



Bullying and Harassment *

In the case of Una Ruffley and the Board of Management St. Anne's School [2014] IEHC 235 was a Judgement of Mr. Justice O'Neill which issued on 9th May.

In this case the Court awarded general damaged of €115,000 and loss of earnings of €93,276.39.

The case is very interesting in resetting out the law on the issue of workplace bullying. The Court stated;

“Workplace bullying is defined in paragraph 5 of the Industrial Relations Act 1990 (Code of Practice) detailing procedures for addressing bullying in the workplace (Declaration) Order 2002 SI No. 17/2002 as follows;

“Workplace bullying is repeated inappropriate behaviours 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. An isolated incident of the behaviour described in this definition, may be an affront to dignity at work but, as a once off incident is not considered to be bullying”.

The Court went on to state;

“In Quighley –v- Complex Tooling and Moulding Limited [2009] 1 I.R. at 349 it was held by the Supreme Court that for conduct to amount to bullying it had to be repeated, inappropriate and undermining of the dignity of the employee at work”.

Furthermore in his judgement, Fennelly J said;

“The Plaintiff cannot succeed in his claim unless he also proves that he suffered damage amounting to personal injury as a result of his employer's breach of duty. Where the personal Injury is not of a direct physical kind it must amount to an unidentifiable psychiatric injury”.

The recent case is important in restating what the law on this complex area is.

See our Guides on Workplace Stress.

*In contentious cases a Solicitor may not charge fees as a percentage of any award or settlement. See “Our fees” section of our website.

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