

Bullying and Harassment

ESRI Report and New HAS Code of Practice

Between 21 March 2007 and 4 April 2007 there have been major steps in relation to bullying in the workplace.

ESRI Surveys

The ESRI published their two national surveys on 21 March – the surveys were designed to find out the incidence of workplace bullying in both employed and self-employed in the public and private sectors.

The findings show that in the last 6 months 7.9% of those at work report having experienced bullying in the workplace – this is not a significant increase since a similar survey in 2001 when the reporting rate was 7%.

The definition of bullying used for the survey is “repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise conducted by one or more persons against another or others, at a 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 behaviour described in this definition may be an affront to dignity at work but is not considered to be bullying.”¹

Those with higher levels of education are more likely to report experiencing bullying and changes in the organisation gave rise to a higher percentage of experiencing bullying (11%).

The ESRI analysis suggests that “the principal determinants of workplace bullying have less to do with the characteristics of the victim and more to do with the nature and organisation of the workplace.”

The ESRI also surveyed employees both in the public and private sectors. Bullying is more likely to be perceived as a problem in the public sector than in the private sector as well as in large rather than small organisations. Public sector bodies are more familiar with the Code of Practice than the private sector and formal systems to dealing with bullying are much more prevalent in the public sector.

When questioned on the relationship between bullying and absenteeism 47% of the public sector rated it as having an impact compared to 30% in the private sector.

Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work

The Code (under the Safety, Health and Welfare Act, 2005) gives practical advice on identifying, preventing and dealing with allegations of bullying. It comes into force on 1st May 2007, replacing the previous code.

¹ Bullying in the Workplace – Survey Reports 2007. ESRI.

It recommends resolution by firstly informal internal means and only after that has failed, resolution would be by formal procedures.

The Code uses the same definition as in the last Code of 2001 and of the ESRI survey.

Bullying does not include “reasonable and essential discipline arising from the good management of the performance of the employee at work or actions taken which can be justified as regards the safety, health and welfare of the employees.”

Bullying Prevention Policy

Employers are encouraged to adopt, implement and monitor a comprehensive, effective and accessible policy on bullying at work.

Resolution by Informal Means

The Code recommends that a complaint of bullying should be resolved by informal process if possible. It may “involve mediation by an agreed mediator who is practised in dealing with bullying at work”. The report goes on “Enough time needs to be allowed for the mediation or on-going monitoring process to be successful and behaviour change to be realistically achieved over the longer term.”

If the issue cannot be resolved by an informal process then it goes the more formal route of investigation.

Mediation

The use of mediation in bullying at work claims is no accident. The very process of mediation, where both parties are given the opportunity in complete confidence to raise the matters at issue and to work forwards together to a solution, has a proven track record of success. Around 80% of cases using mediation come to an outcome satisfactory to the parties. Even where full agreement isn't reached at the end of the mediation – both parties will have had the opportunity to air their grievances in safe surroundings and will have a much better understanding of the other party's views. The object of the workplace mediation is for the parties to come to an arrangement satisfactory to both of them whereby they can work together. The mediation process helps this to happen.