy Principal, the Complainant may approach another Deputy Principal or, where unavailable, the Principal.

The complaint will be subject to an initial examination with a view to determining an appropriate course of action. This could be exploring a mediated solution or seeking to resolve the matter informally. Should either of these approaches be deemed to be inappropriate, the complaint will be referred for formal investigation.

The Complainant and the Respondent should be advised in writing of the aims and objectives of the formal process, the procedures and approximate expected timeframes involved, and the possible outcomes. Both parties should be assured of support throughout the process, including the availability of the Employee Assistance Service.

An initial meeting should be organised by the Principal with the Complainant and Respondent separately. If both parties agree to engage in mediation or to attempt resolution at the earlier informal stage of the Policy, the formal investigation can be put on hold, pending the outcome of same.

8.2 The Investigation

Where there is no option but to proceed to a formal investigation, the Board of Management will appoint an independent third party to conduct the investigation. The criteria for appointment of an investigator are as follows:

- **Training and experience** – the investigator should be trained and/or experienced in conducting investigations;
- **Independence** – the investigator should be independent and have no conflict of interest in conducting the investigation;
- **Impartiality** – the investigator should be impartial and there should be no apprehension of bias on the part of the investigator towards any party involved in the investigation.

Once the Board of Management has engaged an investigator, the parties will be notified and provided with a statement outlining who the investigator is and how they meet the criteria.

Either party may raise an objection in relation to the appointment of the proposed investigator on the grounds that the Investigator does not meet one or more of the above criteria.

It is presumed that the appointment of the proposed investigator is agreed unless an objection is raised by the Complainant or Respondent by writing to the Chairperson within 7 calendar days of the date of notification of the proposed investigator.

An objection should normally be made on the grounds that the proposed investigator does not meet one or more of the criteria for appointment set out above. The party objecting must specify which of the criteria it is alleged is not met by the proposed investigator and provide information to support their objection.

The objection will be assessed by the Chairperson who will issue a decision on the objection within 7 calendar days. If an objection is upheld by the Chairperson on one or more grounds, another investigator will be appointed.

Where the objection is not upheld, the Chairperson will set out the reasons for their decision. In this case, the investigation will proceed under the proposed investigator and a record of the objection and

has a case to answer. If the investigator concludes that the Respondent has a case to answer on the balance of probability, the investigator may recommend whether the matter should be dealt with in accordance with the appropriate disciplinary procedure.

If the Respondent is not an employee, the report will recommend whether sanctions against the non-employee or their employer are appropriate which could include:

- exclusion of the individual from the premises;
- suspension or termination of service; or
- suspension or termination of a supply service or other contract.

Both the Complainant and the Respondent will be given a copy of the draft investigation report and will be afforded the opportunity to propose specific amendments to the report, on matters of fact, in writing within **[5]** working days.

On completion of the investigation, the investigator will submit a final investigation report to the Complainant, Respondent and the Chairperson of the Board of Management. All parties are reminded of their duty of confidentiality in relation to the investigation and the investigation report. Any disclosure to third parties may be dealt with in accordance with the appropriate disciplinary procedure.

The report may also make recommendations for action such as further training or more effective promotion of the School's Policy on harassment and sexual harassment.

The investigator will take all appropriate steps necessary to ensure compliance with data protection legislation and GDPR. During the investigation, the investigator will keep all records relating to the investigation in a secure and appropriate manner. On conclusion of the investigation, the investigator will transfer to the Chairperson all records relating to the investigation in a secure and appropriate manner.

The parties may agree to enter mediation at any stage of the investigation process.

9. Outcome of the Investigation

Depending on the outcome of the investigation, appropriate action will be taken, which may include invoking the disciplinary procedure or offering mediation or counselling. Information on any action taken, including whether a disciplinary process is invoked in respect of the Respondent, will be confidential and not shared with the Complainant.

Where it is decided that the Respondent has no case to answer, no action will be taken against the Complainant provided that the complaint was made in good faith. In the interests of all employees, any malicious or vexatious complaints will be treated very seriously and may lead to disciplinary action against the Complainant. Victimisation or retaliation against a Complainant, witness or any other party may amount to serious misconduct, which may be dealt with in accordance with the appropriate disciplinary procedure.

13. Victimisation

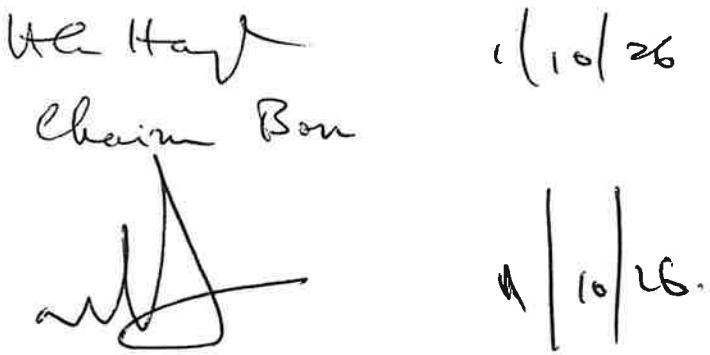
Employees will not be penalised, treated less favourably or subject to other adverse treatment because of pursuing rights by way of taking action, supporting action or giving notice of intention to take or support action under this Policy or under equality legislation. Any victimisation of employees will be dealt with in accordance with the appropriate disciplinary procedure.

14. Statutory Rights

Use of the complaints procedure will not affect the Complainant's right to make a complaint under the EEA. Under section 77(5) of the EEA, a complaint of harassment or sexual harassment must be made within 6 months of the alleged occurrence, or the most recent occurrence, of such harassment or sexual harassment. The time limit of 6 months may be extended by up to a maximum period of 12 months for reasonable cause. Employees should be aware that the statutory time limits will not be paused pending the outcome of an investigation and shall continue to run.

15. Review

The Policy will be reviewed every two years after its implementation.



What is Workplace Mediation?

Mediation is a voluntary, confidential process that allows two or more disputing parties to resolve their conflict in a mutually agreeable way with the help of a neutral third party, the mediator.

The Workplace Relations Commission's Workplace Mediation Service provides a prompt, confidential and effective remedy to workplace conflicts, disputes and disagreements. Workplace mediation is particularly suited to disputes involving individuals or small groups of workers. Examples of such disputes would be:

- Interpersonal differences, conflicts, difficulties in working together
- Breakdown in a working relationship
- Issues arising from a grievance and disciplinary procedure (particularly before a matter becomes a disciplinary issue)
- Industrial Relations issues which have not been the subject of a referral to the WRC Adjudication Service or the Conciliation Service, the Labour Court or other statutory dispute resolution body.

How does Workplace Mediation work?

Mediation provides an opportunity for those involved to address the issues, explore options and reach a workable outcome through a mutually agreeable course of action. The process is flexible and can be adapted depending on individual situations but essentially revolves around giving every individual concerned an opportunity to give their side of the story and to work with the other party to find a solution. The process may involve a mix of joint meetings or meetings with the mediator alone. The entire process is focused on every individual involved being comfortable with the process and on the active exploration of potential solutions. Some key principles governing the process include:

- It is voluntary - it can only take place on the basis that all sides are agreeable to participate. Anyone can withdraw at any stage if they want to
- It is confidential - the process is private and confidential to the parties unless otherwise agreed. This will give parties confidence to express exactly how they feel and confidence to explore solutions without prejudice
- It is fast - takes place as soon as schedules etc. permit
- It is solution focused - the object of the exercise is to reach a workable and mutually agreeable solution to the conflict or issue of difference
- It is impartial - the mediator is impartial and does not take sides

Some Benefits of Workplace Mediation Workplace Mediation with the WRC

- It is an opportunity to resolve a problem in an informal non-adversarial way
- The resolution to the issue remains In the control of the individuals directly concerned. They will be involved in the development of the solution and as a result the outcome is likely to be better and longer lasting
- It creates a safe place for all sides to have their say and be heard
- It has the potential for a high success rate and positive outcomes where the parties are genuinely committed to a resolution
- Mediation focuses on the future working relationships of those involved
- It will not duplicate other dispute resolution services