

Shelf Life

Re-Establishing Relationships after a Bullying & Harassment Complaint

The uncertainty and intense, stressful nature of the last 2 years has given rise to workplace disputes, grievances and bullying and harassment complaints. While the introduction of the code of practice on the prevention of resolution of bullying at work in 2020 has provided clarity on policy requirements and the procedure, there is little guidance for employers on how to deal with the aftermath of such a complaint. So, the question remains, how can employers encourage employees to re-establish their working relationship after a Bullying & Harassment Complaint?

The measures that employers can enforce are two-fold, in that there are preventative and reactive measures. The ideal situation would be that the preventative measures would reduce the frequency and severity of these complaints occurring, however, the reality is not always so simple. That being said, preventative measures such as the below are necessary to ensure you, as an employer, are doing all you can to create a safe workplace for your employees:

- **Policy:** It is imperative that the company have a Dignity & Respect at Work Policy/ Bullying & Harassment Policy in place and that this policy is circulated regularly to staff. This policy not only notes the importance of dignity and respect in the workplace it also outlines the procedure to staff members. The policy should also contain the definitions of Bullying and Harassment as provided for under the codes of practice which should help in outlining clearly to staff, what constitutes bullying and what does not.
- **Training:** When we look at recent case law, it is not hard to see the importance of implementing regular Dignity & Respect Training for all members of staff. This type of training not only goes a long way in protecting the employers from being held vicariously liable for bullying that occurs in their workplace, but it can also help staff to learn more about how their actions and comments may be perceived by others. It can also help them to understand what is appropriate communication and language to use in the workplace versus what is not. While it is ideal for this training to be done in advance of any complaints, if it hasn't been implemented previously, it is still worth implementing on the back of a complaint, in an effort to help the parties gain a better understanding of the importance of Dignity and Respect in the Workplace.

In terms of reactive measures i.e., measures put in place after the fact, there are several things' employers can do to encourage employees to re-establish their working relationships and to encourage a positive and respectful culture in the organisation.

- **EAP:** EAP stands for Employee Assistance Programme. It is a service that some employers make available to their staff for free and it is a confidential programme that provides employees with the support they need in managing whatever work or personal issues they are facing. The EAP can help with a wide variety of personal or work-related issues including stress, anxiety, low mood, financial worries, consumer queries, worries about physical health, and advice on practical, day to day issues.

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Offering an EAP service can help an employee to deal with issues they may have and help in the process of reconciling with other staff members.

- **Open Door Policy:** Implementing an open-door policy can help in encouraging staff to approach you as their employer with any work-related issues. An Open Door Policy is a way of reminding staff that you are there as a support to them and can give you an opportunity to encourage them to reconcile work relationships.
- **Communication:** Having a communication policy and encouraging open staff communication can help in reconciling staff relationships. Communications training can also go a long way in helping staff to establish clear communication methods and developing skills such as active listening which can all help in the re-establishment of relationships.
- **Mediation:** In the more complex disputes, mediation can be useful in aiding the re-establishing of workplace relationships. Mediation is a process whereby an independent, neutral mediator assists parties to come to an agreement through collaborative engagement. It is not about blame, but about understanding the conflict and finding agreed ways of future interaction and behaviour. The most important principles of mediation are voluntariness, impartiality, and confidentiality. It can be a very effective process for addressing grievance issues and interpersonal disputes.

If you are an organisation based in the Republic of Ireland and require further information or advice relating to HR, please do not hesitate to contact our office on (066)7102887.

