

Re: (a) improving procedures and practices and removal of obsolete, unnecessary or over-complex rules of procedure:

The Employment Equality Acts 1998-2015 do not cover all workplace bullying, although that is the impression most people have. The equality legislation details nine specific grounds upon which a person can rely in combating workplace bullying, but it does not cover bullying that does not come under these nine grounds.

Using the Civil Service Anti-Bullying code of practice I tried to deal with a case of bullying but met a brick wall. At length I contacted a solicitor and a barrister. The only legislation under which one can take a bullying case against a Government Department is the Equality Legislation 1998-2015, but since my complaint did not come under any of the nine grounds in that legislation, I couldn't take a case. Moreover, the barrister told me that although Government Departments and big companies have Codes of Practice on bullying, they are only a fig-leaf to give the impression that they are doing something, but that they are not worth the paper they are written on without a law to underpin them and that was my experience. To date we do not have such a law.

The solicitor indicated that the only other course open to me was to take a personal injuries case. She said there would have to be medical evidence of a nervous breakdown, for instance involving the administration of serious medication for depression and so on to have any chance of winning it. Since I had no visible, quantifiable personal injury, this was not a realistic option.

Another deterrent to seeking justice is cost. Starting out a person has no idea of the end cost of pursuing a legal battle. In my case I was told that if I took a personal injuries case for instance the cost could be astronomical, that I could lose my job, my home, everything. Who in their right mind would take such a case?

A wrong action, such as bullying, if it can be proved, should be capable of being dealt with in law on the basis that it is wrong. The law should not be circumscribed by nine grounds or depend on the perceived effect of bullying on the victim.

The two scenarios I have drawn illustrate that there is no adequate law to deal with workplace bullying.

What I have briefly outlined here underscores the need for new or amended procedures to be copper fastened in legislation to underpin Government departmental and other codes of practice on workplace bullying, if we are to have even a chance of effectively dealing with it. It also underscores the need for a schedule of costs and for affordability for the general public.