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Title: **Staff Anti-Bullying**
Date:
Approval:

1.0 Purpose

The purpose of this policy is to inform all staff of NUI, Galway on the definitions of Bullying and outline the resources available to all employees inclusive of the complaints procedure, the investigation process and mediation services.

2.0 Description

NUI, Galway encourages the promotion of a working, learning and social environment where all staff work positively and harmoniously together. The University believes that the work environment should give all employees the freedom to do their work without having to suffer bullying or intimidation from any fellow employee. Bullying is not a trivial matter and can manifest itself on a regular basis in all shapes and forms.

It is the responsibility of every individual to ensure that bullying or intimidation does not occur at any level within the University. All employees should be aware that bullying, which affects the dignity of people at work, is unacceptable and can be grounds for disciplinary action.

NUI Galway provides a mediation service to enable staff resolve interpersonal disputes at the earliest opportunity in an informal manner. For further information please consult the University's Mediation Policy which is available on the Human Resources website.

2.1 What is Bullying?

Bullying at work has been defined as *“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”*¹

The effects of bullying behaviour on the recipient cause a range of negative physical and emotional symptoms and problems. Bullying is a major cause of stress and can lead to problems with health and in a broader context can undermine the fabric of a good healthy working environment.

It is also important to note that all forms of bullying and intimidation must be repeated sufficiently often so that it can be said to have formed a behaviour pattern and are not isolated instances, which have occurred exceptionally.

¹ Report of the Task Force on the prevention of workplace bullying, 2001. Also used in the 2005 Report of the Expert Advisory Group on Workplace Bullying and in the Surveys conducted by the ESRI to determine the incidence of workplace bullying.

Examples of Bullying (not an exhaustive list)

- Aggressive behaviour by one member of staff towards another.
- Repeated verbal harassment
- Personal insults and name-calling
- Persistent criticism
- Persistent picking on a person for the butt of jokes, horseplay, uncomplimentary remarks or other behaviour likely to cause offence
- The maligning or ridiculing of a person directly or to others
- Unfair delegation of duties and responsibilities
- Refusal to communicate in normal collegiate way
- Further examples are available on the Health & Safety Authority's Website. www.hsa.ie
- The most serious effects of bullying can be fear, anxiety and depression. To these may be added severe loss of confidence and low self-esteem. Bullying, like stress generally, has a detrimental effect on the organisation as a whole because people working in a climate of fear and resentment do not give of their best. The effects on the organisation as a whole can include:
 - Increased absenteeism • Reduced productivity • Reduced efficiency
 - Low motivation • Hasty decision-making • Poor industrial relations

2.2 What to do if you consider yourself to be the victim of Bullying?

Employees who feel they are being bullied have two options available to them. They can choose either the Formal or Informal option. The Anti-Bullying Policy covers both of these options. The procedure to be followed is outlined clearly below.

Employees who wish to make a complaint (Complainant) of bullying under the Anti-Bullying procedure should be aware that once NUI Galway management (i.e. the Human Resources Office, Heads of Schools/Units or Sections, Supervisors etc.) has been notified of a complaint either orally or in writing it is then considered to be in the Formal procedure. The University will immediately instigate the formal process to ensure that the rights of both the complainant and the alleged perpetrator(s) are safeguarded.

Where can I get advice?

Advice on the invocation of the procedure may be obtained from any source of the employee's liking. The following are some examples of where such advice is available:

- Employee Assistance Programme.
- Any member of the Human Resources Office.
- Trade Union.
- Colleague.

Advice on the details of their own particular issue, in advance of notifying the University, may be obtained from the following sources:

- Employee Assistance Programme,
- Trade Union
- A source of their choice not within NUI Galway.

This does not preclude staff approaching NUI Galway Colleagues who are their own personal friends if they so wish. In these circumstances both friends must agree before discussing any details of the allegation that the entire discussion and its contents are completely confidential to both of them. They must also agree that the advisor is not acting as an employee of NUI Galway but rather as a

personal friend. Where both parties do not agree to these conditions at the outset, the details of the case should not be discussed at all. If the details are discussed in the absence of such an agreement then the person who hears the complaint is obliged to bring the case to the attention of the Director of Human Resources.

Where the details of a complaint are brought to the attention of NUI Galway management (i.e. the Human Resources Office, Heads of Schools/Units or Sections, Supervisors etc.), either orally or in writing, it will automatically be processed through the formal procedure. This is to ensure that NUI Galway exercises its duty of care to all of its employees.

2.3 Complaints Procedure

2.3.1 Informal Procedure

Employees who believe they are being bullied and wish to attempt to resolve it informally should explain the following clearly to the alleged perpetrator(s):

- Details of the behaviour in question.
- The fact that it is unwelcome and offensive to them.
- The harmful effects it is having on them.
- That it is contrary to university policy.

It may be the case that the alleged perpetrator(s) does not realise that they are perceived to be behaving in a manner, which is affecting their work colleague.

Where employees find it difficult to communicate directly with the perpetrator(s), they should be accompanied by a third party, for example a friend, colleague, trade union representative, or a counsellor. This person's role will be to provide moral support to the complainant while they are making their issues known to the alleged perpetrator(s). It is not their role to make the complaint on behalf of the complainant; however where it is evident that the complainant is having difficulty in presenting their issues the person accompanying them will be free to assist in the presentation. The alleged perpetrator(s) should be made aware at the time the meeting is being arranged that the staff member will be accompanied at this meeting.

The alleged perpetrator(s) has the right to also be accompanied by a third party, for example a friend, colleague, trade union representative, or a counsellor. The complainant should be made aware of this again at the time the meeting is being arranged.

If at this point the alleged perpetrator(s) agrees a solution with the complainant the remedial actions should be clearly identified and agreed by both parties. This will allow both parties to monitor the situation going forward. Both parties could agree notes in order to remove ambiguity later. The objective of the informal procedure is to allow both parties agree a framework where they will be able to continue to work together in a professional manner.

If this fails to resolve the issue or if either party wishes to have the matter dealt with formally they are entitled to refer the issue to the Director of Human Resources² for processing through the formal procedure.

If at any point in the informal procedure both parties agree to enter the University Mediation Process they are free to do so. They should contact the Mediation service directly in accordance with the Mediation Policy. Should this fail they are free to use the informal or formal process should they so wish.

2.3.2 Formal Procedure

Employees who believe they are being bullied and wish to have the complaint resolved using the formal procedures are required to do the following:

- Outline the details of their complaint in writing, to the Director of Human Resources² giving as much detail as possible. Ideally this should include times, dates and events that have occurred if possible.
- Co-operate fully with the investigation if it proceeds to that stage.

Where a complainant makes an oral complaint they will then have 14 days to present their case and evidence in writing to the Director of Human Resources². This should outline the grounds on which their complaint is based. The complainant should be aware that a copy of this will be given to the alleged perpetrator(s) in keeping with the principles of natural justice. The alleged perpetrator(s) will not be informed of the oral complaint until after the 14th day, at which time they will be given a copy of the written complaint or a copy of the letter issued by the Human Resources Office in relation to the failure to provide the written complaint as described below.

Failure to present the case in writing will result in the University considering the complaint withdrawn fully and without foundation. The Human Resources Office will inform the complainant and the alleged perpetrator(s) of this in writing. If a complainant continues to make oral allegations without substantiating them this may be considered malicious by the University and disciplinary action may be taken in line with standard disciplinary procedures.

After receiving the written allegation the alleged perpetrator(s) will have the following options available to them:

- Respond to the allegations in writing to the Director of Human Resources² within 21 days of the date of receipt.
- Request that the Director of Human Resources² instigate a formal investigation.
- Ignore the allegations. In this instance the Director of Human Resources¹ will instigate a formal investigation after the 21 days have elapsed.

The Director of Human Resources² will forward the response to the complainant who will then have 7 days to examine it and indicate to the Director of Human Resources² whether it resolves the issues or not. If it does then the Director of Human Resources² will inform both parties in writing that the issue is resolved and the University now considers the matter closed.

2.4 Formal Investigation Process

If the matter remains unresolved at this stage the Director of Human Resources² will instigate a thorough, impartial and objective investigation of the written complaint by an investigation team. This team will comprise of two or more persons, either staff from the Human Resources Office or independent investigators, as determined by the Director of Human Resources² in consultation with appropriate University Management and the parties to the case.

The first stage of any investigation will include the issuance by the Director of Human Resources² of a set of Terms of Reference to both parties and to the investigating team, which will reflect the individual nature of each complaint but shall specify the following:

- That the investigation will be conducted in accordance with the Anti-Bullying Policy;
- The scope of the investigation;
- The timescale within which the investigation will be completed.

The investigators may set time limits for completion of various stages of the procedure to ensure the overall timescale is adhered to.

Both parties will be given copies of all relevant documentation prior to and during the investigation process, i.e.

- Complaint
- Written response from the alleged perpetrator(s)
- Witness statements (if any)

The investigation will include separate interviews with both the complainant and the alleged perpetrator(s). Both parties should be informed that they have the right to bring a union representative or a colleague with them should they desire in accordance with the Principles of Natural Justice. They should also be made aware that they have the right to have their statements confirmed to them either at the end of the interview or in writing prior to the report being compiled. Both the complainant and the alleged perpetrator(s) may provide details of witnesses or any other person whom they feel could assist in the investigation.

The investigation team will write to all witnesses to inform them of the following:

- That an investigation is being conducted into an allegation being made by [*Name of Complainant*] against [*Name of alleged perpetrator(s)*] under the Anti-Bullying Policy.
- They are being called as witnesses and that they are not otherwise involved, nor are any allegations being made against them.
- They have the right to bring a union representative or a colleague with them should they desire. (Principles of Natural Justice)
- They have the right to have their witness statements confirmed to them either at the end of the interview or in writing prior to the report being compiled.
- They will not receive a copy of the report or be made aware of the findings in their role as a witness. This does not exclude staff being made aware of issues in their role as line manager etc. as deemed appropriate.

The terms of reference will also be included.

At the conclusion of the investigation a report outlining whether or not the complaint has been upheld and which may make recommendations on appropriate actions to be undertaken, will be issued to the Director of Human Resources². This report will be forwarded to both the claimant and the alleged perpetrator(s) not later than 21 days after the final interview takes place.

Where the complaint is upheld then the perpetrator(s) will be subject to the disciplinary procedure within the University. The Disciplinary Procedure will then become the relevant procedure for the further processing of the complaint.

2.5 Mediation

If at any stage both parties agree to opt out of the Formal Anti-Bullying Procedure and seek to resolve their differences through the University's mediation process they are free to do so. Both the complainant and the alleged perpetrator(s) will be required to write to the Director of Human Resources indicating that they wish to enter the University's Mediation process and that the formal Anti-Bullying Procedure be ceased.

At this point the case will be deemed to be closed and resolved for the purposes of the University Anti-Bullying Procedure. The Anti-Bullying Procedure will not be available to either party for these allegations once the mediation option has been taken. Where the complainant makes new

allegations not already made they will be free to access the Anti-Bullying Procedure as a completely new case and be considered as such.

Throughout the investigation and following its conclusion, counselling and support is available through the Employee Assistance Programme, to both the complainant and the alleged perpetrator(s). The impact of bullying and the stressful nature of a disciplinary procedure may leave either party feeling insecure, resentful or bitter. Counselling is available through the Employee Assistance Programme which can provide the necessary support to deal with these issues. It can also assist re-integration back into the workplace.

Victimisation as a result of making bullying allegations will be regarded as a serious breach of discipline and will result in a formal investigation. This investigation may result in disciplinary action being taken which may include dismissal.

3.0 Responsibilities

Name	Responsibility
Director of Human Resources	<p>Policy Owner</p> <p>Instigate a formal investigation in line with the policy</p> <p>Set of Terms of Reference</p>
Employee	<p>Be aware that bullying, which affects the dignity of people at work, is unacceptable and can be grounds for disciplinary action.</p> <p>Employees who believe they are being bullied and wish to attempt to resolve it informally should explain the following clearly to the alleged perpetrator(s):</p> <ul style="list-style-type: none"> • Details of the behaviour in question • The fact that it is unwelcome and offensive to them • The harmful effects it is having on them • That it is contrary to university policy <p>Employees who believe they are being bullied and wish to have the complaint resolved using the formal procedures are required to do the following</p> <ul style="list-style-type: none"> • Outline the details of their complaint in writing, to the Director of Human Resources² giving as much detail as possible. Ideally this should include times, dates and events that have occurred if possible • Co-operate fully with the investigation if it proceeds to that stage
Investigation Team	<p>Set time limits for completion of various stages of the procedure to ensure the overall timescale is adhered to.</p> <p>Provide copies of all relevant documentation prior to and during the investigation process to both parties.</p> <p>Conduct interviews</p> <p>Write to all witnesses to inform them of the details of the investigation as per the policy.</p>

	Issue a report outlining whether or not the complaint has been upheld and may make recommendations on appropriate actions to be undertaken. This will be submitted to the Director of Human Resources.
Human Resources Office	Advise on the invocation of the procedure Participate on investigation team
UMT	Consult with the Director of Human Resources regarding the composition of the investigation team.

4.0 Related Documents