

BULLYING AND HARASSMENT AT WORK

Many people nowadays are encountering situations of bullying and harassment. People may be bullied themselves or find that other family members are being bullied.

Bullying can be defined as repeated physical, verbal or psychological aggression directed by an individual, or group, against others. Examples of bullying are; Undermining a person or targeting them in a negative manner; diminishing a person's reputation by rumour or gossip; isolating someone socially; intimidating, physically abusing or threatening, or using aggressive or obscene language against someone; intruding on a person's privacy by pestering or stalking; giving unreasonable assignments or deadlines, or impossible tasks to someone; and harassing someone, either sexually or otherwise.

Signs to look out for which indicate that bullying is happening, are, for example:-

- Withdrawn behaviour;
- Depression;
- Loss of confidence;
- Reluctance to go out
- Signs of actual injury such as bruising

Recently released results of a 2005 ESRI survey revealed that, despite increased awareness of bullying, 7.9% of those surveyed had experienced bullying within the last 6 months. This compares with 7% in the 2001 survey.

There is no legislation dealing with bullying specifically, although it can be dealt with in the context of some legislation, such as the Industrial Relations Act; the Unfair Dismissals Act; The Employment Equality Act; and the Safety Health and Welfare at Work Act. It is possible, for example, to make a claim against your employer for "constructive dismissal" if you can prove that you have had to leave your job because you were subjected to intolerable bullying. The Employment Equality Act, 1998 deals with Sexual Harassment, and General Harassment or Bullying, if that Harassment is based on one of the 9 discriminatory grounds listed in the Act, including gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership of the traveller community.

Three codes of practice have also been prepared to deal with workplace bullying, under the Employment Equality Act, the Industrial Relations Act; and the Safety Health & Welfare at Work Act. These codes of practice can be used in Industrial Relations Tribunals and Courts of Law. A Dignity at Work Charter has also been drafted by representatives of employers and employees. Employees should ask their employer to sign up to this charter and adopt procedures like those in the three codes of practice. A copy of the charter can be downloaded from www.hsa.ie

A new code of practice entitled 'Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work' will come into effect on 1st May 2007. The code sets out the responsibilities of both employers and employees in preventing bullying. The code also provides guidelines on identifying bullying and gives advice on how to prepare a bullying policy in the workplace. A significant element of the code will be the emphasis it places on the resolution of incidents of bullying using an informal process and professional mediation services.

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