



EMPLOYMENT LAW UPDATE

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WHAT WILL THIS UPDATE COVER?



Workplace bullying



Employment investigations



Harassment & sexual harassment



Coming down the track in 2018

BULLYING IN THE WORKPLACE

Repeated behaviour

Inappropriate behaviour

Undermining the individual's right to dignity at work

CASE LAW:

MR. JUSTICE O'DONNELL NOTED IN RUFFLEY V THE BOARD OF MANAGEMENT OF ST. ANNE'S SCHOOL [2017] IESC 33

THAT "AT SOME LEVEL THIS NOVEL CASE WILL SET A BENCHMARK FOR ALL BULLYING CLAIMS".

INAPPROPRIATE BEHAVIOUR

Purposely
undermining an
individual

Targeting an
individual for
special negative
treatment

The manipulation
of a person's
reputation

Social exclusion or
isolation

Intimidation

Aggressive or
obscene behaviour

Jokes that are
obviously
offensive to one
person

Intrusion by
pestering

Spying and stalking

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LESSONS FOR EMPLOYERS

Useful resource when analysing approach to complaints



Clarifies the meaning of the definition of workplace bullying



How to deal with retaliatory complaints in response to performance management

EMPLOYMENT INVESTIGATIONS



Recent case law



Cross examination



Legal representation

LOOK IT UP:

LYONS V LONGFORD
WESTMEATH
EDUCATION AND
TRAINING BOARD
[2017] IEHC 272

E.G. V THE SOCIETY OF
ACTUARIES IN IRELAND
[2017] IEHC 392

LESSONS FOR EMPLOYERS

Consider each internal
employer investigation on
its own facts

Importance of fair
procedures in any
investigation process

HARASSMENT & SEXUAL HARRASSMENT

1



COMPLAINT OF
HARASSMENT
OR SEXUAL
HARASSMENT

2



DIGNITY AT
WORK POLICY

3



INVESTIGATION
OF THE
COMPLAINT

4



OUTCOME OF
INVESTIGATION

RIGHT OF APPEAL

COMING DOWN THE TRACK IN 2018

Retirement
age

'Gig'
economy

Compliance

LOOK IT UP:

QUIGLEY V HEALTH
SERVICE EXECUTIVE
(THE HIGH COURT, 26
OCTOBER 2017)

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