

Workplace Bullying

Dignity in the Workplace

Definition

"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 behavior described in this definition may be an affront to dignity at work but, as a once off incident, it is not considered to be bullying."

Codes of Practice

- ▶ S.I. No. 17/2002 – Industrial Relations Act 1990 (Code of Practice Detailing Procedures for Addressing Bullying in the Workplace)(Declaration) Order 2002
- ▶ Other relevant Codes of Practice have been made under the:
 - Safety, Health and Welfare at Work Act 1989, and under the
 - Employment Equality Act 1998

Behaviour is:

1. Repeated
2. Inappropriate
3. Undermining of dignity

A pattern of the following behaviours are examples of types of bullying:

[Health and Safety Authority Code of Practice 2007]

- ▶ Exclusion with negative results
- ▶ Verbal abuse/insults
- ▶ Physical abuse
- ▶ Being treated less favourably than colleagues
- ▶ Intrusion – pestering, spying or stalking
- ▶ Menacing behaviour

Continued

- ▶ Intimidation
- ▶ Aggression
- ▶ Undermining behaviour
- ▶ Excessive monitoring of work
- ▶ Humiliation
- ▶ Withholding work-related information
- ▶ Repeatedly manipulating a persons job content and targets
- ▶ Blame for things beyond the person's control.

Role of Advocate

- ▶ Represent the Complainant
- ▶ Represent the Respondent

(Cannot represent both members on the same case = Conflict of interest)

Complainant

- ▶ Meet the member before the complaint is written (ideally)
- ▶ Read the employments policy
- ▶ Is it bullying or a grievance
- ▶ Has the Bully been asked to stop the behaviour
- ▶ Explain the process

Complainant

Employment Policy:

- ✓ Preliminary Screening
- ✓ Informal Process
- ✓ Mediation
- ✓ Formal process
- ✓ Investigation

Complainant

Member writes the complaint:

- ✓ Dates
- ✓ Incidents
- ✓ Documents
- ✓ Witness

Respondent

- ▶ Member should have received
 - ✓ written complaint/allegation
 - ✓ Witness statements
 - ✓ Terms of Reference, includes Investigator
 - ✓ Employment Policy
- ▶ Meet the member before the response is written (ideally)
- ▶ Explain the process

Advocate

- ▶ Must gain the trust and confidence of the member
- ▶ Find expected outcome
- ▶ Help and support the member make their case
- ▶ Pay attention to detail
- ▶ Ensure confidentiality
- ▶ Search for angles
- ▶ Equal treatment of parties
- ▶ Fair procedures and timelines

Complainant and Respondent

- ▶ SIPTU can represent both parties in the investigation
- ▶ Must be equal representation
2 Shop Stewards or 2 Advocates
- ▶ Confidentiality at all times

Investigation Outcomes

- ▶ Allegations are upheld for complainant
- ▶ Behaviour stops

- ▶ Allegations are not upheld:
- ▶ Can be appealed to Workplace Relations Commission under Industrial Relations Act 1969 once internal procedures have exhausted
- ▶ Only on flawed procedures / biased investigation

Investigation Outcomes

- ▶ Allegations upheld against the Respondent
 - ▶ May be subject to disciplinary action
 - ▶ May be redeployed with or without disciplinary action
- ▶ Allegations not upheld for Respondent
 - ▶ Respondent cleared of all allegations

Third Party Referrals

- ▶ There is no legislation in Ireland which provides for referrals as a Dispute of Right.
- ▶ Cases can only be referred as a Dispute of Interest
- ▶ Outcomes of the Investigations regarding Flawed Procedures, Unfair Process, etc., can be referred to the Adjudication Services of the WRC under the Industrial Relations Act.
- ▶ Disciplinary sanctions imposed can be appealed to the Adjudication Services of WRC, after internal procedures are exhausted, under the Industrial Relations Act.

Do

- ▶ Advice to attend Preliminary Screening
- ▶ Just collect documents and leave
- ▶ Do bring the Shop Steward, or
- ▶ Do bring a trusted colleague

Don't

- ▶ Don't go alone
- ▶ Don't say anything
- ▶ Don't sign anything
- ▶ Don't agree the Terms of reference
- ▶ Don't agree the Investigator
- ▶ Don't breach the confidentiality

Do's & Don't's

- ▶ Do advise the member to:
- ▶ Talk to the alleged perpetrator to try to get the behaviour stopped
- ▶ write the letter of complaint but DON'T hand it in until we have read it
- ▶ Read the employment Policy on the procedures to be followed
- ▶ Keep all matters confidential