



**My boss is mean to me. Surely this is harassment? \***

This is a question which we regularly are asked. The fact that your boss is “mean” to you is not automatically harassment. It will not be pleasant. Unless it is based on your membership of a protected class such as gender, civil status, family status, sexual orientation, religious belief, age, disability, race, colour, nationality or ethnic or national origin or membership of the Traveller community it will not be harassment as defined by the law. Some employees believe that simply because an employer is mean to you that they have been harassed.

The legal definition of harassment is very clear. To bring a claim that you have been harassed / discriminated it is necessary for an employee to show that the employee has been treated less favourably than another person is, has been or would be treated in a comparable situation on any of the discriminatory grounds set out above which exist, existed but no longer exist or may exist in the future or in imputed to the person concerned.

The alternative claim which we also hear often is that an employee has been bullied. Again it is important to understand what the legal definition of bullying is. This legal definition has been approved by the High Court on 9th May 2014 where the High Court held that Workplace bullying is;

“workplace bullying is defined in paragraph 5 of the Industrial Relations Act 1990 (Code of Practice) Detailing Procedures for Assessing Bullying in the Workplace (Declaration) Order 2012 S.I. No. 17/2002 as follows;

“workplace bullying is represented inappropriate behaviour direct or indirect whether verbal, physical or otherwise, conducted by one or more persons against another or others at the place or work and / or in the course of employment which could reasonably be regarded as undermining the individual’s right to dignity at work. An isolated incident of the behaviour described in this definition, may not be a front to dignity at work but, as a once off incident is not considered to be bullying”.



Unless the employee has suffered either physical or psychological injury as a result of the bullying the only complaint which can be made is under the Industrial Relations Acts.

Where an employee believes that they may have been subject to harassment or bullying it is advisable to obtain legal advice. It may be appropriate in certain cases to bring a claim against the employer. In other cases it may well be that the employee simply wants the treatment to stop. In those cases using the employer grievance procedure or the Code of Practice on Grievance and Disciplinary Procedures may be the most appropriate method of dealing with matters. In other cases both using the grievance procedure and bringing a claim.

Having a “mean” boss is not fun. It can be very upsetting. We understand this. However before doing anything it is important to get advice as to how the activity of the employer will be viewed by a Court or Tribunal. This is where an employment lawyer can help you. If you do believe that there is bullying and harassment taking place in the workplace towards you then it is important that you do take advice and steps to stop the harassment and bullying. If it is just a mean boss equally it is important to take steps to ensure that those activities cease.

Every employee is entitled to a workplace that is free from bullying and harassment. That is a legal entitlement. However, as we have set out above you must come within the legal definition of bullying and harassment. If you have a mean boss this is unacceptable behaviour. It may not be bullying and harassment but you may still be able to bring a claim under the Industrial relations Acts. In limited circumstances the treatment of a mean employer to an employee may entitle the employee to leave the workplace and claim Unfair Dismissal.

Before acting or refraining from acting on anything contained in this guide specific employment law advice from a Solicitor who specialises in employment law should be obtained.

\*In contentious cases a Solicitor may not charge fees or other expenses as a percentage of any award or settlement.