



# BULLYING, HARASSMENT, AND SEXUAL HARASSMENT IN THE WORKPLACE

Law Society of Ireland  
Human Rights and Equality Committee

**HUMAN RIGHTS CONFERENCE BOOKLET**

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LAW SOCIETY  
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(Front, l to r): Thomas McCann, Lebeau Jonker, Nadia Quinn Sciascia, Maura Derivan, Gary Lee, Solat Chaudhry, Rachael Hession; (back, l to r): Shalom Binchy, Cristina Stamatescu, Ray Flaherty, Yseult Freeney, Grainne Brophy, Aine Flynn, Deirdre Curran, Máille Brady Bates



## EXECUTIVE SUMMARY

Bullying, harassment, and sexual harassment occur across all aspects of society. It is particularly prevalent within workplace environments where there tend to be dynamic relationships and power struggles, such as the legal sector. In 2018, the International Bar Association (IBA) and Acritas conducted a **global survey** on bullying and sexual harassment in the legal profession. Nearly 7,000 individuals from 135 countries working within the legal sector responded to the survey, which found that approximately one-in-two female and one-in-three male respondents had been bullied in connection to their employment, and one-in-three female and one-in-14 male respondents had been sexually harassed in the workplace.

Following the IBA findings, the Law Society of Ireland initiated a similar survey among solicitors and trainees to ascertain the prevalence of bullying, harassment, and sexual harassment in the solicitors' profession in Ireland. The findings of the survey were published in the Law Society's *Dignity Matters* report in October 2021, which found "unacceptable levels of bullying, harassment, and sexual harassment in the solicitors' profession, significant underreporting of incidents, and limited consequences for those who have engaged in such behaviour". The Law Society has committed to implementing the recommendations set out in the *Dignity Matters* report and to support solicitors in addressing bullying, harassment, and sexual harassment in their workplace environments. The *Dignity Matters* report can be accessed [here](#).

Given the stark findings of the *Dignity Matters* report, the Law Society's Human Rights and Equality Committee felt it was appropriate to organise the 2022 Annual Human Rights Conference on the topic of bullying, harassment, and sexual harassment in the workplace to continue raising awareness of the issue among solicitors and members of the public. The

purpose of the conference was to provide useful information to participants on how to recognise and respond to bullying, harassment, and sexual harassment in workplace settings, and to shape the idea that all persons have a responsibility to become 'upstanders' rather than 'bystanders' in such situations. The conference invited a fantastic range of expert speakers, who explored many different topics – all of which are provided in detail in the following chapters.

The conference saw the introduction of different workshops, in which participants were invited to further explore topics arising throughout the day. The workshops provided a space for participants to ask questions of speakers, share their experiences, and to explore specific topics of their choice in-depth – primarily with the aim of allowing participants' voices to be heard. The workshops were kept relatively small, ranging from between eight and 30 participants. Following the workshops, speakers were invited to participate in a panel discussion to provide an outline of their workshop and to identify the main themes raised.



## THE HUMAN RIGHTS CONFERENCE SERIES

The 2022 Annual Human Rights Conference marked the 20<sup>th</sup> anniversary of the Law Society's Human Rights and Equality Committee Annual Conference Series. The principal aim of the conference series is to promote awareness of human rights law and practice among both lawyers and the public, and to encourage consideration of how human rights can be promoted and protected both in Ireland and overseas.

The Human Rights and Equality Committee has previously hosted conferences on topics including environmental justice, democracy and human rights, international protection and the experience of direct provision, and human rights and the media – balancing public and private interests. More information on the Human Rights Conference Series is available on the Law Society's website [here](#).

The 2022 conference was organised by the Human Rights and Equality Committee in partnership with Law Society Professional Training, with the aim of bringing together legal practitioners, members of the judiciary, members of the public, as well as academics, policymakers, and human rights and civil society organisations to explore issues around this year's theme.

The purpose of this booklet is to document the important themes discussed throughout the conference, and to provide a resource to members of the legal profession and the public when seeking material or information in general on the issues of bullying, harassment, and sexual harassment. The booklet does not intend to provide guidance or advice; rather, it simply collates all resources mentioned throughout the conference that may be of use to persons interested in the topic.

**Please note that the following content has been recorded primarily by outsourced note-takers and does not reflect the speaker's presentations verbatim.**



# OPENING ADDRESS

**Maura Derivan**

President of the Law Society of Ireland

Good morning speakers, distinguished guests, friends, and colleagues. I would like to welcome you all to the Annual Human Rights Conference, organised by the Law Society's Human Rights and Equality Committee.

I have the great pleasure today of welcoming an expert panel of speakers for what is the 20<sup>th</sup> year of the Law Society's Annual Human Rights Conference Series. We are truly delighted to welcome the speakers and look forward to their thought-provoking and insightful perspectives on bullying, harassment, and sexual harassment in the workplace.

Today's conference was developed in response to the *Dignity Matters* report, published in October 2021, which found high levels of bullying, harassment, and sexual harassment in the solicitors' profession. As we all know, bullying, harassment, and sexual harassment can significantly impact a person's life, both in their professional and personal capacity. It requires swift and immediate action to ensure the safety and wellbeing of the individual is protected.

The Law Society has since taken significant steps to implement the recommendations outlined in the *Dignity Matters* report, including the recent publication of the 'Dignity at Work Toolkit', as delivered by the Law Society Psychological Services team. It is hugely important that the Law Society continues its work in educating employers and members of the solicitors' profession on the need to tackle bullying, harassment, and sexual harassment in the workplace.

The Annual Human Rights Conference is



organised every year by the Human Rights and Equality Committee and seeks to promote consciousness of human rights law and practice among its members and the public. The Law Society of Ireland believes that debate and discussion at these conferences enhance and enrich understanding, and also encourage consideration of how human rights can be promoted and protected. The conference aims to stimulate and invigorate debate among key stakeholders in this area and mobilise necessary change.

I would like to take this opportunity to thank the Human Rights and Equality Committee for organising this event, with the help of Law Society Professional Training.

## WELCOME ADDRESS

**Gary Lee**, Chair of the Law Society's Human Rights and Equality Committee

When we talk about human rights, our thoughts tend to go to abuses happening in far-off lands rather than within this State. When we look at human rights abuses in Ireland, the workplace might not seem to be an obvious area to focus on – and certainly not the working conditions of practising solicitors.

However, the Law Society's *Dignity Matters* report has raised serious issues concerning fundamental human rights. It has shone a spotlight on bullying, harassment, and sexual harassment in the solicitors' workplace. More than 15% of all practising solicitors participated in the *Dignity Matters* survey, and the findings make for stark and disturbing reading.

I would like to use this opportunity to pay particular tribute to two members of the Human Rights and Equality Committee, Diego Gallagher and past chair Sinead Lucey, who brought the motion to the Law Society Annual General Meeting in 2020, which ultimately resulted in the report. We are also honoured to have the current President of the Law Society, Maura Derivan, and her immediate predecessor, Michelle Ní Longáin, speak at this conference. Their participation here today underlines the commitment the Law Society has to follow through on the report's recommendations. I would also like to thank our committee secretary, Nadia Quinn-Sciascia, for her considerable contribution in planning, organising and coordinating this conference.

We have a stellar line-up of speakers who will speak from various perspectives, including those of the lived experience, academic, human rights, and minority group. Attendees will also have an opportunity to actively participate through



facilitated workshops. We are also delighted to announce that today's proceedings will be captured in a booklet to provide resources on bullying, harassment and sexual harassment for legal practitioners and the public.

“*the Law Society's Dignity Matters report has raised serious issues concerning fundamental human rights. It has shone a spotlight on bullying, harassment, and sexual harassment in the solicitors' workplace*”



# PLENARY SESSION 1

## PRESENTATION 1

**Máille Brady Bates**, solicitor and employment law specialist

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**Workplace sexual harassment in context:** in this post #MeToo era, how prevalent do you think sexual harassment really is in Irish workplaces?

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### THE FREQUENCY OF WORKPLACE SEXUAL HARASSMENT

The following section contains different sets of findings from reports into sexual harassment in workplaces in order to demonstrate just how prevalent the issue of sexual harassment is globally. What is striking across all reports is the high level of non-reporting due to a range of different factors, as outlined below.

The **Dublin Rape Crisis Centre Survey 2018** found that:

- 75% of respondents had experienced sexual harassment primarily occurring in the workplace,
- The majority of respondents did not report their experience.

**The Law Society of Ireland's Dignity Matters report** found that:

- One-in-two women and one-in-eight men had experienced workplace sexual harassment in the legal sector,
- 91% of respondents did not report their experience.

The **Unison** report on UK Health Workers (2019) found that:

- One-in-ten respondents experienced sexual harassment in the previous 12 months,



- One-third reported that such harassment was regular/ frequent,
- One-in-ten reported that they experienced sexual harassment daily/weekly,
- 81% of these were female.

The **Australia Human Rights Commission** (2018) reported that:

- Two-in-five women and one-in-four men experienced sexual harassment in the last five years,
- 83% did not report their experience.

### BARRIERS TO REPORTING WORKPLACE SEXUAL HARASSMENT.

There is a clear culture of widespread sexual harassment in the workplace that frequently goes unreported and/or unaddressed. From assessing each of the report's findings above, the main reasons for non-reporting of incidents cited by

respondents are:

- Fear of the consequences,
- Fear that nothing will be done,
- Fear of not being believed or of being judged by others,
- Being pressured to remain silent.

An analysis of case law and decisions by the Workplace Relations Commission (WRC) in relation to sexual harassment demonstrates similar reasons for non-reporting.

This identifies that, in general, it is not necessarily the courts system or legislative frameworks that deter reporting of workplace harassment and abuse. Rather, it is the victim's fear of repercussion or stigma and their uncertainty of the reporting mechanisms at their disposal.

## LEGISLATIVE FRAMEWORK FOR WORKPLACE SEXUAL HARASSMENT

### 1. Employment Equality Acts 1998-2018

Section 14A(7) of the acts defines sexual harassment as:

*“Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.”*

Under the *Employment Equality Acts*, employers have a responsibility to prevent and address any sexual harassment in the workplace and to ensure that clear and adequate channels are in place to effectively address the issue if necessary.

Employers may be held legally responsible and vicariously liable for sexual harassment carried out by persons associated with the workplace (such as employees, customers, business

contacts), even if they were unaware of the acts of harassment, as long as the harassment took place during the time of employment. An employer may rely on a defence if they can demonstrate that they took ‘reasonably practicable’ steps to prevent and remedy the harassment.

The Irish Human Rights and Equality Commission provides a useful summary on the *Employment Equality Acts 1998-2015* [here](#).

### 2. Code of Practice on Sexual Harassment and Harassment at Work

The Equality Authority established a *Code of Practice on Sexual Harassment and Harassment at Work*, which gives practical guidance on how to prevent workplace sexual harassment and steps an employer should take in relation to same. The code has been given legal effect in the *Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2002* (SI no 78 of 2002).

### 3. External avenues: Workplace Relations Commission and Circuit Court

The Workplace Relations Commission is an independent statutory body that was established under the *Workplace Relations Act 2015*. It is the body to which all industrial relations disputes and all disputes and complaints about employment laws are referred.

A *Guide to the Workplace Relations Commission* is available [here](#).

The **Circuit Court** hears appeals of all WRC decisions by an adjudication officer under the *Equal Status Acts 2000-2018*. Individuals can also bring a claim for sexual harassment directly to the Circuit Court.

**Community Law and Mediation developed a Guide to taking an Employment Equality Case**, which provides information to advocates and members of the public who are taking a case to the WRC or the Circuit Court under the *Employment Equality Acts*.

## CHALLENGING THE FRAMEWORK: POSSIBLE REFORMS TO PREVENT WORKPLACE SEXUAL HARASSMENT AND INCREASE ACCESS TO JUSTICE

**The Dublin Rape Crisis Centre (DRCC) discussion paper Workplace Sexual Harassment and Abuse**, published in October 2021, aimed to identify better ways to address workplace sexual harassment and improve access to justice and fair systems for all persons affected by such abuse. The paper examined existing legislative mechanisms in other areas of employment law to discuss whether these might be leveraged or adapted to address some of the issues identified in the area of workplace sexual harassment.

### POSSIBLE REFORMS: WORKPLACE SEXUAL HARASSMENT AS A HEALTH AND SAFETY ISSUE

A key suggestion of the DRCC paper was to consider workplace sexual harassment as a workplace health and safety issue, rather than purely a discrimination issue, and looked to workplace bullying as one of the key areas of comparison. Despite the terms bullying and harassment often being used interchangeably, the law makes a very clear distinction between them.

Under law, instances of workplace bullying primarily fall within the remit of health and safety legislation, whereas sexual harassment is primarily a gender discrimination issue. This position was recently re-enforced by the new *Code of Practice on the Prevention and Resolution of Workplace Bullying* published by the Health and Safety Authority and the Workplace Relations Commission.

The *Health and Safety at Work Act (HSWA)* places a reciprocal duty of care on the employer and employee with regard to health and safety at work. The employer must undertake risk assessments and provide information and

training to employees in an appropriate and accessible manner. Equally, employees have a duty to report health and safety hazards of which they may have become aware.

The reciprocal duty on both employers and employees could be a useful means by which to foster allyship and tackle cultures that facilitate silence around sexual harassment in the workplace. It could also aid the establishment of mechanisms by which instances of sexual harassment may be raised as a matter of workplace health, safety, and wellbeing – akin to issues of workplace bullying.

### LOOKING FURTHER AFIELD: WORKPLACE SEXUAL HARASSMENT AS A HEALTH AND SAFETY ISSUE IN OTHER JURISDICTIONS

The categorisation of bullying in comparison to sexual harassment and abuse is a topic that is currently under consideration in Europe and other common law jurisdictions.

A **report** published by the European Trade Union Confederation in 2017 recommends that safety and health and wellbeing at work initiatives include “a strong focus on the causes of and solutions to harassment and violence against women at work, by taking into account gender inequalities and discrimination”.

In 2019, organisations in the UK launched the *#ThisIsNotWorking* alliance calling on government to change legislation to enforce a legal duty on employers to take preventive measures to ensure their workplaces are harassment-free.

Finally, the Australian Human Rights Commission issued a report on foot of the results from its *National Inquiry into Sexual Harassment in Australian Workplaces* in 2020. The report recommends a reform to the current approach to sexual harassment and abuse from a discrimination issue to a workplace health and safety issue.

## PRESENTATION 2

**Prof Yseult Freeney**, professor of organisational psychology in DCU's Business School and research fellow in DCU's Anti-Bullying Centre



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### The value of fostering psychological safety and positive relationships at work: the need to challenge incivility and bullying in the workplace

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#### WORKPLACE BULLYING AND INCIVILITY

The **Health and Safety Authority** defines bullying 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.”

It is important to note that an isolated once-off incident of the behaviour described in the



Health and Safety Authority definition may be considered an affront to dignity at work, but as it is not 'repeated', it is not considered to be bullying for the purposes of the above definition. Examples of bullying include belittling, acts of aggression, intentional exclusion, and consistent challenging.

## WORKPLACE BULLYING



- Bullying affects at least one-third of workers through direct exposure or indirect witness exposure, both harmful to well-being (Nielsen and Einarsen, 2018).
- For organisations, bullying is linked to absenteeism (Hauge et al., 2010) and reduced productivity (Giorgi et al., 2015). Workplace bullying costs Ireland €239 million every year (Murphy, 2021).
- Organisations appear to be remarkably poor at preventing or providing effective protection from bullying (Hodgins et al., 2020)



## VICTIMISATION (IRISH TIMES, 2021)

### Belittling or Banter?!

I was made a fool of, laughed at and belittled in front of staff and clients. It was unbearable

It's got to the point where I often just ring in sick if I see we are on the same schedule. I have sleepless nights wondering what he's going to say next.

### Aggression

One female member of staff bullied me almost daily at work for two years. She had a ferocious temper. She would review my work and constantly shout out whenever she could find anything she perceived she didn't like in my work, causing me a huge amount of stress.

### Exclusion

She didn't like my family background... She would isolate me as much as possible by inviting the other team members on nights out, not inviting me and then discussing the outings the next day in front of me, to highlight me being left out

### Challenging

My manager made my life hell. She was a pernicious bully... I attended the counsellor offered by my workplace. She advised me that the next time my manager told me in public that I was known as trouble I should ask her to put it in writing to me or stop saying this. I did. She stopped.

## FAILURE IN RESOLVING WORKPLACE BULLYING: EXAMPLES

### Reporting the issue to Human Resources

Usually when persons experience workplace bullying, the first step is to report the issue to the Human Resources (HR) Department. HR may fail to adequately deal with the complaint, as illustrated in this quote: "Disagree with him in any way and he screams, swears, gets abusive and degrading until you stop talking. It's been reported to multiple team managers. HR have had reports of it, but nothing happens. A previous team manager said that it's just banter and that if you don't enjoy it, then please stop attending meetings, so that you're not offended."

### Toxic organisational norms

There are toxic organisational norms where bullying behaviours are accepted, or even encouraged, usually through lack of intervention by employers. There is also 'survival bias' where individuals who cannot cope with the behaviour are 'weeded out'.

### Bystander behaviour

The normalising of such behaviour through toxic organisational norms often feed into bystander

behaviour, where others are aware there is a problem, but are unsure of what to do.

### Mediation

The second step of reporting is mediation, which can have positive influences, but must be handled carefully. In some cases, mediation may not be effective, particularly where the perpetrator is not challenged by the mediator.

*"I did take a bullying case against my manager. She lied outright constantly. The mediator never challenged her. The agreement sent for me to sign was a joke. I was so exhausted by the end of the process, I just wanted out."*

Negative outcomes of ineffective mediation include increased stress, post-traumatic stress disorder (PTSD), impacts on mental health, loss of talent for the organisation, and damage to the organisation's reputation.

*"I went to bed with the dread of work and watched every hour on the clock until it was time to get up to face the day ahead."*

## INCIVILITY AT WORK

Bullying and incivility are often used interchangeably. However, incivility is defined as being uncivil, or conducting rude or discourteous acts, and therefore does not meet the legal requirements to be considered bullying.

## PSYCHOLOGICAL SAFETY

Psychological safety is essential to guiding change within toxic workplace cultures.<sup>1</sup> People need to be confident speaking up, sharing concerns, and challenging questions, which must be encouraged and facilitated by management.

There is also the need to be able to be your true self at work and have ideas and opinions respected, and not needing to ‘wear a mask’. This is also important to allow employees to be comfortable reporting mistakes. Psychological

safety is especially important during periods of crisis and change, as incidents of incivility generally increase during these periods.

## WHAT IS PSYCHOLOGICAL SAFETY?

- Being comfortable speaking up – can you share concerns with others?
- Being your true self at work – can you offer ideas and opinions?
- Being fearless – can you report mistakes?
- Healthy conflict – can you disagree with team members and your manager?

Psychological safety is critical for:

- Equality, diversity, and inclusion,
- Preventing incivility and bullying,
- Organisational change and innovation, and
- Wellbeing.

## TAKEAWAY TIPS FOR FOSTERING PSYCHOLOGICAL SAFETY

The infographic features a blue background with a white title 'TAKE AWAY TIPS #SAFE' at the top. On the left, there is a vertical image of a person walking across a wooden suspension bridge over a forest. To the right of the image are four white square icons, each with a black symbol and text below it:

- SPEAK UP FOR OTHERS** (Icon: two people) with subtext 'STOP INCIVILITY'
- ASK QUESTIONS** (Icon: hand) with subtext 'ADDRESS CONCERNS'
- NORMALISE FAILURE** (Icon: bandage) with subtext 'FIX, LEARN AND IMPROVE'
- EMBRACE CONFLICT** (Icon: people with lightning bolt) with subtext 'TASK CENTRED'

<sup>1</sup> Edmondson, A (1999), 'Psychological safety and learning behavior in work teams', *Administrative Science Quarterly*, 44(2), 350-383; Edmondson, AC, & Lei, Z (2014), 'Psychological safety: the history, renaissance, and future of an interpersonal construct', *Annual Review of Organizational Psychology and Organizational Behavior*, 1(1), 23-43.

## PRESENTATION 3

Dr Deirdre Curran, Vice-Dean for Diversity, Equity and Inclusion, College of Business, Public Policy and Law at the University of Galway

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### Destructive impact of workplace bullying based on research evidence, and exploring the value of media as an alternative to litigation

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‘Bullying damages human beings, sometimes irreparably, and we are all responsible’

#### WORKPLACE BULLYING

Why should we bother concerning ourselves with bullying?

- Ethical argument – organisations and individuals should not be permitted to ‘break’ another person,
- Legal argument – there are consequences to destructive acts,
- Business argument – it is bad for business and reputation and causes loss of employees.

#### THE HUMAN IMPACT

The personal effects of workplace bullying can vary substantially, including delayed career progression, errors at work, decreased self-confidence, lack of sleep, changes in diet, and reliance on harmful substances. The ripple effect of bullying can also have impacts on family and personal relationships and can increase the risk of depression and suicide.

There are two trends in relation to workplace bullying that must be remembered:

1. High prevalence of bullying
2. Low levels of reporting



#### AN ORGANISATIONAL ISSUE

Bullying must stop being treated as an individual issue and should start being recognised as an organisational issue. Organisations must recognise that bullying is often created, encouraged, and concealed by companies and institutions of which they must take ownership. Workplaces need to protect the psychological safety of their employees and ensure that processes are introduced to effectively deal with incidents of bullying, harassment, and sexual harassment when they arise, and ensure that such acts are not ignored.

#### POWER DIMENSIONS

Bullying often has a power dimension. While hierarchy and power can contribute to the prevalence of workplace bullying, individuals can still be bullied by colleagues in similar roles

and by junior employees. To combat bullying in an environment with adverse power dynamics, there must be a ‘whole-of-organisation’ multidimensional, integrated, and tailored strategy that suits the requirements of that specific organisation.

## MEDIATION

Mediation may be used as an alternative mechanism to resolve situations of workplace bullying and aims to protect the physical and psychological safety of everyone involved. Mediation should ensure a balance of power across all parties and should avoid situations where the balance of power may be at risk. The use of mediation in situations of workplace bullying can be especially helpful when there is ongoing communication, and can be more effective in the early stages of the behaviour.

LISTEN UP: *The Workplace Podcast* in association with Yellowwood – Episode 58: ‘The role of an apology in mediation with Dr Deirdre Curran’ (**Spotify** or **YouTube**).

## INSIDE-OUT HOSPITALITY

In 2019, Dr Deirdre Curran conducted research into the working conditions of hospitality workers in Ireland, which were later published in the 2021 report *Inside-Out Hospitality: A Study of Working Conditions in the Hospitality Sector in Ireland*.

The research objectives were to

- Explore levels of ill-treatment in the sector, as reported in anecdotal evidence, and
- To use the research to promote positive change in policy and practice.

Dr Curran spoke about her research during the conference and discussed the high rates of bullying, harassment, and sexual harassment reported by respondents working within the hospitality sector in Ireland. The following section contains extracts from Dr Curran’s report and includes quotations from research participants.

## METHODOLOGY

The data in the **report** is presented from a comprehensive survey completed by 257 hospitality workers, a series of 15 structured audio submissions, and five follow-up interviews. An interesting aspect of the methodology was the invitation to participants to submit audio files through WhatsApp, outlining their experience of bullying and/or harassment in the workplace. Dr Curran noted that this method was particularly effective in communicating the human impact of each experience through hearing the participant’s emotions in their voices.

## FINDINGS

### 1. Harassment

- 77% of respondents reported experiencing verbal abuse sometimes/often,
- 64% of respondents reported experiencing psychological abuse sometimes/often,
- 15% reported experiencing physical abuse sometimes/often,
- 55% of respondents reported witnessing and/or experiencing harassment.

Respondents provided the following examples:

*“Everywhere I have worked, I have seen harassment of different kinds. Bosses harassing staff, chefs harassing staff, serious number of customers harassing young female staff, but it’s all swept under the carpet – it’s ‘part of the industry’.”*

*“Much older male colleague kept acting inappropriately with me – would come up behind me in small, secluded corners of kitchen/restaurant and tickle me and grab me unnecessarily. Despite repeatedly telling him to stop, he didn’t. Finally plucked up courage to speak to (male) boss. He was not very sympathetic and his ‘solution options’ basically made it out to be me with the problem”.*



## 2. Bullying

63% of respondents reported witnessing/experiencing bullying, such as:

*“Excessive and repetitive giving out to staff over extremely minor things, often even if no mistake was made. Name calling and ‘joking’ sexual comments.”*

*“An older member of bar staff in the restaurant I worked in 2016 acted inappropriately towards me during my time there. He spoke grossly and suggestively to me regularly – both alone, in front of other staff members, and in front of customers. He consequently felt me up in the restaurant kitchen; the action was met with laughter by all who witnessed it. I have been undermined while training new staff members on several occasions in two different jobs. I have experienced kitchen staff shouting abuse at waiting staff in two of four positions.”*

## 3. Reporting

From all incidents recorded in the survey, 45% of respondents did not report their experience. The most frequent reasons for non-reporting includes:

- Fear of the consequences,
- Belief that nothing would change or situation would get worse,
- The perpetrator was owner/manager/relative, and
- The behaviour was accepted as ‘normal’.

*“The true prevalence of bullying is unknown due to non-reporting”*



# PLENARY SESSION 2

## PRESENTATION 4

Thomas McCann, director of the Traveller Counselling Service

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### The gap between rights in theory and rights in reality for the Traveller community in Ireland

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#### HUMAN RIGHTS BELONG TO EVERYONE – OR DO THEY?

The **United Nations** states that human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights without discrimination.

Article 4.1 of the *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities* establishes that “states shall take measures, where required, to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”.

However, in reality, not all individuals are afforded their fundamental human rights.

#### HUMAN RIGHTS INSTRUMENTS

*International human rights treaties:* Human rights are protected under international treaties, such as the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*.



#### European Convention on Human Rights

**(ECHR):** The ECHR protects the rights of people in countries that belong to the Council of Europe. The European Court of Human Rights rules on individual or state applications alleging violations of civil and political rights set out in the ECHR. The ECHR became part of Irish law through the adoption of the *European Convention on Human Rights Act 2003*.

**The Irish Constitution:** The Constitution sets out a number of fundamental rights, such as equality before the law (article 40.1), right to a fair trial (article 38.1), and the right to freedom of expression, assembly and association (article 40.6.1). Fundamental rights are not always absolute, and can be limited on grounds of the common good or public order,

**Equal Status Acts:** The *Equal Status Acts 2000-2018* prohibit discrimination in the provision of goods and services, accommodation, and education. The acts cover the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community.

## WHO IS RESPONSIBLE FOR UPHOLDING HUMAN RIGHTS?

According to the **Irish Human Rights and Equality Commission**, the Government and public service has the primary responsibility to uphold human rights by creating the conditions for them to be effective.

Under international law, State parties agree to respect, protect and fulfil the human rights contained in treaties or conventions:

- ‘To respect’ means that the State must not interfere with or restrict human rights,
- ‘To protect’ involves passing laws and creating mechanisms to prevent violation of rights by State authorities and by non-State actors,
- ‘To fulfil’ means that the State must take positive action to ensure the enjoyment of human rights.

This means that the Irish Government is obliged under international and domestic law to respect and protect human rights.

## RIGHTS AFFORDED TO IRISH TRAVELLERS

Gary Lee, chairperson of the Law Society’s Human Rights and Equality Committee, stated:

*“You can have a plethora of legal rights, but this is no good if you don’t know about your rights and if you don’t have expert legal advice in relation to those rights.”*

This quote accurately reflects the reality for the Traveller community in Ireland.

## Exclusion and marginalisation

Numerous reports have identified Travellers as one of the most disadvantaged and marginalised groups in Irish society.

Members of the Traveller community face lower life expectancy and high levels of unemployment, poverty, social exclusion, infant mortality, illiteracy, and issues with mental health.

Travellers experience historical racism and discrimination at a personal and institutional level.<sup>2</sup>

## Issues affecting the Traveller community

- **Reduced life expectancy:** life expectancy for Traveller men is 15 years less than the settled community – it is 12 years less for Traveller women.
- **Infant mortality rates** are three times higher than the settled population.
- **Unemployment** stands at 80.2% among the Traveller community.
- Inadequate and overcrowded **accommodation** is a persistent problem, in part due to the pattern of local authorities underspending their allocated funding for Traveller-specific accommodation going back years. Between 2008 and 2019, more than €72 million of funding for Traveller accommodation was left unspent by local authorities.
- **Educational disadvantage:** there are high rates of early school leaving among the Traveller community, with just 13.3% of Traveller females educated to upper secondary or above, compared with 69.1% of the general population. Historically, Traveller children were often **segregated** from settled children, with different classes, play time, and, in some cases, a line drawn down the middle of the yard.
- **Mental health:** suicide rates are seven times

<sup>2</sup> See Economic and Social Research Institute (2017), *A Social Portrait of Travellers in Ireland*; Joint Committee on Key Issues Affecting the Traveller Community (2021), *Final Report*; and Ombudsman for Children (2021), *No End in Site*.

higher among the Traveller community when compared to the settled population.

- **Ethnic identifier:** there are no ethnic identifiers in services, which makes it difficult to secure Travellers specific rights if these are not identified as such in the system.
- **Prejudice:** a survey on attitudes among the Irish public towards Travellers found that 18.2% of respondents would deny Travellers citizenship, just over 60% would not welcome a Traveller into their family through kinship, and 79.4% said they would be reluctant to buy a house next door to a Traveller.
- **Imprisonment:** Travellers are strongly over-represented in the Irish prison system. Traveller men are between five and 11 times more likely than other men to be imprisoned, while Traveller women face a risk of imprisonment as much as 18 to 22 times higher than that of the general population.
- **Restrictive laws:** Historically, many laws were introduced by the State with the intention of eradicating Traveller culture and assimilating them into the settled population. The *Housing (Miscellaneous Provisions) Act 2002* effectively criminalises traditional and cultural nomadism by criminalising trespass on public and private land.

### HISTORICAL STATE PREJUDICE AGAINST THE TRAVELLER COMMUNITY: REPORT OF THE COMMISSION ON ITINERANCY (1963)

In order to understand how Ireland reached this point, it is necessary to look at the historical relationship between Travellers and the Irish State, particularly in relation to the language used to describe Irish Travellers.

The Commission on Itinerancy was established by the Irish Government in June 1960 “to enquire into the problem arising from the presence in the country of itinerants in considerable numbers ... to promote their absorption into the general community [and] pending such absorption, to reduce to a minimum the disadvantages to

themselves and to the community resulting from their itinerant habits”.

Charles Haughey, parliamentary secretary to the Minister for Justice at the time, stated at the inaugural meeting of the Commission on Itinerancy: “These terms of reference ... acknowledge the fact that there can be no final solution of the problems created by itinerants until they are absorbed into the general community.”

The commission published the *Report of the Commission on Itinerancy* in 1963, which set out Government policy in relation to the Traveller community, primarily concerned with their assimilation into the majority population. The report states: “All efforts directed at improving the lot of the itinerants and at dealing with the problems created by them and all schemes drawn up for these purposes should always have as their aim the eventual absorption of the itinerants into the general community ... through a rigorous enforcement of legislation which criminalises the nomadic lifestyle, Travellers will inevitably settle to avoid prosecution.”

### HOW CAN THE SITUATION FOR THE TRAVELLER COMMUNITY IMPROVE?

Thomas McCann suggested the following initiatives to help improve the situation for the Traveller community in Ireland:

- State apology recognising adverse policies towards Travellers,
- Establishment of an Ombudsman for Traveller and Roma,
- Establishment of an Independent Traveller Accommodation Agency,
- Resourcing of a Traveller Legal Unit,
- The capacity to take class actions,
- Repeal legislation that disproportionately impacts Travellers,
- The introduction of strong anti-hate crime legislation,
- Anti-racist training for the legal profession including the judiciary,

- The introduction of an ethnic identifier for state services.

The Oireachtas Committee on Justice *Report on Minorities Engaging with the Justice System* (December 2022) reiterated some of the above initiatives and recommended:

- The establishment of a Traveller independent law centre to address the demand for legal services among the Traveller community,
- Culture competency training for all persons working in the courts system (including courts services staff, lawyers, and judges) to understand how to work across different cultures and to tackle the unconscious bias that may exist and the assumptions they may hold about those from a different background,
- Commission research on racism and racial discrimination in the justice system to understand structural barriers facing vulnerable minority communities.

“

*“If we really want a society that respects and ensures everyone has equal access to their fundamental rights, we need to ensure that the correct supports are available for those who have been excluded and discriminated against, and who don’t have the legal expertise or resources to ensure their rights are respected and enforced.”*

*“It is a myth to believe we are all equal before the law, and that we are all afforded equal access to ensure our rights are enforced. Some are more equal than others.”*

”



## PRESENTATION 5

**Solat Chaudhary**, group chief executive, Irish Centre for Diversity

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### Complete overview of harassment based on personal experience and examining the different forms of harassment as they arise in different contexts

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#### HARASSMENT

Harassment violates your dignity and creates an intimidating, degrading, humiliating, and offensive environment for the person involved and for witnesses who experience the harassment. Harassment can take many different forms, such as verbal harassment, making jokes or derogatory comments, and written harassment, graffiti or text messages.

Solat outlined the following first-hand experiences of harassment within different contexts:

**Story 1:** While Solat was on duty as a police officer, he was subjected to racist comments and slurs by a person he had just arrested. He noted that, although he had experienced similar comments in the past, there was something about this situation that had a lasting impact on him.

**Story 2:** The second story concerned an inclusive leadership training facilitated by Solat, whereby he had been ignored by a man in an elevator who ended up being a participant in his training. Solat outlined how he felt it was his job to inform the man about how that behaviour comes across to a person of colour.



#### ANALYSING WHAT MAKES US FEEL HARASSED

Harassment can be seen as subjective, as certain situations – such as those outlined above – may affect persons differently, regardless of whether they share the same characteristics.

#### INCLUSION

Inclusion may be seen as a universal human right. The aim of inclusion is to embrace all people, irrespective of race, gender, disability, medical, or other needs. It is about giving equal access and opportunities to all persons and eliminating discrimination and intolerance (that is, removing the barriers to inclusion). There are business, legal, and moral cases for inclusion, but there is

also a biological need to be included as, without it, we feel vulnerable.

The Irish Centre for Diversity considers inclusion to have six components which are collectively known as 'FREDIE'. The following slides provide an explanation as to the concept of FREDIE.

## FREDIE! – the full picture

- Fairness**
- Respect**
- Equality**
- Diversity**
- Inclusion**
- Engagement**

The 6 parts of an inclusive work-place culture

IRISH CENTRE FOR DIVERSITY | Investors in Diversity

## The full picture – a survival instinct

# FREDIE!

IRISH CENTRE FOR DIVERSITY | Investors in Diversity

## *FREDIE and an inclusive workplace*

- **Fairness** for all is a reality
- **Respect** for all is the norm
- **Equality** of opportunity for all is embedded
- **Diverse** employees feel that they belong
- **Inclusive** behaviors are wide-spread..
- **Engaged** - emotional **connections**

IRISH CENTRE FOR DIVERSITY | Investors in Diversity

## Your 7 emotional triggers and FREDIE

### FREDIE!

Fairness  
Respect  
Equality  
Diversity  
Inclusion  
Engagement



### BISFACTS

Belonging  
Inclusion  
Self  
Fairness  
Autonomy  
Certainty  
Transcendence  
Security

## DEI is only 1/2 of the Picture

Get **FREDIE** right and you will get **culture** right

Get the **culture** right and you will significantly enhance your ability to deliver on your **strategy**.



## Yes really!

- If just 10% more employees feel included, the company will increase work attendance by almost one day per year per employee.
- Engaged employees perform at 20% better than those not so engaged.
- Estimated recruitment, training and development costs between 41% -241% of annual remuneration
- Highly engaged employees 87% less likely to leave their job.
- Customer loyalty is directly related to sales per customer





## INVESTORS IN DIVERSITY

The Irish Centre for Diversity developed 'Investors in Diversity', Ireland's only equality, diversity, and inclusion (EDI) mark for Irish businesses.

The *Investors in Diversity EDI Mark* offers a clear and structured framework to transform culture. It provides organisations with the help and guidance they need to make progress with EDI, taking a cohesive approach to building a more inclusive, equitable, and diverse organisation. The framework, built on a tested model of best practice, provides cutting-edge tools and services

to measure and inform your organisation on workplace fairness, respect, equality, diversity, inclusion, and engagement (FREDIE). It ensures you understand the steps and actions needed to make progress and improve your workplace culture.

Read more about the Investors in Diversity mark **here**.

Irish Centre for Diversity contact details:  
**www.irishcentrefordiversity.ie**

**T: 051 348 340**

**E: enquiries@irishcentrefordiversity.ie**

## Some companies we work with



## PRESENTATION 6

**Michelle Ní Longáin**, former Law Society president and partner at ByrneWallace

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### *Discussion on the Law Society's Dignity Matters report*

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During her presentation, Michelle spoke about the findings within the Law Society's *Dignity Matters* report and the action taken to date by the Law Society to implement the report's recommendations. Information on the report, resources, and supports available from the Law Society are outlined below.

#### INTRODUCTION

Following the stark findings of the International Bar Association (IBA) report *Us Too? Bullying and Sexual Harassment in the Legal Profession*, which found significantly high levels of misconduct globally across the legal profession, and upon the passing of a motion at the Law Society's 2020 Annual General Meeting, it was decided to commission a profession-wide survey in similar terms to that carried out by the IBA on bullying and sexual harassment. The aim of the study was:

- To provide an objective assessment of the current work environment as it relates to bullying, harassment, and sexual harassment in the solicitors' profession in Ireland, and
- To provide recommendations to the solicitors' profession on how to tackle bullying, harassment, and sexual harassment and best prepare for challenges ahead, as guided by the IBA *Us Too?* report recommendations.

The key findings reported by respondents in the *Dignity Matters* survey include:

- One in three women (2.9) and one in two men



- (2.3) experienced bullying,
- One in two women (2.3) and one in nine men (8.6) experienced harassment,
- One in two women and one in eight men (8.3) experienced sexual harassment,
- A consistent majority did not report their experience of bullying (73%) or harassment (71%), with this figure rising to 91% for experiences of sexual harassment,
- Insofar as respondents were aware, reporting resulted in no sanctions for the persons who engaged in 88% of bullying incidences, 89% of harassment, and 78% of sexual harassment,
- The most prominent reason provided by respondents for not reporting bullying (70%), harassment (76%), and sexual harassment (49%) was the profile/status of the person who engaged in these behaviours,
- Experience of bullying (46%), harassment

(50%), or sexual harassment (21%) has contributed to respondents leaving their workplace.

The Law Society has embarked on an ambitious, evidence-based programme of change to foster a culture of dignity, respect, and inclusivity in the solicitors' profession. The findings show unacceptable levels of bullying, harassment, and sexual harassment; significant underreporting of incidents; and limited consequences for those who have engaged in these behaviours. These findings, while troubling, are a collective call to action to reaffirm the Society's commitment to eliminating behaviour that has no place in the legal profession.<sup>3</sup>

The future of the solicitors' profession is more inclusive and has more diversity in leadership roles. This requires a professional culture grounded in dignity and respect. As part of the Law Society's commitment to improving gender equality, diversity, and inclusion in the profession, the Society is prepared to take further action to continue this journey. Bullying, harassment, and sexual harassment are present in all professions and industries. It is important to identify the issues and then take action, and we hope the Society's efforts will encourage others to do the same.<sup>4</sup>

Some of the recommendations contained in the *Dignity Matters* report include:

- Raising awareness of the issues and their impact in order to normalise the conversation,
- Implementing and revising policies and standards so they are active and meaningful,
- Providing regular and customised training,
- Increasing dialogue and sharing best practice

- across the legal professions and other sectors,
- Underlining the importance of leadership and ownership of positive workplace behaviours,
- Exploring flexible reporting models, and
- Engaging with younger and diverse members of the profession.

The Law Society has and will continue to address in a proactive way the issues raised in the report through a range of member supports, including the establishment of the Law Society's Psychological Services, which serves members and trainees throughout the legal lifecycle. This service will coordinate a range of clinically informed education, support, and communication supports for solicitors, trainees, and legal workplaces. An online Professional Wellbeing Hub is available, with signposting to independent resources, mental-health supports, training, mentoring, and charters to support workplace efforts to stamp out this type of behaviour.<sup>5</sup>



*“All solicitors have the right to a safe working environment, as do all workers in every occupation, free from the prospect of negative workplace experiences. [The Law Society] will work with our members to eliminate behaviour that does not align with the values of integrity, trust and respect that are the foundation of our profession.”*



<sup>3</sup> Law Society of Ireland, 'Law Society takes action to address bullying, harassment and sexual harassment in the solicitors' profession'.

<sup>4</sup> *Law Society Gazette*, 'Enough is enough' (5 November 2021).

<sup>5</sup> *Law Society Gazette*, '[Law Society tackles bullying, harassment, and sexual harassment in the solicitors' profession](#)' (20 October 2021).

## AVAILABLE SUPPORTS

### Law Society Psychological Services

The Law Society has committed to addressing the findings of the *Dignity Matters* report through training and support and by setting up an expanded **Psychological Services** system of supports for solicitors in March 2022. The growing Psychological Services team has been the driving force behind the implementation of many of the *Dignity Matters* report's recommendations. Contact the team by emailing [ps@lawsociety.ie](mailto:ps@lawsociety.ie).

### Dignity at Work Toolkit

Law Society Psychological Services has created a 'Dignity-at-Work Toolkit' in response to the *Dignity Matters* report findings. The toolkit offers legal organisations practical information on the prevention, intervention, and resolution of dignity-at-work issues. It details best practice approaches to creating safe, healthy, and respectful workplaces. The toolkit also provides step-by-step guidance for creating dignity-at-work policies for all sized teams and legal organisations.

Download the toolkit [here](#).

### Dignity Matters video

The Law Society has created a *Dignity Matters* video to raise awareness of dignity-at-work issues in the solicitors' profession. The video was created to generate reflection on the underlying psychology of behaviours such as bullying, harassment, and sexual harassment in the workplace. It also looks at the impact of these behaviours on an individual or team and shares ideas about how we can build positive work environments.

Watch the full video [here](#).

## Three-part information series

A three-part information series addressing the *Dignity Matters* report recommendations was provided to members of the solicitors' profession in June 2022. Subject-matter experts presented practical information and tools to help individuals and firms prevent and manage dignity at work issues.

- Bullying, harassment and sexual harassment: the law and what an employer needs to know (available [here](#)),
- Bullying, harassment and sexual harassment: prevention is better than the cure (available [here](#)),
- Bullying, harassment and sexual harassment: intervention once a complaint is raised (available [here](#)).

## LegalMind

LegalMind is a subsidised and confidential mental-health and counselling support service for all Law Society members, practising certificate holders, and post-PPC trainees. The service is provided independent to the Law Society. The support is available across Ireland and offers 24/7 in-the-moment support to solicitors and their dependants.

Supplementing the **Dignity-at-Work Toolkit**, a dignity-at-work contact point is now available through the LegalMind service to provide specialist information and supports relating to bullying, harassment, and sexual harassment at work.

Additional information on LegalMind is available [here](#).

# SESSION 3 – WORKSHOPS



During registration the morning of the conference, delegates were provided with a short synopsis of each workshop and invited to attend their workshop of choice after lunch. The workshops focused on a range of different topics. Participants ranged from eight to 30 persons, depending on the workshop. The sessions were deliberately kept to small groups in order to create a space where delegates could ask questions and raise concerns that they may not be comfortable doing within the main conference hall.

Given that many participants may have first-hand experience of bullying, harassment, and sexual

harassment, the Human Rights and Equality Committee felt it was important for the voices of delegates to be heard, to encourage discussions among speakers and delegates, and to foster information sharing so that both parties could learn from each other those around them. The purpose of the workshops was to create a safe environment where this could occur.

This section provides a general overview of the workshops and any circulated materials.

**Many aspects of the workshops have been excluded to respect the privacy of participants.**

## SUMMARY OF WORKSHOPS

Deirdre Curran and Ray Flaherty	Using a part-truth/part-fiction case, the presenters outlined key lessons from their combined six decades of academic/applied experience of workplace bullying. Participants were challenged to consider the human impact of bullying and their role in promoting a zero-tolerance approach.
Mary Duffy	Impact of negative work environments on professional practice.
Thomas McCann	What needs to happen for human rights to become a reality for the Traveller community?
Máille Brady Bates	An exploration of the obstacles presented by the current legal framework for addressing workplace sexual harassment and a consideration of what practical and legal reforms could be made to bridge these gaps. As well as considering the overlap between sexual harassment and occupational health and safety, participants looked at broader ideas of anonymous reporting apps, access to an information helpline, and other support services. Participants were encouraged to explore creative and holistic solutions to addressing workplace sexual harassment on a micro and macro scale.
Solat Chaudhry	Margin for error, margin for forgiveness, and margin for reasonable disagreement: a modern-day workplace predicament.

## WORKSHOP 1

Deirdre Curran and Ray Flaherty

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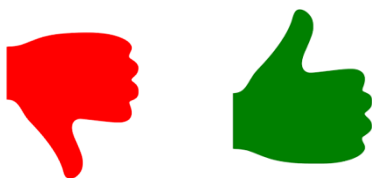
### The human impact of bullying and promoting a zero-tolerance approach

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Using a part-truth, part-fiction case, the presenters drew out key lessons from their combined six decades of academic and applied experience of workplace bullying. The audience were challenged to consider the human impact of bullying and their role in promoting a zero-tolerance approach.

Participants were presented with a case study of a workplace bullying scenario and asked to provide their views on the situation and to consider whether the outcome was satisfactory. As can be seen in the case study below, there were a range of different factors that must be taken into consideration when developing their response.

Each participant was provided with one red and one green thumb, which they were asked to raise depending on whether or not they agreed or disagreed with certain questions posed by the facilitators, based on the information provided in the case study.



**Full case study available at Appendix 4**



## WORKSHOP 2

Mary Duffy, Law Society  
Psychological Services

### The importance of protecting your mental wellbeing at work and the impact that negative work environments have on individuals, teams, and organisations

Participants were presented with findings from research conducted within the legal profession, particularly in relation to workplace bullying and harassment, and considered factors that could contribute to healthy workplace environments.

The research presented included:

- **International Bar Association (2021)**, *Mental Wellbeing in the Legal Profession: A Global Study*,
- **International Bar Association (2019)**, *Us Too? Bullying and Sexual Harassment in the Legal Profession (2019)*,
- **Law Society of Ireland (2021)**, *Dignity Matters report*.

### MENTAL WELLBEING IN THE LEGAL PROFESSION: A GLOBAL STUDY – MAIN FINDINGS

#### Main findings from surveys



##### Impact of stigma:

41 per cent would not discuss mental wellbeing concerns with their employer for fear it may have a negative impact on their career.

##### Lack of training:

82 per cent of institutions say they take mental wellbeing seriously – only 16 per cent provide training for senior management.



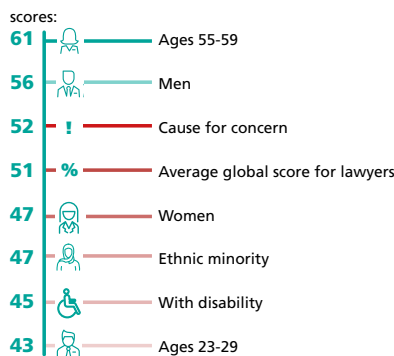
**1 in 3** say their work has a negative, or extremely negative impact on their wellbeing



##### WHO-5 Mental Wellbeing Index Scores:

This World Health Organization scale allows comparisons across groups, regions, and with previous studies. For an individual, a score below 52 per cent is an indicator for a health professional to screen for depression, and suggests a more formal assessment of mental wellbeing problems is warranted. The average overall score of respondents to the IBA Survey of Individuals was 51 per cent.

##### Discrepancy in Wellbeing Index scores:



##### Reasons why people don't speak out:



**32.1%**  
Fear of being treated differently as a result



**24.1%**  
Employer does not sufficiently recognise mental wellbeing issues



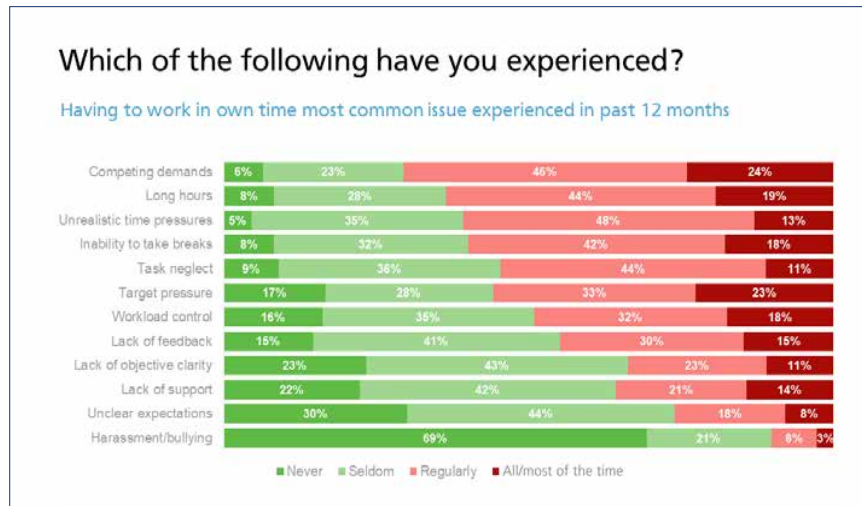
**17.2%**  
Fear of not being believed/taken seriously



**28% want to see improved workplace culture:**  
to create a culture of mutual respect and address poor behaviour.

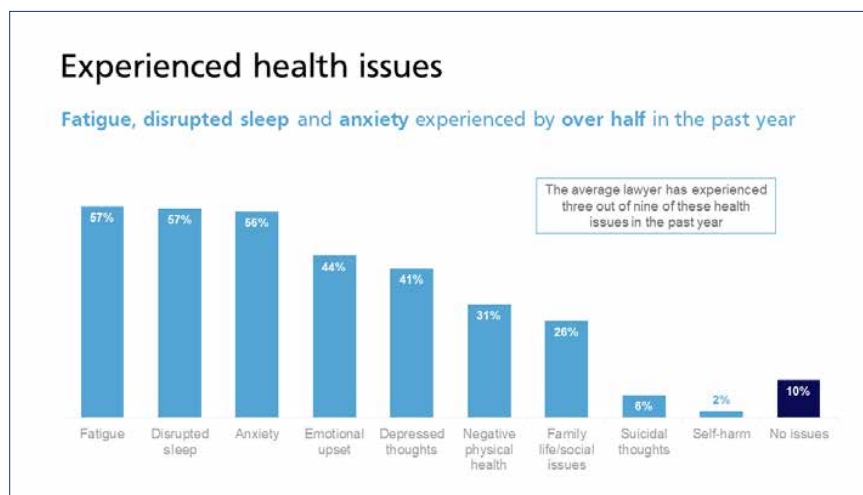
## Everyday issues in legal workplaces

Respondents were asked to identify a number of specific issues they had experienced in their roles as legal professionals over the past 12 months. The most commonly cited issues experienced included competing demands, long hours, unrealistic time pressures, and inability to take breaks. The report notes that the specific issues most commonly identified also appear to be the more tangible manifestations of broader work/time pressures, such as ‘unclear expectations’ and ‘lack of support’.<sup>6</sup>



## Impact on Health

Respondents were asked to outline health-related issues experienced as a result of work (see figure 10). The report notes that fatigue and interrupted sleep were most commonly experienced (57% of respondents), with anxiety close behind (56%). Only 10% identified experiencing no issues at all. The 11% of respondents experiencing bullying and harassment either regularly or all/most of the time were more than three times more likely to experience suicidal thoughts, and seven times more likely to self-harm, than respondents who had never or seldom experienced bullying and harassment. The most likely group to report experiencing work and health-related issues as a consequence of poor levels mental wellbeing were 25 to 34-year-olds, as were associates, females, ethnic minorities, and respondents with disabilities. Such issues were reported as being less commonly experienced by those who were older.<sup>7</sup>



<sup>6</sup> International Bar Association (2021), *Mental Wellbeing in the Legal Profession: A Global Study*, p36.

<sup>7</sup> Ibid, pp39-40.



## Statistics: the largest-ever survey on bullying and sexual harassment in the legal profession



### Respondents were:



**67% female** **32% male** **0.2% non-binary/self-defined**

From across the spectrum of the legal profession: law firms, in-house, barristers' chambers, judiciary, government.



**Bullying is rife in legal workplaces, affecting:**

**1 in 2 female respondents and 1 in 3 male respondents.**



**Sexual harassment is also common, with:**

**1 in 3 female respondents and 1 in 14 male respondents** having been sexually harassed in a work context.



**More needs to be done.** Of respondents' workplaces, **53% had policies and 22% undertook training** to address bullying and sexual harassment.

**Targets do not report. In:**

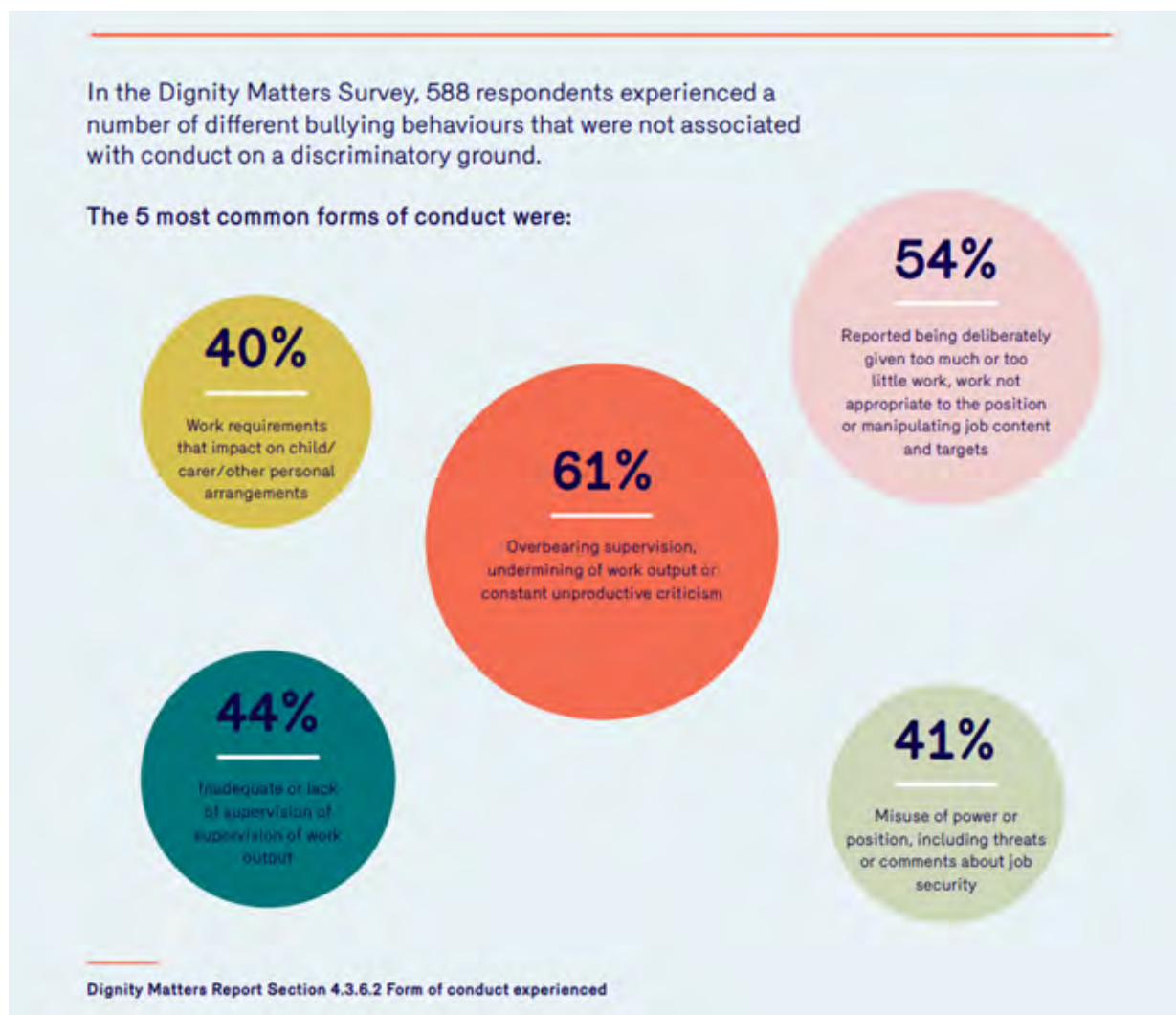


**57% of bullying cases and 75% of sexual harassment cases,** the incident is never reported.



**Targets don't report due to:** the status of the perpetrator, fear of repercussions and the incident being endemic to the workplace.

### Bullying conduct



### Harassment conduct

Of the respondents who experienced harassment, the 5 most common types of conduct experienced were:

58% - work requirements that impact on child/care/other personal arrangements, eg. Early morning meetings, late working, requirement to answer emails while not at work etc.

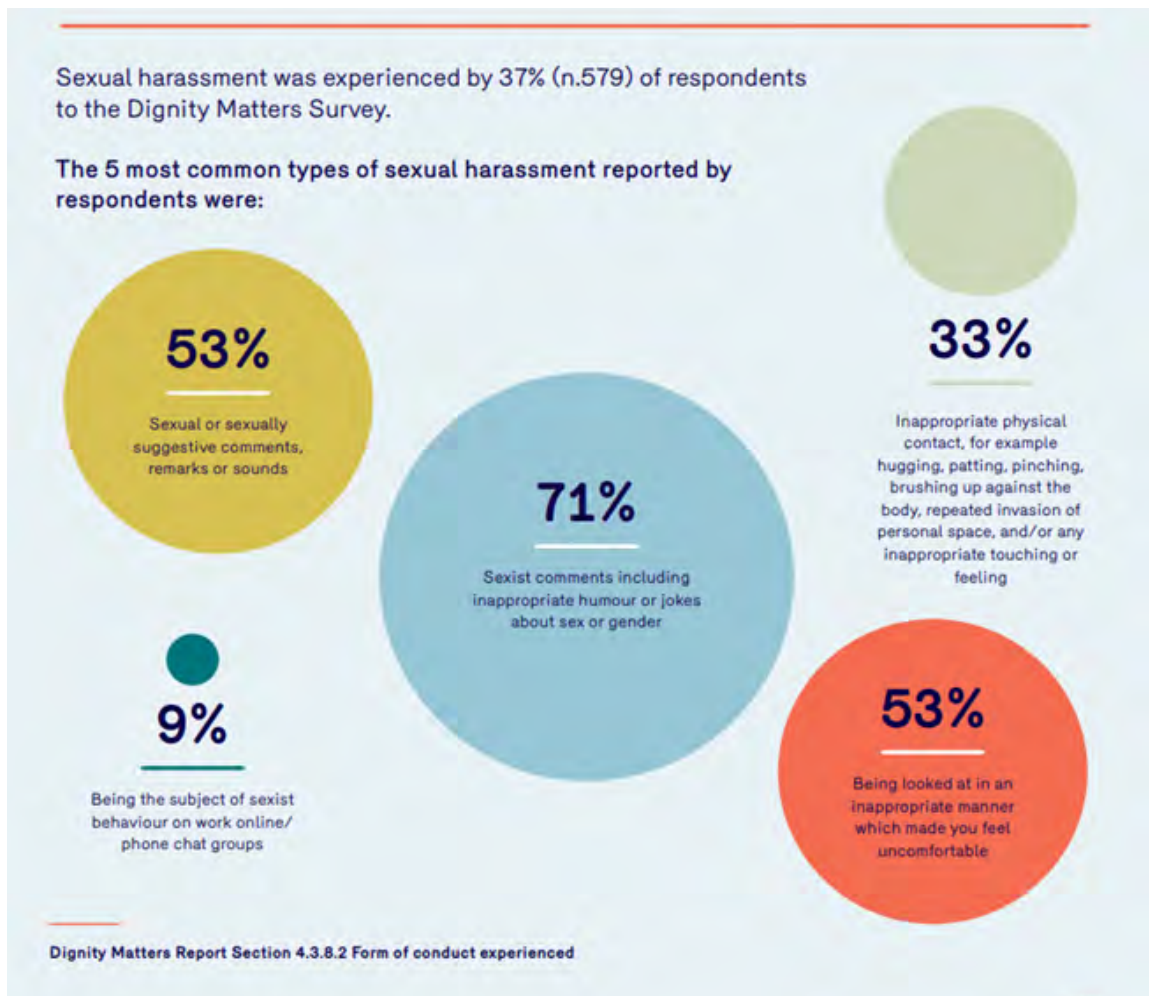
66% - Deliberately given too much or too little work, work not appropriate to the position or manipulating job content and targets

51% - misuse of power or position, including threats or comments about job security

58% - overbearing supervision, undermining of work output or constant unproductive criticism

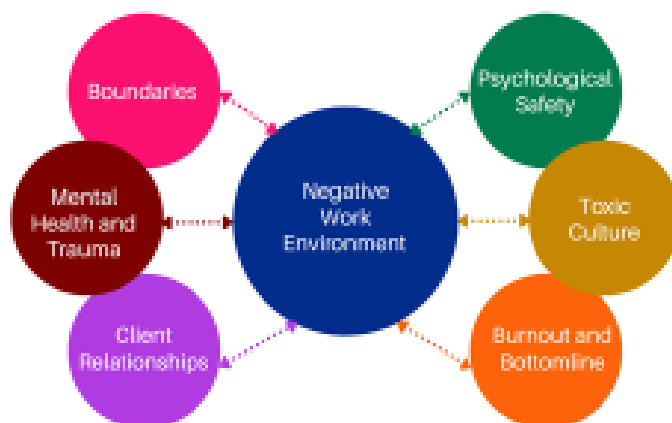
57% - verbal abuse/insult, including offensive jokes or comments, ridiculing or demeaning language, shouting or spreading malicious rumours

## Sexual harassment conduct



## Impact of negative workplace environments on professional practice'

# Impact on Professional Practice



SOCIETY  
PROFESSIONAL TRAINING  
Centre of Excellence for  
Professional Education and Ongoing Learning



## GROUP DISCUSSIONS

Following the presentation, participants were split into small groups to discuss their reflections on the report's findings, their experiences of negative workplace environments, and the main factors that contribute to such environments.

Key issues highlighted during the discussions included:

- The terms 'bullying' and 'harassment' are often used interchangeably in organisations. However, there are notable differences. An overview of the legal frameworks and key pieces of legislation underpinning dignity-at-work matters can be found in the Law Society's **Dignity-at-Work Toolkit**.
- Importance of establishing a culture of 'upstanders' (witnesses to bullying and harassment who respond to the situation) rather than 'bystanders' (witnesses to bullying and harassment who do not respond to the situation).
- With high workload, deadlines, and client demands, it can be difficult to establish and maintain boundaries in personal life. Learning to set healthy boundaries and using clear communication can help to frame expectations with clients
- The importance of creating psychological safety in workplaces, where people feel safe to voice their concerns, ask questions, make

mistakes and look for support. Workplaces can support this by offering more opportunities for feedback and regular 1:1 check-ins.

- Importance of having good inductions to workplace policies for new staff members to establish better practice.
- Specifically in the legal profession, billable hours can create pressure on employees to work longer hours, particularly where there is a culture of 'only billable hours count'. A focus on contribution and outputs could better support wellbeing and mental health.
- Key to an effective policy is to ensure there is a culture of commitment to the values underpinning the policy from all members of the organisation.
- Employers should consider undertaking regular surveys to help monitor employees' experiences of dignity at work within the organisation to provide a deeper understanding of the lived experience. This knowledge could then be used to inform evidenced-based training programmes to foster healthier workplace cultures. Sample surveys can be found in the Law Society Dignity-at-Work Toolkit.

## RESOURCES:

- Dignity-at-Work **Toolkit**,
- Dignity Matters **report**,
- Law Society Psychological Services **website**.



## WORKSHOP 3

### Thomas McCann

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### What needs to happen for human rights to become a reality for the Traveller community?

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Participants were invited to contribute in a round-table discussion on how to bring about change for a more inclusive society for the Traveller community. Thomas provided a background on the historical relationship between Travellers and settled people in the past, drawing on evidence from the 1963 *Report of the Commission on Itinerancy*, as discussed during his presentation. Participants were invited to ask different questions during the workshop, and the responses provided by Thomas are outlined below.

*Please note again that the responses are not verbatim and have been provided by note-takers.*

#### 1. How do we change?

Thomas noted that, although consultations are useful, what is needed is real and meaningful partnership. Travellers know the solutions most suited to them, but do not have access to adequate resources to implement these solutions.

Thomas gave the example of the 2006 report of the Expert Group on Mental Health Policy, *A Vision for Change*, which contained measures to improve mental health among the Traveller community. These measures have still not been implemented 16 years later. He noted that the current *Programme for Government* contains a Mental Health Action Plan for Travellers but, again, this has not yet been implemented.



#### 2. How can we improve the provision of housing for Travellers?

Thomas outlined that, as discussed in his presentation, local authorities are slow to utilise the full budget allocated for Traveller accommodation. He recommended that an independent body be established to manage Traveller-specific accommodation.

#### 3. Are there any examples where Governments have fostered good relations with indigenous populations?

There has been communication between Traveller and Roma representative groups and the Aboriginal Community, Maoris, First Nations People, and other nomadic and indigenous people. While the Sámi people have their own parliament and university, they also experience their own issues in their respective regions. Although some ethnic minority groups have been campaigning for longer and are slightly

ahead of Irish Travellers in accessing their rights, the issue of 'rights on paper' not translating to rights actually enjoyed is common across most countries.

#### **4. What are the main issues faced by Travellers in accessing employment?**

Access to employment is a major issue for Travellers, believed to be primarily as a result of racism. Barriers to employment can include an individual's name, an address known to be an area resided by the Traveller community, or perhaps not having access to any address.

Interviews can also pose a problem, as employers are then immediately aware that the applicant is the member of the Traveller community. Thomas outlined how Travellers frequently feel they have to hide their identity in order to gain employment, due to common experiences of exclusion, being ignored, being appointed menial tasks, or being let go once their Traveller identity is disclosed. As a result, the majority of Travellers in employment are employed by Traveller organisations.

In cases where Travellers do not disclose their identity, they often witness remarks by colleagues towards Travellers, including unwritten policies implemented by employers (such as denying entry or not serving Traveller customers).

The requirement to have passed the Leaving Certificate can also act as a barrier to employment, as many Travellers leave school before sitting the exams. Thomas outlined that alternative pathways to employment need to be created, and more apprenticeships should be made available to increase employment for the Traveller community.

#### **5. Should early school-leaving among the Traveller community be addressed to remove this barrier to employment?**

There are many different approaches to education within the Traveller community, with some families opting for more traditional ways of teaching, while others encourage their children

to attend mainstream school. In some cases, there may be a fear of losing Traveller culture if children continue in mainstream education. Thomas noted that educational deficit begins in primary school, making secondary school extremely difficult.

Reduced timetables are a big issue, with some Traveller children being marked as present in school despite being sent home after one or two hours in some cases. This occurs across Ireland, with behavioural issues usually provided as the reason. He noted that there are a disproportionate number of Traveller children deemed to have behavioural issues by schools.

Thomas also outlined that there is still an absence of Traveller history or culture in school curriculums. The *Traveller Culture and History in Education Bill 2018* seeks to include Traveller culture and history in school curriculums and, at the time of writing, is currently making its way through Dáil Éireann.

#### **6. Are you in favour of ethnic indicators in policing and other areas?**

Thomas outlined that he believes ethnic indicators are needed across all services to identify gaps in the protection of human rights and provision of services to the Traveller community.

#### **7. What are the main human rights issues facing Travellers today?**

*Representation in Government:* there should be a designated seat in the Seanad for members of the Traveller community.

*Ethnic identifiers:* ethnic indicators are needed across all services to identify gaps in the provisions of human rights and services to the Traveller community.

*Fairness, not favouritism:* structures should be put in place to ensure fairness across all society, not favouritism for any particular group. An Ombudsman for Travellers and Roma and institutional mechanisms would help achieve this.

## WORKSHOP 4

Máille Brady Bates

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The obstacles presented by our current legal framework for addressing workplace sexual harassment and a consideration of what practical and legal reforms could be made to bridge these gaps. As well as considering the overlap between sexual harassment and occupational health and safety, we will look at broader ideas of anonymous reporting apps, access to an information helpline, and other support services.

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Máille outlined a number of obstacles currently presented by the Irish legal system when addressing workplace sexual harassment, and considered the possibility of applying the mechanisms found in health and safety legislation to workplace sexual harassment. Workshop participants were then split into two separate groups, each given a topic to discuss.

### GROUP 1

Group 1 was invited to explore the idea of workplace sexual harassment as a health and safety issue and identify what mechanisms could be used. The group identified the following points and suggestions:

- *Imposition of fines:* The non-compliance with health and safety regulations can result in fines against employers and employees. Such measures could be implemented against employers for failing to provide a safe workplace environment or for the non-



- enforcement of policy on workplace sexual harassment.
- *Mandatory training:* Health and safety regulations require employers to provide mandatory training to employees in certain areas, depending on their area of work (such as manual handling, fire safety training, etc). Mandatory training on workplace sexual harassment could be implemented across all workplaces, similar to those required under health and safety. This could help move prevention away from an individual-driven system and instead become an obligation imposed on the employer.
- *Inspections:* Random and targeted inspections could be conducted to identify risks of sexual harassment in the workplace, particularly in high-risk places of employment. This

could include unplanned interviews with staff members across different levels or departments, an assessment of the actual implementation of policy on workplace sexual harassment, and a review of the internal complaints procedure.

## GROUP 2

Group 2 was invited to discuss how sexual harassment could be mitigated or prevented by using alternative reporting mechanisms. The group identified the following ideas:

- *Designated contact person:* A less formal, more approachable reporting mechanism could be the introduction of ‘designated contact persons’ (DCP) that employees could speak to if they experience or witness workplace sexual harassment. The DCP should be independent of management and able to inform the employee on the formal complaints process and supports available if they wish to submit a formal complaint of sexual harassment.
- *Anonymous reporting platforms:* An anonymous reporting app or platform could be introduced that is accessible to all staff who wish to report an experience of workplace sexual harassment. The app must clearly outline the procedure of investigating such complaints and provide information on supports available to staff.
- *Open disclosure policy:* Consideration of adopting an open disclosure policy, similar to that implemented by the Health Service Executive, which allows medical staff to disclose, discuss, and apologise to patients/family for any medical errors in the course of healthcare delivery. This procedure allows for the patient’s voice to be heard and for

responsibility to be taken. It was suggested that a similar procedure could be considered in workplace environments where sexual harassment has occurred.

- *Mandatory sexual-harassment training:* Mandatory training on workplace sexual harassment could be implemented in Ireland. Currently, there is a cost of attending training and conferences on the topic (such as missed work hours, family time, etc) and many training events are optional, which results in attendance by only select persons. In addition, younger trainees and new employees tend to get more training on bullying and harassment than do long-standing employees. The Government of India enacted the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013*, also referred to as the POSH Act. Under the act, any company/organisation with more than ten employees should have mandatory POSH training for all employees and employers to understand, recognise, and prevent sexual harassment in the workplace.
- *Standardised approach to sexual harassment complaint mechanisms:* Internal in-house investigations into workplace sexual harassment, particularly within large corporations, can, at times, be very invasive to the complainant. In order to ensure a research-driven, person-centred, consistent approach to investigations, a potential solution would be the implementation of a national standardised approach to investigations of sexual harassment complaints.



## WORKSHOP 5

### Solat Chaudhry

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### Margin for error, margin for forgiveness, and margin for reasonable disagreement: a modern-day workplace predicament.

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Workshop participants were split into two separate groups, with each group presented with a different story. The stories contained the same scenarios, but from the perspectives of the different individuals involved. The groups were then presented with a list of questions to consider and were asked to present their findings.

The purpose of the task was to identify the six parts of an inclusive environment using the 'FREDIE' framework as discussed by Solat during his presentation. Participants were also asked to identify the prevalence of any emotional triggers.

*Please be aware that the following extracts from the workshops may contain offensive language, as used by the facilitator to demonstrate the level of abuse committed within the case study.*

#### GROUP 1 STORY

Debbie, Ravinder, and Julia all work together in a small office. Julia is their line manager. A conflict has arisen in which Debbie and Ravinder believe that they are being picked on by Julia.

They think that Julia is a hard taskmaster. They think that she is always nit-picking and that she picks on them just because she is jealous because they, as women from a younger generation, haven't had to put up with what Julia has in terms of sexism. They feel that Julia resents them for that.



Julia has made several comments along the lines of: "Back in the day, women didn't get all privileges you lot have had. We had to work hard to get every inch in the workplace. You young twentysomethings just flutter your eyelashes at the men having mid-life crises. You are just like my daughters – it's all self, self, self."

They feel that Julia has the ear of Mel, who is the overall boss. They do not like Julia, and they feel that it is better that they stay out of her way so as not to invite criticism. Both are on verbal warnings (initiated by Julia) for performance issues. They both feel under siege, and have both started to look elsewhere for jobs.

They think that Julia is looking for an excuse to

sack them. They feel harassed. They are not sure what their rights are, and they have never seen a harassment policy and don't know if one exists. They are too afraid to ask.

#### Points to cover in your feedback:

- 1) What is the difference between harassment and bullying?
- 2) Who, if anyone, is being bullied?
- 3) Who, if anyone, is being harassed?
- 4) Is there discrimination taking place and, if so, under what grounds?
- 5) Do you think they should deal with it or ignore it?
- 6) There is a code of conduct that makes it against the rules to be abusive to or about anyone. So what should be done next?

#### GROUP 2 STORY

In general team meetings, Julia feels undermined and bullied. Debbie and Ravinder sit at the back sniggering and whispering to each and scribbling messages to each other. Julia feels that she is being bullied upwards. She has complained to Mel, her immediate line manager, but Mel just says to ignore them. Julia feels that Mel flirts with the pair and favours them because of a craving for their attention.

Julia feels Debbie and Ravinder are both slacking and are not pulling their weight. All objective performance measures show that Julia is justified in her thinking. Many of Debbie and Ravinder's team also have mentioned to Julia that they are not pulling their weight.

Julia has been trying to address their performance issues and has been speaking to them about the quality of their work and their attitude.

She has weekly meetings with them both. She tries to encourage the pair by saying: "Come on, a lot of women have had to work hard in the past and made some real sacrifices so that younger women have the opportunities that you have in front of you. I want you to do well. You have real potential but, to get on, you have to work hard and not think that fluttering your eyelashes at middle-aged folk is going to help you get on."

It feels as if Julia is coming up against a brick wall of denial, and they accuse her of picking on them both. Julia's one-to-one meetings with the pair feel adversarial. Julia feels that the pair are bullying her.

Once, when Julia stepped out of a team meeting for a couple of minutes, Debbie made derogatory comments about Julia's sexuality. Debbie and Ravinder presume that Julia is in a same-sex relationship with Sarina because they live together.

Another colleague tells Julia what was said. Julia is upset and feels as though the bullying is out control.

#### Points to cover in your feedback:

- 1) What is the difference between harassment and bullying?
- 2) Who, if anyone, is being bullied?
- 3) Who, if anyone, is being harassed?
- 4) Is there discrimination taking place and, if so, under what grounds?
- 5) Do you think they should deal with it or ignore it?
- 6) There is a code of conduct that makes it against the rules to be abusive to or about anyone. So what should be done next?

## PANEL DISCUSSION

The final session involved a panel discussion, where speakers were invited to report the main topics discussed during the individual breakout rooms and to answer any questions in relation to same. Diego Gallagher, member of the Human Rights and Equality Committee, chaired the discussion. Each speaker was asked to describe the concept of their workshops and to highlight any themes that arose. The main themes that consistently arose throughout the conference are discussed below.

## KEY POINTS FROM THE CONFERENCE

### 1. Significant levels of workplace bullying, harassment and sexual harassment

Reports referenced by speakers consistently indicated significant levels of workplace bullying, harassment, and sexual harassment.

In particular, Máille Brady Bates cited findings of up to 75% of respondents in a 2018 Dublin Rape Crisis Centre survey experiencing sexual harassment, primarily within the workplace. Prof Yseult Freeney outlined how bullying affects at least one-third of workers, either directly or from bearing witness to workplace bullying, while Dr Deirdre Curran's study found that 77% of respondents reported experiencing verbal abuse sometimes/often, and almost 64% of respondents reported experiencing psychological abuse sometimes/often when working in the hospitality sector. Furthermore, the *Dignity Matters* report found that one-in-three women and one-in-two men experienced bullying, one-in-two women and one-in-nine men experienced harassment, and one-in-two women and one-in-eight men experienced sexual harassment.

Evidently, much more needs to be done to effectively tackle workplace bullying, harassment, and sexual harassment. Organisations must take meaningful action to understand the causes of such acts among its workforce and ensure that effective reporting mechanisms and supports are available to all colleagues if they experience, or bear witness to, bullying or harassment.

### 2. Non-reporting of bullying, harassment and sexual harassment

The issue of non-reporting of instances of bullying, harassment, and sexual harassment consistently arose throughout the conference. As discussed by Máille Brady Bates, the Dublin Rape Crisis Centre survey found that over 80% of respondents who experienced sexual harassment did not report their experience. This was primarily due to fear of the consequences of reporting, not being believed, or fear of being judged. These findings are reflected across the board, including in applications before the Workplace Relations Commission.

In the *Dignity Matters* report, the most common reason for not reporting was the profile/status of the perpetrator, resulting in many individuals deciding to leave their workplace rather than submit a formal complaint. Other common themes specific to the legal sector included fear for the future of their careers, not having anyone to contact when the perpetrator was the principal of the firm, a belief that no action would be taken on foot of a complaint, or being seen as humourless or as not a team player.

### 3. Need for reform

The significant levels of non-reporting of experiences of workplace bullying, harassment, and sexual harassment highlights the ineffectiveness of existing reporting mechanisms and the shame and stigma associated with these issues. Speakers noted the need for reform of existing reporting mechanisms to ensure they are independent, easily accessible, non-biased, and provide support throughout the complaint process.

Dr Deirdre Curran spoke about the need to listen to the voices of employees when considering reforms: "Hospitality workers know how to improve their work environment and they have some excellent insights." Although this was in the context of the hospitality industry, it applies across all workplace settings.

Máille Brady Bates presented the idea of leveraging existing employment law mechanisms and applying them within the context of sexual harassment. In particular, she discussed how the Health Service Executive (HSE) implements an **Open Disclosure Policy** that involves open, honest, transparent, and timely communication with patients and/or their relevant person when something goes wrong in healthcare delivery. This includes an apology or expression of regret, if appropriate in the situation, which must be sincere and personal to the patient and/or their relevant person. This procedure allows for the patient's voice to be heard and for responsibility to be taken. It was suggested that a similar procedure could be considered in workplace environments where sexual harassment and abuse has occurred.

The *Dignity Matters* report noted that “the presence of policies, procedures, or training did not appear to be having the impact required to achieve change, with respondents at workplaces where formal supports existed appearing just as likely to be bullied or sexually harassed as those without formal supports”. The report endorsed a recommendation by the International Bar Association of introducing a multifaceted approach to reporting, and further suggested that all employees should be aware of a contact from whom they can receive unbiased information about reporting processes in order to enable a decision to report in the first place. The report recommends employees should have a choice of reporting mechanisms that are sufficiently varied to cover the majority of situations, including external reporting independent from the organisation's hierarchy.

#### 4. Creating an environment where individuals feel empowered to stand up for others without fear of repercussions

The theme of toxic workplace environments was central to the conference, as speakers confirmed

that the presence of bullying, harassment, and sexual harassment in the workplace can lead to an overall toxic workplace environment that can have an impact on staff wellbeing and productivity. For example, respondents in the *Dignity Matters* report cited a “toxic work environment [and/or] endemic culture of acceptance” as one of the reasons they believed they experienced harassment in the workplace. Such behaviours included overbearing supervision, undermining of work output or constant unproductive criticism, verbal abuse/insult (including offensive jokes or comments, ridiculing or demeaning language, shouting or spreading malicious rumours), and misuse of power or position, including threats or comments about job security.

Mary Duffy (Law Society Psychological Services) discussed the importance of providing individuals with frameworks and having clear and accessible definitions of what bullying and harassment are, so that they can recognise it when it occurs. Senior staff members within workplace environments must also lead by example, and they should be involved in conversations around workplace bullying, harassment, and sexual harassment. This can help create an environment where all staff feel comfortable in speaking up when they experience or witness workplace misconduct and feel that their voices will be heard.

Prof Yseult Freeney spoke about psychological safety at work being essential to guiding change within toxic cultures. She noted that people need to be confident speaking up, sharing concerns, and challenging questions, and staff need to be allowed to be their ‘true self’ at work and have their ideas and opinions respected, and not feel like they must ‘wear a mask’. This is also important in allowing employees to be comfortable reporting mistakes.

## 5. Discrimination faced by the Traveller community

Thomas McCann discussed how organisations are reflective of wider Irish society, both of which have a history of excluding members of the Traveller community. Travellers have significant high rates of unemployment, standing at 80.2% according to the **2016 census**. Of the Travellers in employment, the majority are employed by Traveller organisations. As such, Thomas pointed out that it is difficult to discuss the experiences of the Travellers in the workplace, due to the significant barriers they face in access to employment in the first place.

Such barriers to employment are plentiful – including racism, discrimination, early school-leaving, and the lack of alternative pathways to employment, such as culturally appropriate apprenticeships. The historical prejudice by the State may also play a factor, as delegates learnt

about the policy of assimilation of the Traveller community (as recommended by the *Report of the Commission on Itinerancy 1963*). The 1963 report recommended the rigorous enforcement of legislation that criminalises the nomadic lifestyle of the Traveller community, which is evident in the current application of the *Housing (Miscellaneous Provisions) Act 2002* (that is, anti-trespass legislation).

Thomas outlined a list of recommendations that may help to improve the situations for Travellers in Ireland, including the establishment of an Ombudsman for Travellers and Roma, an Independent Traveller Accommodation Agency, and proper resourcing of a Traveller Legal Unit. He also suggested the repeal of legislation that disproportionately affects Travellers and the introduction of an ethnic identifier across all public services.







## APPENDIX

[Gallery](#)

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[Conference programme](#)

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[Case Study](#)

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## APPENDIX 1

### Gallery from the Annual Human Rights Conference 2022



Thomas McCann, Solat Chaudhry, and Michelle Ní Longáin



Lebeau Jonker, Gary Lee, Yseult Freeney





Ray Flaherty, Deirdre Curran, and Gary Lee



Diego Gallagher and Alma Clissmann



Mary Duffy



Solat Chaudhry



Law Society President Maura Derivan and Gary Lee



Máille Brady Bates, Yseult Freney, and Deirdre Curran



Máille Brady Bates and Noeline Blackwell (CEO of Dublin Rape Crisis Centre)



Nadia Quinn Sciascia and Thomas McCann

## APPENDIX 2

### Resources and bibliography



#### RESOURCES

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## APPENDIX 3

### Conference Programme



## BULLYING, HARASSMENT AND SEXUAL HARASSMENT IN THE WORKPLACE

20<sup>TH</sup> ANNUAL HUMAN RIGHTS CONFERENCE

Law Society of Ireland's Human Rights and Equality Committee  
in collaboration with Law Society Professional Training

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FRIDAY 18 NOVEMBER 2022  
10AM – 4PM

LAW SOCIETY  
PROFESSIONAL TRAINING

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Centre of Excellence for  
Professional Education and Lifelong Learning



## INTRODUCTION

Bullying, harassment and sexual harassment occurs across all aspects of society and affects all persons regardless of their specific characteristics. It can be particularly prevalent within workplace environments where there tends to be dynamic relationships and power struggles. The Law Society's Dignity Matters report published in October 2021 found "unacceptable levels of bullying, harassment, and sexual harassment in the solicitors' profession; significant underreporting of incidents; and limited consequences for those who have engaged in such behaviour". The Society has been taking significant steps to implement the recommendations contained in the Dignity Matters Report and to provide access to psychological support and training to members of the solicitors' profession and trainees.

This year's Annual Human Rights Conference will explore the topic of bullying, harassment and sexual harassment in the workplace, expanding beyond the legal sector. The aim of the Conference is to provide useful insights and guidance to employers and employees on how to deal with such issues within workplace settings and also within their private lives. This will be achieved through the sharing of case studies, discussions on the destructive impact this causes to workplace environments and staff wellbeing, advice on mechanisms and policies that can be implemented, and supports available to both employers and employees in tackling workplace bullying, harassment and sexual harassment.

Delegates will be provided with the opportunity to participate in breakout rooms where a number of different workshops will take place. The workshops aim to provide a space for delegates to openly ask questions and engage in discussions on topics arising throughout the Conference. The Conference will conclude with an interactive panel discussion and Q&A session. The Conference is organised by the Law Society's Human Rights and Equality Committee in partnership with Law Society Professional Training with the aim of bringing together legal practitioners, members of the judiciary, members of the public, as well as academics, policymakers, human rights and civil society organisations to explore issues around this year's theme.

## THE ANNUAL HUMAN RIGHTS CONFERENCE SERIES

This year marks the 20th anniversary of the Law Society's Human Rights & Equality Committee Annual Conference series. The principal aim of the conference series is to promote awareness of human rights law and practice among both lawyers and the public, and also to encourage consideration of how human rights can be promoted and protected.

## SPEAKERS' BIOGRAPHIES

### DIEGO GALLAGHER, SENIOR SOLICITOR AT THE CHILD AND FAMILY AGENCY (TUSLA)

Diego Gallagher is a Senior Solicitor at the Child and Family Agency (Tusla) and has worked in the area of Child Law since qualifying as a solicitor in 2005. Diego joined Tusla in 2020 having spent 15 years as a solicitor and Partner in the Health and Social Care Department of Byrne Wallace. Diego was the President of the Dublin Solicitors' Bar Association (DSBA) from 2021-22 and is a member of the DSBA Family and Child Law Committee. Diego is also a member of the DSBA working group tasked with the progression of the recommendations contained in the Law Society Dignity Matters Report. Diego is a former member of the Council of the Law Society (2018-2020) and is a current member of the Law Society's Human Rights and Equality Committee.

### GARY LEE, CHAIR OF THE HUMAN RIGHTS AND EQUALITY COMMITTEE

Gary Lee is a member of the Council of the Law Society of Ireland and Chair of its Human Rights and Equality Committee. He is a solicitor in the Office of the General Solicitor for Minors and Wards of Court. Prior to his present position, Gary was Managing Solicitor of Ballymun Community Law Centre. He has extensive experience in Disability Law and Mental Health Law. He has chaired Mental Health Tribunals for the past 16 years and is a former chairperson of the Disability Federation of Ireland. Gary has been appointed by Government to a number of bodies including the National Disability Strategy Implementation Group, the Value for Money Review of Disabilities Services Working Group and the Government Taskforce on Personalised Budgets.

### MÁILLE BRADY BATES, SOLICITOR AND EMPLOYMENT LAW SPECIALIST

Máille Brady Bates is a solicitor and employment law specialist. Having focused her studies on human rights and comparative legal systems at University College London and Trinity College Dublin, Máille gained experience working in the field with the International Red Cross France, the Public Interest Alliance, FLAC, and Human Rights Defenders. Máille qualified as an employment law solicitor with Arthur Cox LLP and practised as a Senior Associate on the Employment Law team. Máille is currently working as Lead Employment Counsel across Europe, the Middle East, Africa and Asia with Meta. Máille co-authored a discussion paper on Workplace Sexual Harassment with the Dublin Rape Crisis Centre which examined gaps on access to justice for victims of sexual harassment and considered potential legal solutions to address these. Máille is a Board Member of Amnesty International Ireland, Voluntary Services International and Member of the Law Society Younger Member's Committee.

### YSEULT FREENEY, PROFESSOR OF ORGANISATIONAL PSYCHOLOGY IN DCU BUSINESS SCHOOL AND RESEARCH FELLOW IN DCU ANTI-BULLYING CENTRE

Yseult Freney is a Professor of Organisational Psychology in DCU Business School, Research Director of the Irish Institute for Digital Business, and member of the DCU Anti-Bullying Centre. She completed her PhD in Psychology in University College Dublin and was awarded an IRC Postdoctoral Research Fellowship. Her research is driven by a passionate interest in employee wellbeing and helping them thrive at work, particularly through positive relationships. Her research contributes to understanding how organisations can foster sustainable work engagement and work-life enrichment for employees against a backdrop of increasing



work intensification. Yseult's publications include *Organization Science*, *Human Relations*, *Public Management Review*, *Human Resource Management Journal*, *International Journal of Nursing Studies*, *Learning and Individual Differences*. Yseult was awarded the DCU President's Excellence in Teaching Award and a regional teaching fellowship by the Dublin Region Higher Education Alliance.

**DEIRDRE CURRAN, VICE DEAN FOR DIVERSITY, EQUITY AND INCLUSION, COLLEGE OF BUSINESS, PUBLIC POLICY & LAW AT THE UNIVERSITY OF GALWAY**

Dr Deirdre Curran has been a lecturer at the National University of Ireland, Galway (NUIG) for 25 years. Her main area of teaching surrounds the employment relationship, how it is formed, how it is conducted, and how it might be improved. Her work is informed by her core values of justice, equity, and voice. Deirdre is Vice Dean of Diversity, Equity and Inclusion and represents the College of Business, Public Policy, and Law as a Steering Committee member for NUIG's University of Sanctuary initiative aimed at making the University a welcome place for refugees, asylum-seekers, and members of our travelling community. In 2012 Deirdre completed the PG Cert in mediation at Maynooth University and is a founding member of the [Kennedy Institute Workplace Mediation Research Group](#). Deirdre is currently researching the lived experience of hospitality workers in Ireland with a view to highlighting issues and promoting positive change. She recently published a research report entitled '[Inside Out Hospitality](#)'.

**THOMAS MCCANN, DIRECTOR OF THE TRAVELLER COUNSELLING SERVICE**

Thomas is a member of the Irish Traveller community and activist. He was a founding member of Minceir Misli, the first Traveller only organisation in the 1980s, and later joined the Irish Traveller Movement. Thomas represented the Traveller community on the Equality Authority Board, the National Consultative Committee on Racism and Interculturalism and in developing the National Anti-Racism Strategy. Thomas became engaged with the community platform in the National Partnership Process and has represented the Traveller community at European and International level. Thomas now works as a counsellor in the field of psychotherapy. He established and currently manages the Traveller Counselling Service, launched in 2008, and provides culturally appropriate counselling, psychotherapy and mental health support to members of the Traveller community. Thomas holds a Diploma in Community Development from NUI Maynooth, a BSc in Counselling and Psychotherapy, and an MSc in Counselling Supervision from Trinity College Dublin. Thomas is a member of the National Traveller and Roma Inclusion Strategy Committee.

**SOLAT CHAUDHRY, GROUP CHIEF EXECUTIVE, IRISH CENTRE FOR DIVERSITY**

Solat served as a uniformed Police Officer with Lancashire Constabulary between 1991-1996, finishing off as Community Affairs Officer. He was a founding member of the Black Police Association. In 1996, Solat worked for the Racial Equality Council where his innovative work was recognised by the UK Government. Solat later worked for an ESF funded SRB Regeneration Company, and was appointed Chief Executive of Learning Partnerships in

2002. He founded the National Centre for Diversity in July 2005 and is the current Chief Executive. Solat has long been considered an authoritative thought leader in the field of inclusion having worked with over 1,000 organisations. He created and developed the principles for "Investors in Diversity", and delivered Inclusive Leadership training in Ireland, in close collaboration with the Irish Centre for Diversity. Both the Irish Centre for Diversity and the National Centre for Diversity are currently working with hundreds of organisations from across all sectors.

**MICHELLE NÍ LONGÁIN, PARTNER AT BYRNEWALLACE & FORMER LAW SOCIETY PRESIDENT**

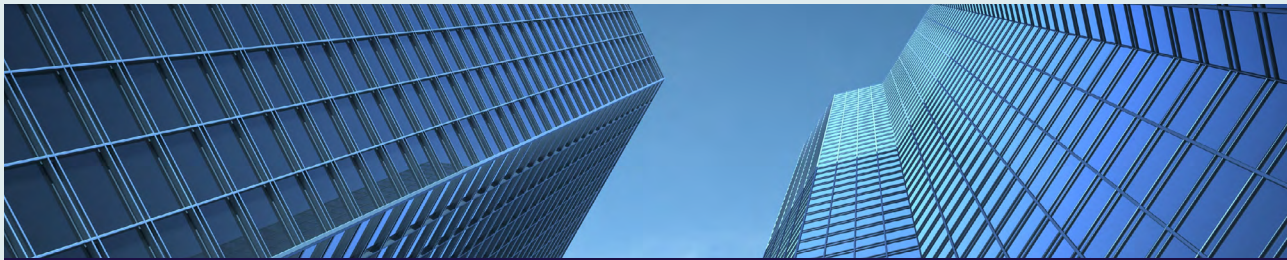
Michelle is a partner in the Employment Department at ByrneWallace and has extensive experience in employment, equality and administrative law. Michelle qualified as a solicitor in Northern Ireland, practicing there, in England and Wales, and in Ireland, in employment and equality law. She joined ByrneWallace in 1999. Michelle advises Public and Private Sector clients, primarily employers, on complex areas of administrative and employment law, including employment equality, disability discrimination, and reasonable accommodation. As well as being head of the firm's Public Sector Group, Michelle has been a member of Council of the Law Society of Ireland for over a decade and was a member of the Council of the Pharmaceutical Society of Ireland from 2007-2013. Michelle's membership of the Councils of two regulatory bodies and many of their committees inform her advice to clients, particularly in the public and regulatory sector.

**RAY FLAHERTY, WORKPLACE DISPUTE RESOLUTION CONSULTANT**

Ray has worked at a senior level in Human Resources, Industrial Relations, Employee Relations and Communications for over 35 years. He has spent twenty years consulting across all sectors of business and organisational life in Ireland. In 2014 Ray set up Concordia Consulting offering a comprehensive and professional range of services in the area of Workplace Conflict Management and Resolution. These services include Investigation, Mediation, Conflict Coaching, Conciliation, Facilitation, Arbitration and Negotiation. Ray is a qualified Mediator and is a practitioner member of the Mediators Institute of Ireland. He is an accredited Advanced Workplace Mediator and Mediator Trainer with the International Centre for Collaborative Solutions at Sullivan University in Kentucky (USA), as well as being a trained Conflict Coach. In 2015 Ray was appointed to the panel of Adjudication Officers for the Workplace Relations Commission and he served in that role until 2022. Ray holds a BA from NUI Galway, an MSc in Organisational Behaviour from Trinity College Dublin, a Special Qualification in Workplace Adjudication from NCI and a Certificate in Advanced Negotiations from CEDR.

**MARY DUFFY, PROFESSIONAL WELLBEING EXECUTIVE, LAW SOCIETY OF IRELAND**

Mary Duffy is a Professional Wellbeing Executive at the Law Society of Ireland. She holds a Bachelors degree in Psychology and a Masters in Work and Organisational Psychology. Mary is responsible for implementing key aspects of Law Society Psychological Services Projects including the Dignity Matters Project. Mary previously worked with an organisation in Vietnam creating mental health trainings and workshops.



TIME	EVENT	SPEAKERS
9.30 – 10.00	<b>Registration</b>	
10.00 – 10.20	<b>Welcome address</b>	<b>Gary Lee</b> , Chair of the Human Rights and Equality Committee <b>Maura Derivan</b> , President, Law Society of Ireland
10.20 – 11.20	<b>Plenary Session 1</b>	
10.20– 10.40	<b>Presentation</b> - Sexual harassment in workplace settings, its impact on those affected, and mechanisms for prevention.	<b>Máille Brady Bates</b> , Solicitor and Employment Law Specialist
10.40 – 11.00	<b>Presentation</b> - The value of fostering psychological safety and positive relationships at work, and the need to challenge incivility and bullying in the workplace.	<b>Prof. Yseult Freeney</b> , Professor of Organisational Psychology in DCU Business School and Research Fellow in DCU Anti-Bullying Centre
11.00 – 11.20	<b>Presentation</b> - The destructive impact of workplace bullying based on research evidence, and exploring the value of mediation as an alternative to litigation.	<b>Dr. Deirdre Curran</b> , Vice Dean for Diversity, Equity and Inclusion, College of Business, Public Policy & Law at the University of Galway
11.20 – 11.40	<b>Tea and coffee break</b>	
11.40 – 13.00	<b>Plenary Session 2</b>	
11.40 – 12.00	<b>Presentation</b> - Barriers to employment, access to justice and the disconnect between statutory rights and actual rights afforded to the Traveller Community.	<b>Thomas McCann</b> , Director of the Traveller Counselling Service
12.00 – 12.30	<b>Presentation</b> - Complete overview of harassment based on personal experience and examining the different forms of harassment as they arise in different contexts.	<b>Solat Chaudhry</b> , Group CEO of the Irish Centre for Diversity and the National Centre for Diversity (UK)
12.30 – 13.00	<b>Presentation</b> - Discussion on the Dignity Matters Report with the past President of the Law Society.	<b>Michelle Ní Longáin</b> , Partner at ByrneWallace
13.00 – 14.00	<b>Lunch</b>	
14.00 – 16.00	<b>Plenary Session 3</b>	
14.00 – 15.00	<b>Workshop sessions</b>	<b>Máille Brady Bates, Deirdre Curran and Ray Flaherty, Thomas McCann, Solat Chaudhry, Mary Duffy</b>
15.00 – 15.55	<b>Panel Discussion and Q&amp;A</b>	<b>Chair: Diego Gallagher</b>
15.55 – 16.00	<b>Close of Conference</b>	<b>Gary Lee</b> , Chair of the Human Rights and Equality Committee



## APPENDIX 4

### Case Study

#### CASE STUDY – BULLYING IN THE WORKPLACE

##### ***Company Background:***

The Company is a large multi-location retail business. It has increased its footprint in the Irish business landscape over the past 5 - 10 years and is now regarded as one of the most significant operators in the sector, with a global turnover of €2.5 billion last year.

##### ***Main Players:***

###### ***Lena:***

Lena has been working with the company for over 10 years. She initially joined the company as a marketing graduate, working directly to the then Marketing Director, Lucas. Following Lucas's promotion to Managing Director, six years ago, Lena succeeded him as Marketing Director.

Growth in the company's business, on the back of an aggressive expansion strategy, has also led to an increase in the numbers working in the marketing department. Lena currently manages team of fifteen people.

On a personal level, Lena is married to Brian and they have two young children.

###### ***Lucas:***

Lucas has been working with the company for the last 15 years. He started in the marketing department where he worked for seven years, as Marketing Director and played a key role in the successful implementation of the company's expansion strategy. When he took over as Managing Director, six years ago, he continued to drive the business to unprecedented levels of market share and income.

On a personal level, Lucas is divorced and his three sons live with his ex-wife by agreement.

###### ***Darragh, Meera and Aimi:***

Darragh, Meera and Aimi are Lena's peers on the Company's senior management team, all reporting directly into Lucas. Darragh is the HR Director, Meera is Chief Finance Officer and Aimi is Chief Operations Officer.

##### ***The Behaviour:***

From the commencement of her employment with the company, Lena has had difficulty with Lucas's approach, attitude, and behavior in the workplace. Initially, she explained it away as Lucas's strong personality and his very driven approach to business. However, as time moved on and, in particular, since he became Managing Director, she has found the situation increasingly more difficult to tolerate.

According to a grievance complaint eventually submitted by Lena, Lucas's displays of aggressive behaviour in the workplace were no longer acceptable. His alleged behaviours include shouting in a very loud voice, inappropriate language, thumping the table and pointing his finger in an intimidatory fashion.

These behaviors would typically take place during senior management team meetings, where team members would all, from time to time, be personally subjected to these aggressive outbursts in front of colleagues. Team members would regularly be asked, in a loud and aggressive manner, “*WHO DO YOU WORK FOR??*” and the question would be repeated until the team member confirmed the name of the company. In addition, individual members of the senior management team and indeed other staff were also subjected to this behavior in one to one scenarios.

According to Lena’s complaint, the onset of COVID and the requirement to work from home, made the situation even more intolerable, as the level of aggressive behavior became more frequent and intense during online senior management team meetings.

Lena stated that on several occasions her husband Brian, who was also working from home, overheard some of Lucas’s aggressive outbursts. According to Lena, Brian pleaded with her on a number of occasions to resign her job, as he believed it was having a serious impact on her mental health, their relationship, and their family life.

***Lena’s response:***

Shortly after Lucas took up position as MD, Lena spoke to Darragh, the HR Director, about the situation. While agreeing with Lena that Lucas’s behavior was both inappropriate and unacceptable, Darragh advised her that unless she was willing to put a complaint in writing there was nothing that he (Darragh) could do about the situation.

Darragh confidentially advised Lena that Meera, the Chief Finance Officer, had also raised the issue of Lucas’s behaviour with him. On the strength of this information, Lena approached Meera with the view to perhaps both of them raising a joint grievance. However, Meera was not willing to raise the issue formally, as she feared for her job if she was associated in any way with a complaint against Lucas.

Meera further suggested to Lena that her concerns about the risks attaching to raising the matter formally were influenced by comments made to her, by a member of the finance team when she came on board after the sudden and unexpected departure of her predecessor, as chief finance officer, Paul. Meera told Lena that the staff member advised her to “*keep her head down and her nose clean, unless she wanted to end up like Paul – out of a job*”.

Based on this information, Lena made contact with Paul, who she had been reasonably friendly with when they were both on the senior management team, but who had not returned calls/texts when Lena tried to contact him at the time of his departure, which Lucas had informed the senior management team resulted from Paul’s desire to pursue a business venture of his own.

When Lena eventually made contact with him, Paul informed her that Lucas was the reason he resigned but as part of his departure the company's legal advisors required him to sign a Non-Disclosure Agreement and, therefore, could not discuss the matter at all.

Having weighed up all her options at this stage, Lena decided to persevere with the situation and hope that it would improve or that perhaps somebody else might raise the issue formally.

### ***The Straw that broke.....!!***

And so Lena continued on, trying as best she could to deal with the ongoing impact of Lucas's behaviour both on her and on her colleagues in the workplace. However, two things happened which brought her to the point where she could no longer accept what was going on.

Firstly, the behavior had become significantly worse during the COVID lockdowns.

Secondly, during the in-person meeting after the return to the office, Lena was subjected to a particularly vitriolic attack by Lucas, in front of her colleagues. Lena became so upset that she left the meeting and went directly to see her GP. She was advised to take a complete rest and remove herself from the workplace for a period of at least four weeks.

During this time and having the space to reflect on her situation, Lena decided to submit a formal complaint under the company's *Dignity at Work* Policy. The company instigated a formal investigation, which was conducted by an independent external investigator.

### ***The Dignity at Work investigation:***

In his response to the complaint, Lucas completely denied the alleged behaviour and argued that the issue causing stress for Lena was not his behaviour but was the stress attached to her inability to perform appropriately in her role as Marketing Director, which had been left in a very good state when he moved on to his new role as Managing Director but which was now "*in a total mess*" following almost six years of incompetent management by Lena.

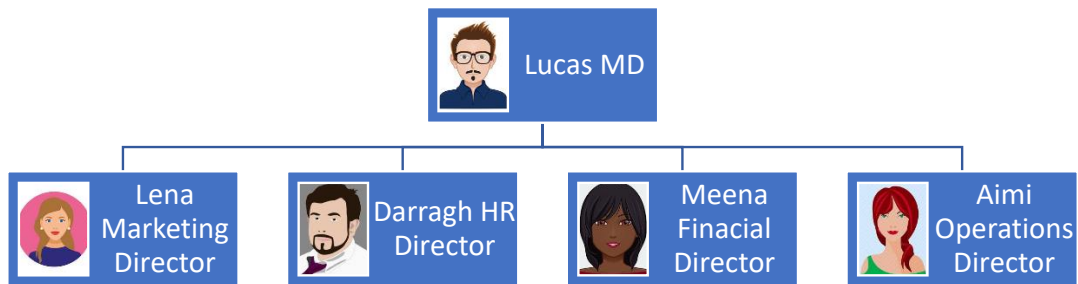
Lauren's senior management team colleagues, Aimi and Meera, were called as witnesses by the investigator. Meera declined to engage with the process and Aimi was extremely careful and nuanced with regard to his assessment of the situation.

The investigation found that the evidence did not support the allegations raised in the complaint and, therefore, it was not upheld.

**The aftermath:**

Following the issuing of the investigation report, Lena tendered her resignation on the basis that she felt she could no longer work in an organisation where the work environment was so toxic and where she had been seriously let down by her colleagues and the grievance process.

Lucas continues his work as Managing Director and the business continues to flourish.



**Paul** – Former marketing Director

**TIMELINE**





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