

# Anti-Bullying Policy for the Health Service

A partnership initiative involving  
the following employer and  
representative bodies:

HSR

IBEF

IMPACT

SIPTU

INO

MLSA

PNA

IMO

IHCA

CRAFT

## Foreword to the Policy

The anti-bullying policy originated from a request from health service unions to devise a comprehensive policy for dealing with allegations of workplace bullying. Representatives from all of the major health service unions, a cross-section of employing authorities, IBEC and the HSEA participated in the preparation of this policy.

It is intended that this policy will be adapted by employing authorities, in consultation with local union representatives, to suit their individual requirements. Employing authorities may wish to continue to operate their existing policies, having regard to the principles enshrined in this document.

While this policy is primarily directed at line managers, employing authorities may also wish to prepare an abridged version for all employees. It is recommended that these policy documents be promulgated throughout the organisation by arranging information seminars for all employees, at which the objectives of the policy and procedures for dealing with complaints of bullying should be outlined.

## Introduction

Bullying in the workplace, regardless of who bullies who, is now well recognised as a form of harassment. Workplace bullying undermines organisational performance by resulting in poor morale, higher absenteeism, stress-related illnesses, reduced productivity and higher turnover of staff. Bullying also affects the physical and emotional health of its victims. As with all forms of harassment, bullying is totally unacceptable and the Board/Hospital will not tolerate any employee, regardless of their position, treating a fellow worker with anything less than their due dignity.

## Objectives

The objectives of this policy are:

- to define workplace bullying;
- to promote awareness of the issue among staff;
- to enable line managers to identify bullying behaviour and take appropriate action;
- to provide an effective procedure for dealing with allegations of bullying.

The existence of an anti-bullying policy in itself is not sufficient to eradicate unacceptable forms of behaviour amongst staff. Senior management are committed to developing a culture in which the dignity of staff at every level is maintained at all times. Line managers have a particular responsibility to prevent bullying by treating their staff with dignity and respect at all times. Finally, all employees have an obligation to discourage unacceptable forms of behaviour in the workplace through their own conduct and by being supportive of colleagues who are experiencing bullying.

## What is Bullying?

Bullying may be described as “persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which make the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress”.

A person may be subjected to bullying by a manager, colleague or employee(s) under his/her supervision. Bullying may be perpetrated against an individual or a group of employees.

Bullying should be distinguished from other complaints which are capable of being resolved through the normal grievance procedure, such as complaints relating to the assignment of duties, rostering, deployment, timing of annual leave, etc. Complaints which are appropriate for referral under the normal grievance procedure are usually relatively straightforward to formulate as they refer to a specific issue or incident. A complaint of bullying, however, is often difficult to articulate as it may involve a series of small, seemingly innocuous incidents which gradually undermine the victim’s dignity and self-respect.

Bullying can take many forms. The most obvious forms of bullying include the following:

(suggested examples)

- Open aggression, threats, shouting, abuse and use of obscenities;
- Humiliating and ridiculing the person in front of others

Bullying can also take more subtle, insidious forms:

(suggested examples)

- Setting impossible deadlines or tasks;
- Removing areas of responsibility without prior discussion or explanation;
- Persistently finding fault with a person’s work and using this as an excuse to humiliate the person rather than trying to improve performance;

- Withholding information necessary for the completion of tasks;
- Persistently challenging or undermining a person's authority;
- Constantly picking on the person when things go wrong even when s/he is not responsible.
- Excessive supervision and over-checking of a person's work;
- Constantly taking the credit for another person's work but never taking the blame when things go wrong;
- Deliberately assigning unpleasant or menial tasks;
- Showing hostility through sustained unfriendly contact or exclusion.

*Note: This list is neither exhaustive nor prescriptive*

Any one of the above examples may occur in isolation and may be completely 'out of character' for the person who engages in such behaviour. The bully, however, consistently engages in certain forms of behaviour in order to intimidate and humiliate his/her victim.

## What Bullying is Not

The following behaviours do not constitute bullying:

- Legitimate management responses to pressurised situations which require immediate action or which arise from staff shortages, increased workload, etc.;
- Constructive and fair criticism of an employee's conduct or work performance.

*Note: It is extremely important that line managers are made aware that they must deal with poor work performance and conduct through the operation of fair procedures and not through an aggressive management style.*

## Procedure for dealing with allegations of bullying

The following procedure has been devised to deal specifically with allegations of bullying.

### Informal Procedure

Any employee who feels s/he is being bullied should keep detailed notes of each incident, including dates, times and his/her feelings at the time, as s/he will need to be able to refer to specific incidents. The employee should then contact the **Designated Contact Person** for his/her work location. Alternatively, the employee may confide in a line manager, safety representative or work colleague.

Any person to whom a complaint of bullying is made should listen patiently, be supportive and discuss the various options open to the employee concerned. After discussing the problem, the employee may feel sufficiently confident to approach the alleged bully directly and point out the specific aspects of this person's behaviour which s/he finds unacceptable. It may be helpful for the employee to rehearse what s/he intends saying to the alleged bully so that s/he feels more confident about initiating the discussion. In some cases, the employee may request the person in whom s/he has confided to speak to the alleged bully on his/her behalf.

If it emerges that the alleged bully is genuinely unaware that his/her behaviour is a source of distress to the employee concerned, it should be possible to resolve the problem by way of informal discussion. Where problems have arisen due to a personality clash between the complainant and the bully, it may be helpful to arrange for both parties to meet with an independent facilitator.

Some persons who engage in bullying behaviour may stop when they realise that their victim is no longer prepared to tolerate the situation. Other persons may respond to an allegation of bullying by trivialising the complaint in order to make it appear that the victim is overreacting. The bully may joke about the behaviour complained of and insist that other people don't find such behaviour offensive. If this is the case, it should be pointed out to the

bully that the complainant is not obliged to tolerate behaviour which s/he finds offensive simply because other people may not find this behaviour objectionable.

## Formal Procedure

If, after the informal stage, the bullying persists or it is not appropriate to resolve the problem informally due to the severity of the bullying, the following procedure should be invoked<sup>1</sup>.

1. The complaint should be clearly formulated in writing. The employee should give precise details of actual incidents of bullying as opposed to attacking the character of the person against whom the allegation is being made.
2. The employee should submit the complaint to the designated contact person or an appropriate member of management. The employee will be advised of the steps involved in the formal procedure.
3. The alleged bully will be notified in writing that an allegation of bullying has been made against him/her. S/he will be given a copy of the complainant's statement and advised that s/he will be afforded a fair opportunity to respond to the allegations.
4. Where appropriate, an independent facilitator will be engaged to assist in resolving the matter. Otherwise, arrangements will be made to carry out an investigation as soon as practicable.

## Investigation

- Senior management, in consultation with the staff representative, will appoint an investigating team with an independent chairperson (where practicable).

<sup>1</sup> Where nationally or locally agreed procedures already exist for dealing with allegations of misconduct against particular categories of staff, these procedures should continue to apply.

- The investigating team will conduct separate interviews with the complainant and the alleged bully to establish the facts surrounding the allegations. Both the complainant and the alleged bully may be accompanied by a union representative or work colleague at the interview.
- The investigating team will interview any witnesses to the alleged bullying and other relevant persons. Confidentiality will be maintained as far as practicable. Witnesses will be expected to respect the privacy of the parties involved by refraining from discussing the allegations with other work colleagues or persons outside the organisation.
- The investigation will be completed as soon as possible, but not later than four weeks after the receipt of the written complaint, unless there are exceptional circumstances, e.g. absence of a key witness on annual leave.
- The investigating team will submit their findings to senior management. If senior management decide, on the basis of the report, that the complaint is well-founded and the alleged bully has a case to answer, the matter may be further progressed through the disciplinary procedure or other appropriate action (e.g. counselling) may be taken.
- The complainant and the alleged bully will be informed in writing of the outcome of the investigation.

## Disciplinary Proceedings

- A letter will be sent to the alleged bully outlining the precise nature of the complaint and requesting him/her to attend a disciplinary hearing under the appropriate disciplinary procedure. S/he will be furnished with copies of witness statements and any other relevant documentation. S/he will be advised of his/her right to have a representative present at the hearing and will be given sufficient opportunity to prepare his/her case.
- If, following the disciplinary hearing, it is decided that bullying did take place and disciplinary action is warranted, sanctions may include suspension without pay or dismissal. If the bully continues in employment, management may arrange for him/her to be redeployed to another department. If both parties continue working together, management will monitor the situation to ensure that the bullying has stopped.

## Outcome of the Disciplinary Hearing

- If the outcome of the disciplinary hearing is that the employee engaged in bullying behaviour but there are strong mitigating circumstances (e.g. personal difficulties), management may decide to take other appropriate action.
- If the outcome of the disciplinary hearing is that the complaint is not upheld, management will take reasonable steps to ensure that the reputation of the person against whom the complaint was made is restored, and that his/her career does not suffer by reason of the complaint having being brought against him/her.
- It will be considered a disciplinary offence to victimize or retaliate against an employee for bringing a complaint of bullying in good faith.
- If it is found that a complaint of bullying was brought maliciously, the matter will be dealt with under the disciplinary procedure.
- The Board/Hospital will encourage employees who have been bullied or who have been subjected to malicious allegations of bullying to avail of counselling, which will be provided by the Board/Hospital.
- Both parties will be informed of the outcome of the disciplinary proceedings as soon as possible. Either party may appeal the decision through the normal grievance procedure.

