EFFECTIVENESS OF MEDIATION FOR WORKPLACE BULLYING DISPUTES IN
IRELAND: A VICTIM'S PERSPECTIVE

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Master of Arts in Dispute Resolution

Independent Colleges Dublin

May 2021

Independent Colleges Dublin

Assessment Cover Page Spring Semester 2021

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Module Name:

Dissertation

Assignment Title:

 Effectiveness of Mediation for Workplace Bullying Disputes in Ireland: A Victim's Perspective

Due Date:

21/05/2021

Date of Submission:

20/05/2021

Requested Word Length:

15.000-20.000

Actual Word Length (excluding list of references):

20.660

Check you have used the following file name convention: ☒ **Checked**
surname student ID_.doc or .docx
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LIST OF ABBREVIATIONS

ADR	Alternative Dispute Resolution
COVID – 19	Corona Virus Disease
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions
HSA	Health and Safety Authority
NAQ-R	Negative Acts Questionnaire-Revised
ONION	Research Methods for Business Students
PIAB	Personal Injuries Assessment Board
PTSD	Post-Traumatic Stress Disorder
WCU	Workplace Contact Unit
WRC	Workplace Relations Commission

ACKNOWLEDGEMENTS

I would love to express my thankfulness to the respective people without whom I would not have undertaken this study and might not have completed my master's degree.

First of all, I would like to convey my deepest gratitude to my supervisor, Alison Walker B.L., for her guidance and feedback throughout the whole research work. I would like to thank Anastasia M. Ward B.L., the program's leader, who was always helpful and showed a lot of passion for her work. I also wish to thank all of the lecturers on the Master of Arts in Dispute Resolution at Independent Colleges Dublin, especially Sharon Morrissey, for their dedication, patience, and willingness to share a little of their knowledge for my personal and professional development.

I feel the need for expressing my appreciation to all of my friends and classmates who supported me along the way by encouraging me not to give up on my dream. My wholehearted gratefulness goes to my mother, Terezinha, and my partner, Jose Milton, to bear with my moans and stresses throughout my studies and remain steadfast by my side. All of you were absolutely essential to the completion of another phase of my life.

ABSTRACT

Bullying in the workplace is a contemporary phenomenon that affects victims' emotional and physical health while costing organisations millions in lost productivity and employee turnover. There is a continuing debate in the literature about whether mediation should be used as an alternative to address workplace bullying disputes.

The primary objectives and aim of this research are to evaluate the prevalence of workplace bullying among Irish workers, assess victims' willingness to participate in mediation, and formulate a conclusion from the perspective of the participants on the effectiveness and acceptability of the process, as well as make recommendations to society about approaches to reduce workplace bullying.

This study employs a quantitative research approach centred on a questionnaire in order to achieve its aims and objectives. The questionnaire, which was distributed to the broad public and across various communities, catches the overall populace's expectations and perspectives of mediation in the sense of bullying at work. According to the questionnaire results bullying is still occurring at an alarming rate in Ireland, far beating expectations. In short, the majority of participants accept to use mediation to settle their bullying cases. Furthermore, the majority of respondents believe in the effectiveness of mediation and prefer it over litigation as a method of dispute resolution. Finally, the participants expressed hesitations about disclosing cases of bullying, raising concerns about the efficacy of the country's anti-bullying policies.

The overall conclusion of this study is that mediation performs a significant role in tackling workplace bullying conflicts. Nevertheless, Irish organisations and the Government must encourage an anti-bullying culture and more stringent legislation to prevent bullying at work. Mediation must be used on a relative scale, only in cases when there is no major abuse or possibility of further mistreatment. Generally, this framework coupled with tighter regulations would prevent and reduce work-related bullying.

*"**Peace is not absence of conflict, it is the ability to handle conflict by peaceful means**"*

Ronald Reagan – 40th U.S. President

CHAPTER 1: INTRODUCTION

1.1 Section Overview

The introductory part of the dissertation assesses its overview. This section explains the background of the dissertation topic, its research question, aims, objectives and hypothesis to be tested, a succinct summary of the dissertation structure, the limitations and the major contributions of the study in the academic area.

1.2 Background of the Study

The word "bully" resembles the image of a petty child hitting up another child in the schoolyard, but studies reveal that bullying does not end with childhood (Olweus 1996). Other researchers recommend that adults should teach children how to behave towards offenders since bullies are not only found in playgrounds and schools; they are likely to be in sports environments, in the workplace, or anywhere else that there is an interaction between people (Field & Bell 2003).

Studies on workplace bullying were originally introduced in the 1980s in Scandinavian countries. In Sweden, Leymann pioneered studies that recognised bullying as a recurring phenomenon in the workplace (Leymann 1986). This initial research was followed by a study in Norway by Matthiesen, Raknes & Rokkun (1989), among others in Finland (Appelberg *et al.* 1991), Germany (Groeblinghoff & Becker 1996), and Australia (McCarthy, Sheehan & Kearns 1995). Despite all the studies over the past few decades, and the widespread recognition of bullying as a factor of corporate crisis, its definition remains controversial, ranging from more subjective to more accurate concepts of the phenomenon. According to the research carried out by the British journalist Andrea Adams (1992), bullying refers to the persistent denigration of humans through harmful acts and ruthless words that progressively undermine self-esteem and confidence. On the other hand, Einarsen *et al.* (2003), provides a definition of workplace bullying considered more specific that has

been welcomed by other scholars (Mayhew *et al.* 2004) as a collaborative tool for the progress of research in this field:

"Bullying at work means harassing, offending, socially excluding someone or negatively affecting someone's work tasks. In order for the label bullying (or mobbing) to be applied to a particular activity, interaction or process it has to occur repeatedly and regularly (e.g. weekly) and over a period of time (e.g. about six months). Bullying is an escalating process in the course of which the person confronted ends up in an inferior position and becomes the target of systematic negative social acts. A conflict cannot be called bullying if the incidence is an isolated event or if two parties of approximately equal 'strength' are in conflict" (Einarsen *et al.* 2003 p.15).

In addition, for the purpose of this project, it is worth mentioning the legal definition of bullying used in Ireland. As reported by the Health and Safety Authority:

"Workplace bullying is 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 be reasonably regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying" (Health and Safety Authority 2021).

Some sources, such as Zapf (1999), mention that bullying is not necessarily restricted or related to acts of aggression and physical violence. According to the scholar, these acts can happen in smaller dimensions, being identified as five main types of behaviours that form the most frequent aspects of work-related bullying, which might include the following:

(i) Being assigned demeaning work tasks, changing work tasks, withholding job-related information, excessive monitoring, or being relieved of responsibilities;

(ii) Personal abuses through insulting remarks, ridicule or spreading of rumours;

(iii) Social isolation;

(iv) Physical violence; and

(v) Verbal attacks, in which a person is humiliated, yelled at, or criticised in public.

Although definitions and concepts of bullying have been debated over decades, the statistics of this worldwide phenomenon remain at alarming levels. In Ireland, workplace bullying statistics have been showing concerning figures. A study conducted in 2007 by the Economic and Social Research Institute reported that 7.9% of employees who responded to the survey, considered having experienced bullying in the past 6 months prior to the response (Economic and Social Research Institute 2007). In another research conducted in 2013 by Eurofound, which is a European Union agency with the role of promoting knowledge in work and social related areas, concluded that 6% of Irish workers who responded to the study have experienced episodes of bullying in the work environment. This study places Ireland in the seventh position on the list of European countries with the highest incidence of workplace bullying (Eurofound 2013).

These studies have shown that exposure to bullying has significant effects on the health and well-being of employees, which may have emotional and/or physical implications for the target person. Simultaneously to the victim's effects, bullying in the workplace tends to cost millions to employers who are mainly affected by reduced productivity, absenteeism, costs of legal proceedings, and so on (Hanley, Benson & Gilbreath 2008).

Numerous researchers and academics have conducted studies in recent years that highlight the advantages of alternative dispute resolution. In the context of mediation, the procedure has been described as a valuable method for resolving issues in the workplace, such as bullying. The effectiveness of mediation has been favoured due to its versatility, low cost, and duration as opposed to the judicial proceedings, as well as the fact that it enables the parties to draw their own resolutions.

1.3 Purpose of the Study

The research project takes into account two opposite schools of thoughts: Many experts assert that mediation is the most effective form of alternative dispute resolution to be used in workplace bullying disputes, while other researchers recommend that mediation is not suitable for these cases. Therefore, the research question for this study is: *Would mediation be an acceptable and effective alternative to resolve workplace bullying disputes from the victim's point of view and in turn transform the relationship between the parties involved?*

This study aims to comprehensively assess the willingness of bullying victims in participating in a mediation process, and to propose recommendations to society and employers for the creation of effective programs and policies for victims, and to reduce bullying in the workplace.

The primary objective is to formulate a clear conclusion regarding the possibility of whether or not to use mediation as a dispute resolution tool in the management of work-related bullying cases, considering the willingness of bullying victims to settle the dispute through mediation.

Another primary objective of this study is to evaluate the prevalence of workplace bullying among employees in companies situated in Ireland. Based on the data collected, this study intends to contribute to Irish statistics on workplace bullying, focusing mainly on alerting employers about the relevance of the subject.

The secondary objectives of this research project are described as:

To discuss different definitions and opinions encircling the workplace bullying concept: There are numerous concepts of workplace bullying, resulting in a flawed legal mechanism to combat bullying at work.

To demonstrate the impacts of workplace bullying on the victims' well-being and the organisational economy: Comprehending how workplace bullying impacts victims' well-being and how it might impair performance and profits for corporations.

To present the existing legislation to prevent workplace bullying in Ireland: By mapping the legal guidelines for workplace bullying in depth, it becomes evident that bullying at work still persists in contemporary society, which is essential for determining when mediation can succeed.

To supply the ongoing discussion in relation to the appropriateness of using mediation as a tool to resolve workplace bullying cases: A significant factor to comprehend the reason some researchers assume that mediation is inadequate to deal with workplace bullying, while others contend that it is the best method to use.

To identify if a mediation process could transform the victim's relationship and perception towards his or her offender: Bullying victims' perceptions and expectations may have a major impact on the outcomes and effectiveness of mediation.

The main purpose of this research project is to prove or disprove the coming hypothesis: Victims of bullying somehow are not willing to participate in a mediation process with their offender and that on the part of the victims there is no confidence in the effectiveness of the process and its outcomes. Furthermore, from an employment perspective, there is resistance in reporting cases of bullying in the workplace due to a possible flawed approach between employer and employees, and a lack of anti-bullying policies.

Lastly, this research project aims to associate all aspects previously presented with the appropriate literature review to develop a conclusion regarding the victim's acceptability of mediation as a recourse to resolve workplace bullying disputes.

1.4 Dissertation Structure

Until then, the overall background of workplace bullying has been presented, as well as the purposes of this research project. From this point on, this dissertation advances in the following structure:

Chapter 2 is the section that meticulously reviews the secondary literature and outlines current debates, theories, and research comprising relevant studies on workplace bullying.

Chapter 3 discusses the methodological approach utilised to achieve the final result of the project, including details of data collection, research design, and analysis tools.

Chapter 4 presents the data collected in the primary search and also the Dispute Resolution area chosen to conduct the study.

Chapter 5 is the section that develops on the data presentation and analyses the research findings in depth. The significance of the results is also correlated to secondary literature pertinent to the project as a whole.

Chapter 6 is the final chapter and it summarises the previous chapters' concepts and analysis, as well as discussing key considerations and recommendations related to the subject.

Lastly, there will be a section with the final conclusions and reflections.

1.5 Limitations and Scope of the Research

It is impossible for empirical studies to be flawless all the time. The sampling population, the time required to conduct the research, and the difficulty in obtaining specific data are all factors that frequently confine research studies. A limitation of this project was the inability to obtain access to the mediators' professional perspectives on the outcomes of workplace bullying cases. Another limiting factor was precise access to victims of bullying who had previously engaged in mediations for such a dispute because confidentiality restricts mediators from identifying the parties involved in the process. Given the extremely sensitive nature of the topic, the project was restructured in its early stages, allowing the sample population to voluntarily declare themselves as victims or not victims of workplace bullying. As a result, the significance of in-depth surveys in this research study has diminished.

1.6 Study's Major Contribution

This study adds to the current body of knowledge on workplace bullying. Firstly, this project contributed to the determination of actual workplace bullying rates in Ireland, reinforcing previous studies that established the country's alarming situation with the phenomenon. Secondly, the study examines the split amongst those who consider that mediation is an appropriate solution to workplace bullying disputes and those who do not. The study's major contribution is to introduce victims' perspectives, corroboration, and analysis to this ongoing discussion, as it provides a rational and comprehensive assessment of the acceptability and effectiveness of mediation in dealing with work-related bullying disputes. Furthermore, this study contributes to a wider body of literature that concentrates on general strategies to minimise workplace bullying by delivering a comparative examination of the advantages of mediation versus litigation. Finally, this study discusses the role of mediation and the implementation of anti-bullying policies in the eradication of workplace bullying, and it recommends a scheme that society and organisations could utilise to discourage the country's workplace bullying culture.

CHAPTER 2: LITERATURE REVIEW

2.1 Section Overview

Workplace Bullying is a subject that has been studied on a large scale. Although it is believed that more time has been spent on defining the problem than in studying the phenomenon itself, several scholars have produced a wide body of literature assessing the financial and psychological impacts of work-related bullying, as well as the prevalence and applicable preventive measures to be implemented in society. However, little literature has been presented regarding the appropriateness of mediation as an alternative to prevent and resolve cases of workplace bullying, and especially about the willingness of bullying victims to participate in a mediation process. Henceforth, this review of the literature aims to contribute to the existing gap on the less studied aspects of bullying at work, in addition to discussing crucial concepts, research, and theories about the usefulness of mediation in such disputes. The literature review is presented according to the five sub-themes specified below, in conjunction with a brief summary of the reasons that led to their choice:

Conceptualisations of Workplace Bullying: This section assesses the diverse definitions of workplace bullying presented in the academic literature and examines the elements and types of work-related bullying. This section is crucial in highlighting the origins, and also the various means and characteristics of bullying.

Prevalence of Workplace Bullying: This section looks at various statistics from workplace bullying studies conducted worldwide, with a focus on Ireland, which is the study's target country. This section is essential in evaluating the topic's importance and proportions.

Consequences of Workplace Bullying: This section examines the individual health and psychological effects, as well as organisational (mostly financial) implications of workplace bullying that must be addressed when assessing mediation's efficacy in managing workplace bullying. This is because the willingness of both parties to participate in a mutually beneficial dialogue is critical to effective mediation.

Procedures to Prevent Workplace Bullying: This section introduces the legislation and supporting bodies in order to establish the legal standard for allegations of workplace bullying in Ireland. This is included to demonstrate the reasons mediation could be required to complement the legal system's inability to eliminate workplace bullying.

Mediation as an Alternative Dispute Resolution: This section contrasts the benefits and drawbacks of mediation and litigation as two distinct forms of dispute resolution, along with reviewing a case law and a discussion on the use of mediation in allegations of workplace bullying. This is perhaps the most relevant part of the literature review since it discusses the project's key goal: evaluating whether mediation could be used efficiently to resolve workplace bullying cases.

2.2 Conceptualisations of Workplace Bullying

As formerly mentioned, several distinct definitions of workplace bullying have been presented over the years; however, a consensus on the definition has not been reached. This cluster of definitions has been seen as an enormous obstacle to gain a global understanding of the dynamics of bullying through studies (Fox & Stallworth 2009). Moreover, other terms besides bullying are being used in different countries, such as the term mobbing in Italy and Germany, and the term moral harassment in France (Hoel & Vartia 2018). The ability to compare studies is dependent in part on the development of a conventional definition. The emergence of bullying research in multiple disciplines contributes to the complexity in developing a standard definition and norm terms. The following are some definitions illustrating that work-related bullying may mean distinct things to different authors, depending on their academic posture.

Table 1: Definitions of Workplace Bullying

Author	Definition
Vartia (1996)	"Bullying is long-lasting, recurrent, and serious negative actions, and behaviour that is annoying and oppressing. It is not bullying if you are scolded once or somebody shrugs his/her shoulders at you once. Negative behaviour develops into bullying when it becomes continuous and repeated'' (p. 205).
Salin (2003a)	"Workplace bullying is defined as a series of escalating and persistent negative events that result in the social exclusion and harassment of an individual while undermining their personal and professional reputations in the workplace'' (p. 1213).
Einarsen & Mikkelsen (2003)	"Bullying in the workplace includes emotional abuse and mistreatment of employees, primarily at the hand of supervisors, but may include peer bullying'' (p. 127).
Caponecchia & Wyatt (2009)	"Typically, bullying at work is regarded as repeated unreasonable behaviour, where the behaviours cause, or have the potential to cause harm'' (p. 439).
Einarsen & Nielsen (2015)	"The concept of workplace bullying describes situations in the workplace where an employee persistently and over a long time perceives him or herself to be mistreated and abused by other organization members, and where the person in question finds it difficult to defend him/herself against these actions'' (p. 132).

Table 1 indicates that particular differences and similarities are presented in the literature of bullying definition. While Vartia (1996) and Salin (2003a) determined that negative behaviours and acts are the core characteristics of bullying, Caponecchia & Wyatt (2009) linked the repetitiveness of unreasonable behaviours as one of the aspects of bullying in the workplace. These definitions are in line with a study presented by Morris (2016), in which he suggested that irrationality, behavioural negativity and regularity of events are some of the well-known principles attributed to work-related bullying. On the other hand, Einarsen & Mikkelsen (2003) emphasised emotional

abuse as one of the negative behaviours practised by the perpetrator, suggesting that supervisors are the major responsible for such acts. Furthermore, Einarsen & Nielsen (2015) presented a relevant point mentioning that is the way victims perceive the behaviour that defines bullying, putting in check the importance of victim's opinion in the discussion of workplace bullying.

2.2.1 Elements of Workplace Bullying

Apart from this ambiguity of terms and definitions, there are particular elements that most scholars seem to agree upon. Primarily, some researchers point out the existence of a pattern in the behaviours that are more characterised by the recurrence and duration of acts rather than a single episode. Secondly, most scholars suggest that bullying consists of belligerent and psychologically aggressive acts that are negatively received by the target person. Ultimately, the imbalance of power is usually implicated in defining bullying, in the sense that the victim generally feels unable to defend her or himself equally (Hoel & Cooper 2000; Zapf, Knorz & Kulla 1996). In a study conducted by Leymann & Gustafsson (1996), they explain that the behaviour must be exhibited in sufficient frequency and time to cause severe psychiatric damage to be considered bullying instead of conflict. They adopted the criterion of one exposure episode per week for at least six months, taking into account that a six months period is generally utilised in psychiatric evaluations. Reinforcing this line of reasoning, Einarsen *et al.* 2003 stressed that a conflict cannot be called bullying if the individuals involved have comparably equal strength.

According to Rayner & Hoel (1997), bullying in adulthood is often more complex to address than events experienced in childhood, as a consequence of greater parameters and subtlety of acts that can be presented in countless ways. In cases of workplace bullying, there is no standard profile for either the bully or the victim, which somehow justifies the complexity. Despite that, some scholars reiterate that adults who bully may have certain personality characteristics, such as sarcasm, aggressiveness and authoritarianism. Therefore, these characteristics tend to be amplified when

bullies feel vulnerable in their position and end up considering any disagreement as a challenge to their authority (Einarsen & Skogstad 1996). Moreover, the bully tends to exhibit these characteristics most of the time, whereas most people tend to demonstrate such behaviours infrequently (Field 1996). On the other hand, people who are the target of bullying are likely to be self-initiators, honest and well liked, have emotional intelligence and know everything about their work, being considered from a management point of view as an ideal employee. On top of that, people can become the target of bullying for possessing better technical skills than the aggressor, for reporting crimes or fraud, for refusing to be subservient or for being more esteemed than the bully. Thus, the perpetrator generally dismisses people who are capable of countering offences and aggressions and look for people with passive characteristics to the point that they are not able to defend themselves (Namie 2007).

2.2.2 Types of Workplace Bullying

Work-related bullying can be carried out by various means, such as verbal threats, gestures, exclusion from groups, or physical contact (Smith *et al.* 2002). Both in workplaces and schools, verbal, physical, and cyberbullying seem to have great relevance. Physical bullying is characterised by corporal aggressions caused by one or more bullies and generally ranges from hits and punches to more severe aggressions that might cause injuries to victims. These types of action mostly generate psychological damage to victims, which can be short or long term depending on the severity of the abuse. Verbal bullying happens when the bully uses offensive language against an individual target. Such events involve insults, name-calling, intimidation, gossiping, among others numerous acts that the aggressor often turns from an offence into a joke (Engage in Learning 2020). On account of that, verbal acts are less noticeable and consequently more challenging to identify than physical bullying. Lastly, cyberbullying is becoming an epidemic and is characterised by the use of online media to propagate intimidation; in many cases, the bully utilises technology to post

offensive or threatening content against the victim. As a result of the unprecedented proliferation of social networking and the use of smartphones, the incidence of cyberbullying and related cyber abuse behaviours has exacerbated over the past 10 years (Piotrowski 2012). Furthermore, this type of bullying is considered one of the easiest to identify since it includes electronic communications of all kinds, whether through social media or text messages, which frequently generates evidence in favour of the victim (Engage in Learning 2020).

In conclusion for such conceptualisations, Einarsen (1999) discriminated workplace bullying into two distinct types: dispute related bullying and predatory bullying. The former is attributed to cases in which the target person has done nothing to attract the attention of bullying, but is chosen as a victim merely by chance. In the second type, bullying appears as a consequence of an existing conflict at work.

2.3 Prevalence of Workplace Bullying

Several studies have been carried out to examine the prevalence of bullying in the workplace in different occupations and countries (Einarsen & Skogstad 1996; O'Moore 2000). Still, there are numerous aspects that hinder the direct comparison among different studies. Firstly, the lack of an ordinary definition of workplace bullying brings difficulties in comparing distinct studies on prevalence. Secondly, diverse bases for minimum duration and frequency, and different strategies for determining targets of bullying have resulted in varied predicted victimisation rates. In addition, while some researches have measured how many individuals have been bullied in a given period of time, other researches have evaluated how many individuals have been bullied at a certain stage in their professional life. Moreover, the response percentage varied notably among studies (Salin 2003b). The analysis of non-respondents numbers have revealed that those who are not bullied seem to be somewhat overrepresented amid less engaged respondents (Leymann 1992), and the differing response percentage makes the comparison between studies even more difficult.

The first large-scale study recorded in the literature was carried out in Scandinavia in the 1990s. In such study, approximately 2,400 Swedish employees responded to interviews obtaining a surprisingly high response rate of 70%, and in which Leymann (1992) utilised a specific criterion to classify the respondents: only individuals who had been subjected to at least one of the 45 components of his inventory at least once a week for a baseline of six months were identified as victims of bullying. Moreover, the researcher came to conclude that about 3.5% of the interviewees had been bullied in the 12 months preceding the survey (Leymann 1992). Ever since, studies promoted worldwide have shown that the incidence of workplace bullying has become alarming and has led to psychological and organisational effects.

2.3.1 Irish Statistics

In Ireland, research on the relevance of bullying has taken on greater proportions in the past two decades. A study undertaken by the Economic and Social Research Institute (2001) found that an overall 7% of the sample of over 5,200 respondents reported having been victims of bullying in the six months prior to the survey. This study had a 55% rate of respondents, being one of the highest rates recorded in Irish studies so far. Besides that, the survey pointed out that the incidence of bullying was higher among women (9.5%) than men (5.3%) and that it was more significant among employees than self-employed workers. Another study carried out in 2005 to examine the issue of bullying in the workplace found out that work-related bullying is a growing problem in Ireland, describing that *"increased numbers of complaints, higher levels of workplace stress, greater frustration with a lack of formal channels for resolving such complaints and an increased burden on all parties to resolve disputes"* (Expert Advisory Group on Workplace Bullying 2005). The study also concluded that measures in the country for the prevention and identification of workplace bullying were insufficient and recommended strong and quick action by the government and

organisations to address the problem correctly (Expert Advisory Group on Workplace Bullying 2005).

Taking into account the recommendations proposed by the 2005 report, another national study was conducted by the Economic and Social Research Institute (2007) confirming the tendency already presented by the 2001 report. In this case, two separate surveys were carried out on a sample of 3,500 adults; however, the percentage response rate was 36%, which is significantly lower than reported in 2001. The first group was composed of individuals at work and aimed to establish the characteristics and incidence of bullying in Irish workplaces between the years 2006–2007. This survey revealed that in general, 7.9% of employees reported being bullied in the past six months (Economic and Social Research Institute 2007). The second group was comprised of employers in the private and public sectors and was designed to address the manner organisations perceived workplace bullying cases. Employers answered about the procedures and policies implemented in their corporation to handle bullying complaints. A consequential finding was that the education and health sectors were the two areas where workers are more likely to be targets of bullying (Economic and Social Research Institute 2007). Additionally, the survey results exposed that women are twice as likely to be bullied in the workplace as men – 10.7% of women have been bullied in the past six months, compared to 5.8% of men. A large number of employees (8.9%) reported having experienced bullying in comparison to self-employed (2.9%) (Economic and Social Research Institute 2007).

A more recent study conducted in Ireland that aimed to measure the degree of ill treatment rather than bullying specifically cannot be directly comparable with the studies previously presented. However, this survey obtained a relevant rate of respondents reaching the unusual percentage of 74% and also concluded that 43% of respondents were victims of ill treatment, 31.3% experienced disrespect and 2.6% were victims of physical violence (IOSH Research Committee 2017). In a comparison between some European countries, Ireland has a considerably low bullying rate.

Studies undertaken by Austria and the Netherlands, for instance, demonstrate very significant figures, with 17.5% and 13.5% of victims reported respectively (Salin 2003b). Such values are even more discrepant when compared to the US, where statistics indicate that 13% of workers reported they are currently being victims of bullying, whereas 49% have already experienced bullying in their professional life (TUC 2015).

The literature also exposes that the percentages of workplace bullying tend to vary according to the method applied in the evaluation. Estimates appear at lower rates when the method requires respondents to self-declare as victims of bullying through a direct question based solely on the definition of bullying. On the other side of the coin, the percentages tend to be higher when the respondent is introduced to one behavioural checklist (IOSH Research Committee 2017). Taking these estimates into account, this study aims to use a mix of both elements.

2.4 Consequences of Workplace Bullying

Bullying in the workplace is regularly associated with the difficulty of defending oneself from negative acts to which the target is continually exposed, due to the perceived or real imbalance of power between the parties (Einarsen *et al.* 2011). Acts that many consider irrelevant, such as pointing negatively or looking at the target, refusing to speak or listen to the target, ignoring the target, laughing and scorning the target, slandering and depreciating of the target at work are common examples of simple negative bullying events (Vartia 2001). A wide variety of detrimental outcomes tend to emerge after a case of workplace bullying, whether at an individual, social or organisational level (Hogh, Mikkelsen & Hansen 2011). As stated in Glambek, Skogstad & Einarsen (2018), these consequences can range from individual effects on physical or mental health to organisational impacts such as decreased satisfaction and dedication of the victim to work, increased absenteeism, and the intention to quit work while other studies (Zapf, Knorz & Kulla

1996; Nield 1996) have included complaints such as exhaustion, depression, aggression and anxiety, as well as musculoskeletal and psychosomatic diseases.

2.4.1 Individual Outcomes

Beyond any doubt, the most consistently studied relationship in this context is the connection between psychological tension and exposure to bullying (Keashly & Harvey 2005). Bullying can manifest itself attitudinally and behaviourally, as it happens in several other forms of social stress. Victims of systematic and intentional psychological damage in turn seem to produce serious emotional reactions. As a consequence of severe exposure to bullying at work, the target often alters perceptions about the work environment and aspects of life to one of insecurity and self-questioning (Matthiesen & Einarsen 2010).

As an Irish guideline, the National Anti Bullying Research and Resource Centre (2021) explained that bullying in the workplace has profound impacts on individual well-being. As reported by the organisation, workplace bullying frequently results in anxiety, depression, serious somatic problems, high levels and post-traumatic stress, substance abuse, and in severe cases it leads to suicide (National Anti Bullying Research and Resource Centre 2021). Workplace bullying has been identified as one of the key stressors affecting Irish workers, with work-related stress having more than doubled in Ireland since 2013. In comparison, it represents for nearly half of the entire fees of asthma to the Irish taxpayers, and roughly one-third of the expenses of musculoskeletal disorders, emphasising the demand for a concerted attempt to manage the issue (Cullinan *et al.* 2020).

A study presented by Hallberg & Strandmark (2006) verified that the 20 targets of bullying interviewed began to develop psychosomatic and psychological symptoms in a few months after the start of the exposure to negative acts. The interviewees stressed that at first, the symptoms appeared only when the victims were in the work environment, however, over time the symptoms became more frequent and chronic. The most common symptoms reported in these cases were difficulty

sleeping, inability to concentrate, mood swings, and depressive signs, as well as psychosomatic symptoms such as hypertension, headache, and hypersensitivity to sounds. Other consequences more focused on the professional side have been repeatedly reported in some studies as the results of bullying, such as increased turnover rates, expulsion – including sickness absence – and unemployment (Nielsen, Indregard & Øverland 2016; Glambek, Skogstad & Einarsen 2018).

In fact, one of the studied factors considered to be extremely relevant is self-esteem. According to Joshanloo & Afshari (2011) self-esteem is related to life satisfaction and other aspects of life such as openness and conscientiousness. Some studies have linked the relationship between self-esteem and bullying and showed evidence that a person with a high level of self-esteem is less likely to be bullied whereas a person with low self-esteem may be more prone to depression (Visinskaite 2015). Additionally, there is evidence that self-esteem influences job performance and is in some way beneficial in certain professional situations. As an example of such a situation, Randle (2003) found that nurses with a high level of self-esteem had the ability to provide therapeutic care to their patients, while nurses with a low level of self-esteem were unable to do the same (Randle 2003). Besides that, numerous researchers have found that bullying observers recorded a higher degree of stress and less job satisfaction than those who had not seen bullying take place (Vartia 2003). The victim of bullying can still have problems in personal relationships. All symptoms presented by the target tend to influence the environment for those around them, causing a spillover effect and, consequently, a decrease in the empathy and understanding of the observers, which can vary from co-workers to family members (Taylor 2012).

Supporting numerous studies in the field, Vartia (2001) explored the relevance of the frequency and duration of negative acts. In a research carried out among union members (Vartia 2001), the period the victims were exposed to bullying correlated considerably with psychosomatic, psychological, and musculoskeletal symptoms. Meanwhile, in the public sector, the targets that were exposed to bullying all or almost every day for a period from 6 months to 2 years were those who most

recorded feelings of depression (Vartia 1993). Moreover, it has been noted that the adverse health consequences of bullying do not cease shortly after the negative acts have stopped or when the person has quit the job (Vartia 2003).

2.4.2 Organisational outcomes

When ordinary people speculate the consequences of workplace bullying, it is very common to think only about the effects caused on the victims, or sometimes for the bully, if punished. However, the costs of work-related bullying go far beyond individual ones and have serious consequences for employers (Taylor 2012).

According to a study conducted by Giga, Hoel & Lewis (2008), some factors should be considered when assessing the costs of bullying cases to organisations, for instance: sickness absence, reduced performance and productivity, presenteeism, replacement costs due to employee turnover, adverse effects on observers and witnesses, litigation and compensation, organisational intervention, and premature retirement. In the Irish scenario, and following the same line of reasoning, the National Anti Bullying Research and Resource Centre (2021) reinforces some of the consequences aforementioned such as high labour turnover and absenteeism, sickness rates, re-training and recruitment, lawsuits and court proceedings, and include damage to public image, and psychological and social costs to the list of effects for employers. The body also mentions that *Litigation costs can be exhortative; employers being liable for bullying in their organisation whether or not they are aware of its existence"* (National Anti Bullying Research and Resource Centre 2021).

Of all the costs for organisations presented in the literature, the most significant factor linked to bullying is the replacement by employee turnover, due to the increased motivation or intention of the victim to leave work. Large-scale surveys revealed that in the public sector about 25% of people who self-declared as targets of bullying planned to leave work (Giga, Hoel & Lewis 2008).

The costs, in this case, are the result of expenses with recruitment and training which are also linked to indirect costs such as the issuance of new contracts, tests, and advertising. In general, employers have an increased cost depending on the experience and skills required in hiring replacements (Giga, Hoel & Lewis 2008).

As a matter of fact, the costs for Irish organisations are estimated at around €3 billion per year as a result of workplace bullying, and there is an increased risk of accidents, decreased customer confidence, and reduced corporate image (Hanley, Benson & Gilbreath 2008). Additionally, Cullinan *et al.* (2020) assume a total of 1.7 million days missed due to bullying, with an annual productivity loss costing the economy €239 million. Furthermore, each year up to 100 people commit suicide in Ireland as a devastating direct outcome of work-related bullying (Hanley, Benson & Gilbreath 2008). The theory explored by Sheehan *et al.* (2001 p. 03) explains that providing cost estimates has a relevant impact on organisations considering that it *"promotes a wider understanding of the phenomena"*. Moreover, the authors believe that cost estimation plays an essential role in bringing organisations and employers' greater knowledge about the issue and consequently putting some policies into practice (Sheehan *et al.* 2001).

2.5 Procedures to Prevent Workplace Bullying

This section explores the policies, legislation, and supportive bodies in force in Ireland against bullying in the workplace which have been responsible for raising a red flag in Irish society and have drawn attention to the importance of workplace bullying disputes. Such information is necessary to distinguish where mediation can be effective in preventing bullying in the workplace. For instance, the law may only provide a legal remedy for specific types of work-related bullying (*i.e.* sexual harassment), while the victim of workplace bullying may use mediation to cover a wider range of situations (*i.e.* insulting remarks).

2.5.1 Legislation

In Ireland, there are a number of rules and provisions that address workplace bullying. The Health and Safety Authority and Citizens Information use the same definition stating that: *"Bullying is repeated inappropriate behaviour that undermines your right to dignity at work"* (Health and Safety Authority 2021). As additional instruction to the population, Citizens Information presents the claim that bullying and harassment are distinct acts, describing that *"A behaviour can be considered to be either bullying or harassment but not both"* and pointing out the different ways in which bullying can present itself, such as social isolation and exclusion, excessive monitoring of work, verbal abuse, and insults (Citizens Information 2021), among other forms previously mentioned in this academic study.

The Employment Equality Acts 1998—2015: This is the primary legal mechanism in Ireland that applies to workplace bullying. The Act prohibits discrimination in a variety of workplace and employment-related situations. Recruitment and promotion, working conditions, equal pay, experience or training, harassment, including sexual harassment, and dismissal are all examples of these issues. Under the act, employers are required to take steps to discourage workplace harassment, with being bullied at work linked to one of the nine discriminatory grounds under the legislation (Irish Human Rights and Equality Commission 2021).

Safety, Health and Welfare at Work Act 2005: The employer has an obligation under this act to cease any conduct that endangers the health of company employees. The employer is requested to "*prevent any improper conduct or behaviour likely to put the safety, health and welfare of employees at risk*" (Safety, Health and Welfare at Work Act 2005). Employees must also not engage in behaviour that endangers the safety or welfare of their co-workers, according to the act's determinations (Safety, Health and Welfare at Work Act 2005).

2.5.2 Policies

Code of Practice on Addressing Bullying in the Workplace: The Health and Safety Authority is authorised by Section 60 of the Safety, Health and Welfare at Work Act 2005 to prepare and publish Codes of Practice or portions of Codes of Practice relating to workplace safety, health, and welfare for the purpose of providing practical advice to employers and employees (Health and Safety Authority 2021). The Code states that employers should develop an appropriate workplace anti-bullying policy and put procedures in place for dealing with bullying complaints. Employers are also required to respond quickly to employee complaints of bullying.

Although the failure to apply the procedures suggested by the Code is not an offence, it is worth noting that Irish courts may use the Code of Practice as admissible evidence in cases that provide practical guidance as to compliance with the requirement or prohibition that is alleged to have been infringed (Health and Safety Authority 2021). The Australian State of Victoria, for example, goes in the opposite direction of Ireland by criminalising bullying in its legislation. Brodie's Law was enacted in 2011 in response to the heartbreaking suicide of a female employee, Brodie Panlock, who was exposed to unrelenting bullying at the workplace. Serious bullying was made a criminal offense under the legislation, punishable by up to ten years in prison (Brodie's Law 2021).

2.5.3 Supportive Bodies

Health and Safety Authority: The HSA is governed by the 2005 Act's statutory powers. Its goal is to protect workers in all workplaces in Ireland. The 2005 Act's core principle is to oversee the employer's responsibility to ensure that everyone at work is provided with a workplace and work culture that is, as far as is reasonably possible, free of health and safety risks (Health and Safety Authority 2021). Apart from engaging in promotion and awareness activities, the body is responsible for processing reports of employees who believe to be targets of bullying through the HSA's Workplace Contact Unit (WCU), which is accessible to the public via phone and email.

Employees can file a complaint or, if they want more information about the subject and/or are not sure if their experience is bullying, they can contact WCU to inquire about it (Health and Safety Authority 2021).

National Anti Bullying Research and Resource Centre: The Irish government has implemented a number of policies and programs to assist employers in eliminating workplace bullying. The Anti Bullying Centre, for example, has a program that provides guidance and assistance to workers and employers dealing with the consequences of workplace bullying (National Anti Bullying Research and Resource Centre 2021). The program assists in a variety of issues such as conflict awareness, identifying bullying, responding to a bullying complaint, dealing with workplace bullying through effective leadership, separating bullying from assertive management, drawing up an effecting anti-bullying policy, facilitating mediation, and creating a bully-free work environment (National Anti Bullying Research and Resource Centre 2021).

Workplace Relations Commission: The WRC's goal is to achieve harmonious working relationships between employers and employees at any and all times. The Commission always encourages locale debate and resolution of workplace conflicts and problems, including allegations of workplace bullying (Health and Safety Authority 2021). The Workplace Relations Commission provides a number of services that may be of assistance such as information, inspections of compliance with employment rights, processing of employment agency and protection of young persons (employment) licenses, and the provision of conciliation, facilitation, mediation, and advisory services (Workplace Relations Commission 2021).

Personal Injuries Assessment Board (PIAB): The PIAB is an independent statutory body that handles all personal injury claims in Ireland (except medical misconduct) in a cost-effective and timely sense. The body evaluates compensation claims resulting from traffic, public liability, or workplace accidents. Using evidence provided by the claimant, workplace bullying may be linked to psychiatric damage or post-traumatic stress disorder (PTSD). Claims can be settled directly

between the parties, through litigation or a PIAB assessment (Personal Injuries Assessment Board 2021). The time limit for filing a claim for restitution under the Civil Liability and Courts Act of 2004 is two years from the date of the accident. Nevertheless, it is critical that the claimant inform the individual responsible for the injury within one month of the incident (Civil Liability and Courts Act 2004).

2.6 Mediation as an Alternative Dispute Resolution

This section discusses the characteristics of mediation and litigation, two popular forms of resolving disputes in Ireland, and presents a comparison of both alternatives. Although other alternatives to dispute resolution such as arbitration are available for workplace disputes, they are not the focus of this study. This section also examines a case law relevant to the comparison of outcomes in both alternatives and presents a discussion on the applicability of mediation in cases of workplace bullying.

2.6.1 Mediation

In consonance with section 2 of The Mediation Act 2017, mediation means *"a confidential, facilitative and voluntary process in which parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute"*. Mediation is a non-binding process that generally includes some level of briefing of the mediator preceding the mediation, which usually lasts a day. Each party's "decision maker" as well as their legal counsel, related experts, and insurers, attend the mediation (Law Society of Ireland 2018).

In relation to The Mediation Act 2017, it came into force to promote mediation as an effective, feasible, and efficient alternative to Court proceedings, lowering legal costs, speeding up dispute resolution, and minimising the disadvantages of a lawsuit (Law Society of Ireland 2018). The mediator is a neutral and impartial facilitator that, unlike the judges in court proceedings, is appointed by the parties themselves. The mediator's role is to gather information, encourage the

parties to work jointly in order to achieve a beneficial settlement, and apply reality tests when necessary (Law Society of Ireland 2018).

Numerous studies and researches have been carried out in recent years pointing out the effectiveness and advantages of mediation. An article published by Goltsman *et al.* (2009) reported that the greater the animosity between the parties in conflict, the greater the practical benefit of mediation. The study further clarifies that the parties are less likely to achieve an agreement without a mediator when the friction is high than when it is low (Goltsman *et al.* 2009).

2.6.2 Litigation

Civil litigation, also known as lawsuit, is an adversarial procedure in which a plaintiff (in this case the victim of workplace bullying) confronts a defendant (in this case the bully) in front of either a judge or judge and jury. In such cases, a jury or judge renders a decision or verdict based on the weight and significance of the evidence. Litigation is a type of process in which information conveyed in hearings and judgments is maintained in a public nature and is dominated by solicitors (Harvard Law School 2021).

Some disadvantages are attributed to litigation, among them and perhaps one of the most relevant is the time that a lawsuit can take to complete. According to McCann FitzGerald, a leading Dublin law firm, the time it takes from the filing of the complaint to the start of the trial depends on a number of factors, including the urgency of the case and the amount of pre-trial work that must be done, such as discovery (McCann FitzGerald 2016). In most cases, a trial date might be assigned within 12 to18 months of being admitted to the Commercial List. This means that claimants wishing to bring a case to Irish Court may have to wait an unusually long time for their case to be heard by the tribunal (McCann FitzGerald 2016).

Table 2: Comparison of Mediation vs. Litigation

Comparison	Mediation	Litigation
Law	Less emphasis on legal principles	Strict application of legal principles
Expertise	Mediator may be expert in field	Technical expertise must be introduced through expert witnesses
Cost	Cheaply	Costly
Enforceability	Settlement agreement enforceable as a contract only	Outcome binding and enforceable
Outcome	Creative solutions possible	Limited range of outcomes
Determination	Parties alone determine outcome	Outcome transparent
Confidentiality	Outcome private	Outcome public
Appeal	No need for appeal	Possibility of appeal
Goals	Brings parties together – emphasis on common goals	Polarising – emphasis on differences

Chart based on Law Society of Ireland 2018

Table 2 exemplifies a comparison between some advantages and disadvantages presented in the literature on Alternatives Dispute Resolution (ADR). Taking into account the study presented by the Law Society of Ireland (2018), it can be considered that among the advantages of mediation, confidentiality, cost and self-determination of the outcomes are positive aspects for the parties in dispute. Unlike the Court, which has its hearings public, in mediation all the proceedings of the process are kept confidential. In this process, only the mediator and the disputing parties have access to the information disclosed during the negotiations (Law Society of Ireland 2018). Moreover, the judicial system cannot compel mediators to testify about the negotiations that took place in the mediation session (Radford 2001). In terms of outcomes, mediation allows the parties greater control over the negotiation's resolution. While in the judiciary, the court rules the process

and renders a decision (Law Society of Ireland 2018). Regarding costs, mediation is, therefore, less expensive than litigation. Despite the fact that mediators charge fees, the mediation process is considerably shorter than the litigation process from start to finish. Court proceedings can take months or even years to resolve, while mediation can be completed in a couple of hours. As a result, both parties of the mediation save a lot of money in the long run, including legal expenses, attorney fees, time, energy, and so on (Radford 2001). On the other hand, some points can be considered more advantageous in legal proceedings. Judges must apply the principles already established by law to the process (Law Society of Ireland 2018). These laws automatically govern the process, without the need for the parties to spend time creating their own rules (Mazirow 2008). Besides, the possibility of appeal might be seen as a positive factor, as in cases where an error is made in the sentence or the parties are dissatisfied with the results they can appeal to a next level of the legal system (Mazirow 2008).

2.6.3 Case Law

Una Ruffley v. The Board of Management St. Anne's School: This case emerged in January 2010 from the Board of Management of St Anne's School imposing a disciplinary sanction against Ms Una Ruffley, a Special Needs Assistant. Ms Ruffley alleged that she was bullied during the disciplinary process, which had a significant effect on her psychological health and for which she requested substantial damages in the High Court. Ms Ruffley filed a lawsuit, and the High Court initially sided with her (Una Ruffley v. The Board of Management St. Anne's School 2014). Ms Ruffley was awarded €255,276 in damages by the High Court in 2014. O'Neill J. found that Ms Ruffley had been subjected to *"persistent, inappropriate behaviour"* that *"wholly undermined the plaintiff's dignity in work"* (Una Ruffley v. The Board of Management St. Anne's School 2014). In this case, O'Neill J. used the following definition of bullying from paragraph 5 of the Industrial Relations Act 1990 (Code of Practice on Addressing Bullying in the Workplace):

"Workplace Bullying is 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".

O'Neill J's decision was later appealed to the Court of Appeal, where it was reversed by a 2:1 majority against Ms Una Ruffley. The Court of Appeal reversed the decision based on the premise that the Board of Management did not participate in the type of repetitive behaviour required to meet the legal definition of workplace bullying over a period of more than one year (Una Ruffley v. The Board of Management St. Anne's School 2015).

The case was brought to the Supreme Court of Ireland at the request of Ms Una Ruffley. The Supreme Court upheld the Court of Appeal's decision and dismissed Ms Ruffley's appeal. Quigley v. Complex Tooling & Moulding Ltd (2008), a seminal case in determining what constitutes bullying, was the focus of the decision. According to the Quigley case, bullying must be "*repeated, inappropriate and undermining of the dignity of the employee at work*" in order to give rise to a claim for damages (Quigley v. Complex Tooling & Moulding Ltd 2008). Furthermore, the Quigley case held that in order to prosper, it must be shown that the plaintiff "*suffered damage amounting to personal injury as a result of his employer's breach of duty. Where the personal injury is not a direct physical kind it must amount to an identifiable psychiatric injury*" (Una Ruffley v. The Board of Management St. Anne's School 2015).

In the case, Charleton J's judgment ruled *"Correction and instruction are necessary for the functioning of any workplace and these are required to avoid accidents and to ensure that productive work is engaged in. It may be necessary to point to faults. It may be necessary to bring home a point by requesting engagement in an unusual task or longer or unsocial hours. It is a kindness to attempt to instil a work ethic or to save a job or a career by early intervention. Bullying is not about being tough on employees. Appropriate interventions may not be pleasant and must*

simply be taken in the right spirit. Sometimes a disciplinary intervention may be necessary" (Una Ruffley v. The Board of Management St. Anne's School 2017).

The Supreme Court supported the Quigley test and went even further; clarifying that while *"the [disciplinary] procedure was clearly defective"* a breach of fair procedures does not constitute "bullying" itself. In general, this case exemplified how exhaustive and complex it is for those who consider themselves victims of workplace bullying to prove and win a legal case against their employer (Una Ruffley v. The Board of Management St. Anne's School 2017).

The Supreme Court has stated that an allegation of unfair practices and a claim of bullying are two distinct issues and that the presence of unfair procedures does not imply bullying. The Court also noted that the complainant was interested in going to court to have the practices used against her found to be faulty. From the standpoint of an employer, this case is a helpful clarification of the legislation, particularly because many disciplinary procedures are frequently encountered with an allegation of suspected bullying (Eversheds Sutherland 2017).

2.6.4 Mediate or not mediate

Scholars who advocate for the use of mediation in workplace bullying disputes contrast with those who believe mediation is an inappropriate means of addressing work-related bullying claims. One of the key topics explored in this study is whether mediation can be used in the sense of workplace bullying. Yet, workplace bullying has characteristics that set it apart from other types of workplace conflict, raising the question of whether mediation is an effective intervention in such situations (Lempp, Blackwood & Gordon 2019). Many who condemn the use of mediation in such cases argue that this form of ADR is unacceptable in cases involving some type of harassment or violence, including child abuse, domestic violence, sexual misconduct, and school or workplace bullying (Walker 2013). Also, there is a discussion that using mediation to settle a workplace

bullying dispute exacerbates the problem by placing the target of workplace bullying in a position where they are vulnerable to further harassment (Walker 2013).

Keashly & Nowell (2011), citing Glasl's model of conflict escalation, argue that due to safety issues, mediation should not be used in situations that have progressed to the highest "devastation" stage of conflict escalation under Glasl's model. Jenkins (2011) makes a similar statement, suggesting that in the event that a bullying situation:

"[. . .] is predatory in nature, or has reached a destructive phase where the intent of either party is to destroy or at least control the other through violence, then mediation is not suitable" (p. 29).

According to a study conducted by Walker (2013) with 250 bullying victims, 30% of those who sought mediation were dissatisfied and reported that their complaints were not resolved. A further 17% of participants did not have the opportunity to be mediated but believed that mediation would not solve their issues, and 48% of bullied people declined to engage in mediation because they believed their situations could not be mediated (Walker 2013).

On the other side, some authors believe that mediation is usually successful in workplace disputes because it focuses on the parties mutually making an agreement with the help of a neutral third party (Lempp, Blackwood & Gordon 2019). Mediation is often promoted as a secure atmosphere that allows disputing parties to have their say in a supported environment where power disparities are best handled and parties are encouraged to explore their own settlement rather than getting one enforced on them (Saundry, Bennett & Wibberley 2018). Additionally, both sides are often interested in settling the conflict in a reasonable manner in the initial stages of bullying, and mediation would be ideal at this time (Jenkins 2011). Some arguments go even further, suggesting that mediation can be effective even in extremely emotional circumstances involving substantial hostility, since it mainly deals with relationship problems, increased levels of emotions, and potential threats, and develops a problem-solving strategy to the issues described (Jenkins 2011).

In a study conducted in Finnish workplaces analysing 14 companies that applied mediation to conflicts, mediation was found to be successful in addressing work-related bullying cases (Mediate Ireland 2021). The study also verified that an open dialogue and bringing the conflict to focus were positive starts for both sides in identifying the causes and motives for the dispute, as well as mentioning that if disputes are not resolved at their source, they may last for years. There has not been a comparable research conducted in Ireland yet (Mediate Ireland 2021). Lastly, McKenzie (2015) has looked at the importance of mediation in addressing workplace issues like bullying. The scholar pointed that mediation by itself is ineffective in resolving workplace bullying conflicts, but that it is more efficient when it is part of an organisational scheme of ADR tactics, procedures, and policies, and when it is performed by genuinely neutral parties (McKenzie 2015).

CHAPTER 3: RESEARCH METHODOLOGY AND METHODS

3.1 Section Overview

The research methodology and methods used in this study are discussed in this chapter. The concept of methodology is essential since it helps in the selection of the most suitable technique for the production of science, as well as the interpretation of its purpose, using empirical proof. The methodologies used in this research are aimed at promoting the research question and objectives in order to produce a better result. The reasons for selecting the methodologies used in this analysis are discussed in the following pages.

3.2 Research Philosophy and Approach

The application of the ONION analysis (Saunders, Lewis & Thornhill 2019) to this research project offers useful insights into the methodology and methods of the study.

The research philosophy is described throughout the ONION method as the existence and creation of information, or how data about a phenomenon must be used, collected, and examined. There are three major philosophies: ontology, epistemology and axiology. Epistemology is the study of hypotheses about knowledge, as well as what comprises appropriate, factual, and legitimate knowledge and how we might convey it to others while axiology, on the other side, is concerned with the role of ethics and values (Burrell & Morgan 2016). This study employs ontology as a philosophy because it is dealing with the nature of reality, which poses concerns about the researcher's beliefs about how the universe functions and the adherence to particular points of view (Saunders, Lewis & Thornhill 2019). In other words, these ontological assumptions affect how the research object is analysed and interpreted.

Project studies under the ONION model use objectivism or subjectivism research under the ontological philosophy. Objectivism integrates natural science assumptions, stating that the social

reality we study is external to ourselves and others. As a consequence, this research employs subjectivism ontology, which integrates theories from the arts and humanities and argues that social reality is created by social actors' expectations and behaviours (Saunders, Lewis & Thornhill 2019). Furthermore, subjectivism promotes relativism (also known as nominalism) from an ontological standpoint, which recognises that everyone encounters and perceives truth uniquely, and is interested in various perspectives and narratives (Burrell & Morgan 2016). This philosophical assumption is the best choice to incorporate in this research, provided that the aim of this study is to consider the viewpoint of bullying victims, which tends to vary according to different factors and social actors the respondent is exposed to daily.

After that, in the ONION method, studies use inductive or deductive research approaches, or a combination of both, to answer the study question. Inductive reasoning differs from deductive reasoning in that it moves from the particular to the general: it requires the translation of specific observations into more abstract conclusions, and it is not always as precise as deductive reasoning (Zalaghi & Khazaei 2016). Deductive reasoning, on the other hand, starts with broad principles and themes and then converts those broad concepts into more precise conclusions (Zalaghi & Khazaei 2016). Since the individual experiences of the research participants are taken, collected, interpreted, and used to draw more general conclusions, the main approach used in this research project is inductive reasoning.

3.3 Research Design and Strategy

Under the ONION method, the first methodological decision is if the research would be qualitative, quantitative, or mixed approaches. To achieve coherence in the research design, each of these options is likely to require a different mix of elements (Saunders, Lewis & Thornhill 2019). The contrast between numeric and non-numeric data is one way to differentiate quantitative from qualitative analysis. In this study, quantitative data is used as a synonym for any data collection

method (including a survey questionnaire) or data analysis process (such as tables) that produces or utilises numerical data to examine the relationship among variables (Saunders, Lewis & Thornhill 2019). The purpose of adopting the quantitative research approach is to determine the connection and relationship between workplace bullying and the willingness of bullying victims to resolve such conflicts through mediation. Moreover, quantitative research design has a range of characteristics that make it more suitable for this analysis. The results of quantitative analysis can be obtained by measurement; also the results can be obtained in a succinct form and the use of a wide sample population is possible. The inability to use a qualitative design was due to the fact that the findings could not be used to draw generalisations.

In terms of research strategies, the ONION method guides the selection of the best alternative by connecting the objectives and research question, or even the philosophical and research approach. The following are among the techniques discussed in this method: survey, experiment, case study, action research, archival and documentary research, ethnography, narrative inquiry, and grounded theory (Saunders, Lewis & Thornhill 2019). While other ways of data collection are tangentially involved, such as grounded theories of prevalence, effects, and dispute resolution alternatives, the primary method of data collection used in this research is a survey questionnaire. Questionnaire-based survey techniques are common because they enable the collection of standardised data from a large group of participants at a low cost, making comparison possible and pointing to potential explanations for complex relationships between variables. However, the questionnaire may not be the only data collection tool used in the survey technique. Structured interviews and structured observation are often used as part of this approach (Saunders, Lewis & Thornhill 2019).

Besides, in a quantitative research design, there are two options available: mono or multi methods. The use of more than one quantitative data collection tool, such as questionnaires and systematic observation, is referred to as multi methods (Saunders, Lewis & Thornhill 2019). Due to the use of

a particular data collection tool, in this case the survey questionnaire, and the corresponding quantitative analytical process, this research employs a mono quantitative study design.

The time horizon refers to the amount of time taken to complete a research of a particular phenomenon and can be either longitudinal or cross-sectional. Both time horizons depend on observation, however, in a longitudinal study, the researcher tracks shifts in the sample population on a collective and personal level over several time periods, which may result in a chain of events. A cross-sectional research, contrarily, provides a detailed picture and examines multiple demographic groups at a specific point in time (Saunders, Lewis & Thornhill 2019). Since the respondents' perspective is captured in one moment but incorporates experiences over a period of twelve months prior to the study, the time horizon employed in this research analysis is cross-sectional, even though it has longitudinal elements.

3.4 Data Collection and Analysis

The methods and instruments used to collect data are referred to as the research setting. The quantitative research data for this study was gathered using both primary and secondary sources. Closed-ended questions through a survey questionnaire were used in the collection of primary data to aid in the access to information relating to bullying in the workplace from the perspectives of different employees of companies situated in Ireland, and thus achieve the research's objectives. The advantages of gathering data from primary sources include the opportunity to access previously inaccessible information. This involves collecting information on people's views, values, and other in-depth details. Secondary sources, on the other hand, are being utilised to collect knowledge. Research journals, articles, books, and all genuine written literature have been included as secondary sources. Google Scholar, Perlego, Research Gate, OpenAthens and Sage were used to explore the literature for this review. In addition, official websites were employed to report the government's and employers' attempts to combat workplace bullying. Re-examining secondary

sources may lead to surprising new findings and observations, as well as allowing the researcher to compare data from secondary sources with the data collected from primary sources.

In terms of sampling, it can be described as a set of guidelines for selecting members of a population to participate in a study. A sample may be calculated using either a probability or a non-probability form. Probability sampling is most often correlated with survey research techniques in which it is necessary to draw statistical inferences about a population from a sample in order to address research questions and achieve objectives (Saunders, Lewis & Thornhill 2019). The likelihood of each case being chosen from the target population is unknown in non-probability samples. Non-probability sampling also offers a number of sample selection methods, the majority of which require some subjective judgment (Saunders, Lewis & Thornhill 2019).

According to the Central Statistics Office (2019), the population of this research comprises all employees of companies operating in Ireland, which totals 2.3 million people. Once there is a broad target population and a large sample size cannot be reached, this study stipulates a desirable sample of at least 100 respondents. Furthermore, the non-probability sample is used because all components of the target population cannot be identified. There are several groups of non-probabilistic sampling, including: quota, purposive, volunteer, and haphazard. Self-selection is one of the techniques available in the group of volunteers, which helps researchers to promote their study needs either by advertising in specialised media or by inviting the general public to participate in the research and then gathering data from those who respond (Saunders, Lewis & Thornhill 2019). Due to the ease of reaching the population, the self-selection sampling strategy is used for this analysis.

3.4.1 Survey Questionnaire

Ireland was officially ranked seventh among European nations with the most workplace bullying, with 6% of Irish staff reporting to have been bullied at work. Bullying in the workplace is on the

rise, particularly in Ireland. There are measures, such as corporate anti-bullying policies and legislative instruments, that have tackled workplace bullying, but they have failed to offer an effective response to fully eradicate bullying. Through the victim's perspective and willingness to engage in such a procedure, this research examines whether mediation, a form of alternative dispute resolution, can be effectively applied to bullying disputes in the workplace.

Taking the factors presented above into account, the survey questionnaire was developed to best meet the objectives of this research. The researcher decided not to make a division by nationality in the study and considered each and every respondent residing in Ireland to be part of the Irish population. However, the questionnaire was purposefully distributed to distinct communities in order to assist in capturing perspectives from diverse cultures. The communities chosen were Brazilian, Irish, Mexican, and Saudi. The researcher considered information from secondary sources that identified a potential disparity in the incidence of workplace bullying between male and female respondents, so the gender of the respondents was the only personal information necessary for this research.

The exposure to work-related bullying was measured through the reduced version of the Negative Acts Questionnaire - Revised (Einarsen, Hoel & Notelaers 2009) developed by Moreno Jiménez *et al.* (2007), in which the participants rated the frequency they had been subjected to 14 typical negative behaviours in the workplace (e.g., excessive monitoring of work) within the 12 months prior to the research [response categories were (1) Never, (2) Now and then, (3) Monthly, (4) Weekly, and (5) Daily].

The researcher believes that when the participant is asked both questions about negative behaviours and the definition of bullying, the findings of the questionnaire are more reliable. Therefore, for the respondent's single self-declaration question *"Have you been bullied at work?"* [response categories were (1) No, (2) Yes, but only rarely, (3) Yes, now and then, (4) Yes, several times per week and (5) Yes, almost daily], the following definition of bullying was also used:

"Bullying is defined as a situation where one or several individuals persistently over a period of time perceive themselves to be on the receiving end of negative actions from one or several persons, in a situation where the target of bullying has difficulty in defending him or herself against these actions. We will not refer to a one-off incident as bullying" (Einarsen, Hoel & Notelaers 2009 p.28). This question is essential to this research, since it determines who the victims of bullying are and sets a standard for the incidence of such behaviour among workers in Ireland.

The researcher used a mechanism in the last session of the questionnaire, which enabled only those who declared themselves to be victims of bullying to proceed to the questions about the mediation, effectively ending the participation of those who chose *"NO"* for the self-declaration question. In this session, the following definition of mediation was presented to the participants: *"Mediation is a confidential, facilitative and voluntary process in which parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute"* (Mediation Act 2017). The researcher introduced 7 questions (e.g., would you feel comfortable being in a mediation session with the offender?) to analyse the targets' willingness to participate in such a process and also to evaluate the perspectives and expectations of the victims of bullying regarding the alternative dispute resolution [response categories were (1) Yes, (2) No, and (3) Not sure].

On March 17, 2021, participants were introduced to the questionnaire (Appendix B) through social media platforms such as Instagram, Facebook, and LinkedIn and were invited to take part in the project. On April 1st the research was closed, reaching the desired sample stipulated in this methodology.

3.4.2 Analysis

The data from the primary source (quantitative survey questionnaire) is analysed using Google Forms, an online platform that was employed to distribute the research to the participants. Since the data analysis is extensive, it is split into different sessions: The prevalence of bullying

cases among the participants is examined in the first section, with percentages by gender, frequency of actions, and self-declaration as a target of bullying determined; while in the other session, the victims' perspectives on the mediation process, as well as any subsequent shifts in perception, are examined, allowing for the assessment of the victims' willingness and acceptability of this alternative dispute resolution. Along with the interpretation, statistical tests were performed. Secondary sources knowledge, on the other hand, is analysed using various studies that have previously been published on a similar subject. To achieve the most accurate outcomes, the statistical response findings were backed up by secondary sources. The results and variables found in this study are presented in the format of descriptive statistics through frequency distribution tables and graphics. Such data aim to answer the following hypothesis: *Would mediation be an acceptable and effective alternative to resolve workplace bullying disputes from the victim's point of view and in turn transform the relationship between the parties involved?*

3.5 Research Limitations

It is worth noting that the lack of prior studies on bullying victims' perceptions of the mediation process and the prevalence of workplace bullying in Ireland may be a study limitation; keeping in mind that a literature review is an essential aspect of every study because it serves as a foundation for the researcher and also helps define the scope of previous studies in the field. Furthermore, since non-probability sampling is used, the results cannot be considered as valid for the entire population. This sample is easier to obtain and less expensive, but it has a greater likelihood of sampling bias. As a result, the researcher's population inferences become weaker than with probability samples, and the findings could be more constrained. Besides, the study participants were chosen using a self-selection form, which results in response samples that are often distorted, since some people are naturally more willing to volunteer than others.

Lastly, the unprecedented situation of the Covid-19 pandemic, which affected the entire world population, is regarded as a research limitation. The primary source for this study would be performed through the Google Forms online portal, as well as through face-to-face approaches to the Irish working population in their business centres, which was not possible due to social distance guidelines.

3.6 Ethical Consideration

Before completing the questionnaire, self-selected study participants were asked to acknowledge informed consent. The informed consent explicitly specified the research's objective and stated that the target population was willing to complete the questionnaire. The respondents had the ability to decline out of the survey at any time. The responses were interpreted in an impartial manner. The survey's questions were not written in such a way that the participants were compelled to answer in a specific way. Aside from that, the participant's gender was the only personal details required to complete the questionnaire, as anonymity is an important aspect for this study because respondents might be afraid of negative repercussions if they share their experiences with bullying. If respondents assume they would not be marked, they are more likely to offer truthful answers.

CHAPTER 4: PRESENTATION OF THE DATA

4.1 Section Overview

In this chapter, the data collection results are presented. The data is provided with examples of how its points are related, as well as interesting data points that are expanded on. In this research, 123 participants responded to the survey questionnaire described in Chapter Three and provided in Appendix B. To capture a diverse range of viewpoints, participants were scattered throughout Ireland and into various cultures, both native and international. Since only people who have worked can adequately respond to questions about work-related bullying, the questionnaire was only provided to members of the workforce. Participants had the right to omit or refuse to answer any questions that were asked of them, according to the ethical guidelines suggested for this research. Since the first question acted as a form of consent for the participants, it is not included in this chapter. As shown in Appendix B, all 123 respondents agreed to participate in the research.

4.2 Data Presentation

The following were the findings:

(2) What is your gender?

Figure 1: Responses by Gender
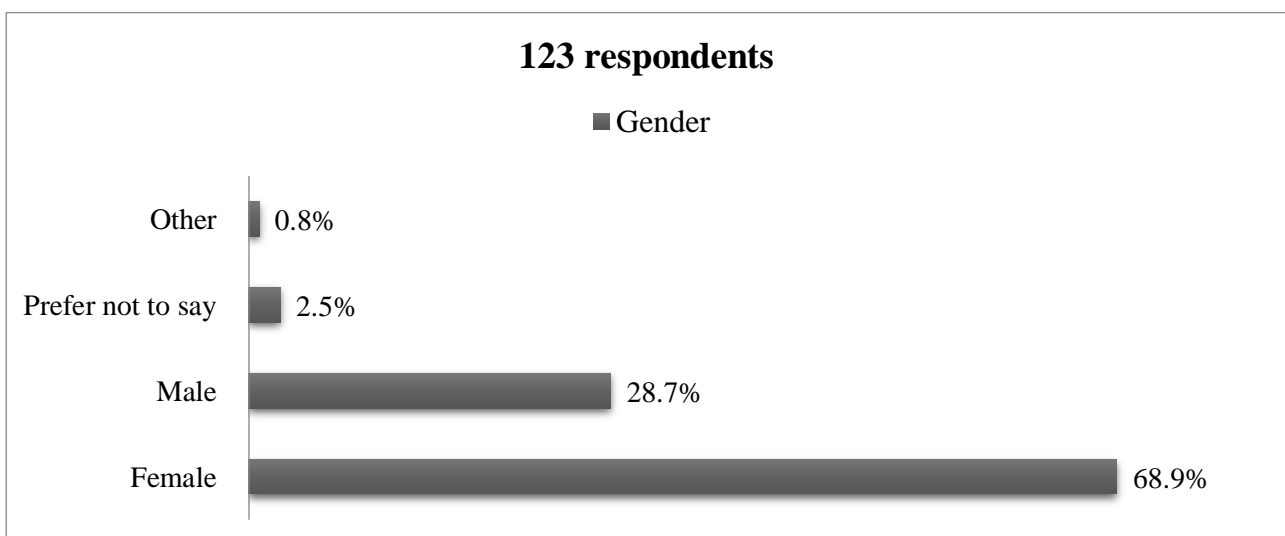
RESULTS: Overall, women completed the questionnaire at a higher rate (68.9%) than men (28.7%). Interestingly, the findings of this research are in line with those presented by Braak, Minnen & Glorieux (2020), which describes that women are more inclined than men to engage in online researches, possibly due to differences in how men and women conduct choices. From this perspective, female characteristics such as emotional closeness and empathy are linked to survey participation. This question was provided to assist in the identification of survey participants and, as a result, to aid in the comparison of secondary research on workplace bullying prevalence by gender.
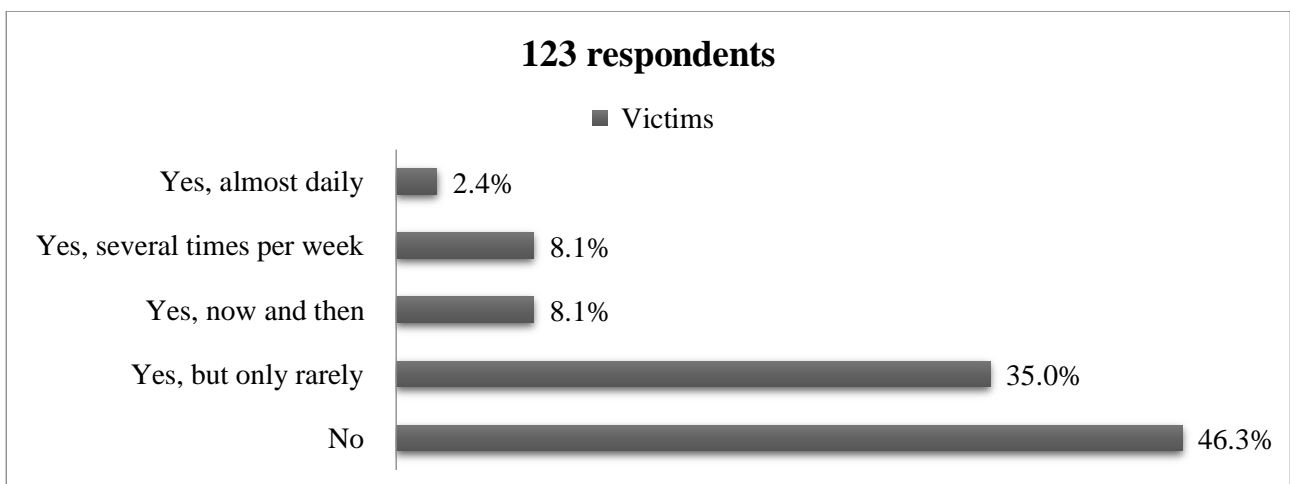
Table 3: Negative Behaviour in the Workplace – 123 respondents

Frequency NAQ-R Item	Never	Now and Then	Monthly %	Weekly	Daily
(3) Withholding information	45.9	36.1	10.7	3.3	4.1
(4) Being humiliated or ridiculed	51.2	28.9	13.2	4.1	2.5
(5) Doing work below competence level	30.8	32.5	15.0	12.5	9.2
(6) Spreading of gossip and rumours	54.1	29.5	10.7	3.3	2.5
(7) Being ignored, excluded	43.8	38.0	9.9	4.1	4.1
(8) Having offensive remarks	64.7	22.4	8.6	1.7	2.6
(9) Being shouted at	55.0	32.5	11.0	0.8	2.5
(10) Intimidating behaviour	74.4	14.9	3.3	5.8	1.7
(11) Repeated reminders of errors	50.0	28.7	9.8	8.2	3.3
(12) Having opinions and views ignored	26.7	47.5	12.5	8.3	5.0
(13) Excessive monitoring of work	33.5	36.1	6.6	10.7	13.1
(14) Pressure not to claim something	54.1	31.1	9.0	3.3	2.5
(15) Unmanageable workload	42.5	31.7	10.8	10.0	5.0
(16) Violence or physical abuse	91.8	4.1	2.5	0.8	0.8

RESULTS: The table above demonstrates in a direct and clear manner the percentages obtained from questions 3 and 16 of the section of negative behaviours in the workplace, which constitutes the questionnaire answered by the participants. Such questions were not just utilised in order to collect innovative data for the study area, but also to raise awareness and illustrate to the participants some negative acts that comprise bullying at work. According to the literature, this method accompanied with the presentation of the definition of bullying is more effective in assessing the prevalence of workplace bullying. On a weekly/daily basis, the most frequent acts included: "excessive monitoring of your work" (23.8%); "being ordered to do work below your level of competence" (21.7%); and "being exposed to an unmanageable workload" (15.0%). The least frequent acts included: "threats of violence or physical abuse or actual abuse" (1.6%); "being shouted at or being the target of spontaneous anger (or rage)" (3.3%); and "having insulting or offensive remarks made about your person (i.e. habits and background), your attitudes or your private life" (4.3%). In conclusion, the results of these questions show remarkably expressive values that are more attenuated than previous studies in the field (Arenas *et al.* 2015). These factors may be related to the diversity of nationalities and/or cultures that comprises the Irish workforce.

(17) Have you been bullied at work? Please state whether you have been bullied at work over the last 12 months.

Figure 2: Self-Declaration of Victims

123 respondents

■ Victims

Yes, almost daily	2.4%
Yes, several times per week	8.1%
Yes, now and then	8.1%
Yes, but only rarely	35.0%
No	46.3%

RESULTS: Surprisingly, 66 of the 123 individuals surveyed reported they had been bullied at work in the previous year. This data contributes to the background details on workplace bullying and shows that the incidence of workplace bullying in Ireland is consistent with previous estimates. This demonstrates that 53.6% of participants or well over half claim they have been the target of work-related bullying. Furthermore, based on Leymann's (1996) operational criterion, the prevalence rate was 10.5%, taking into account that a person is a victim of bullying if he/she responds to at least one negative act on a weekly or daily basis during a period of 6 months (Mikkelsen & Einarsen 2001). This question was developed to ask participants about bullying in the workplace in a practical and introspective manner, by analysing negative behaviours faced at work as well as the definition of bullying. The aim was to document all incidents of bullying in the workplace. Given the results of this question, this statistic emphasises the seriousness of Ireland's workplace bullying issue. Since the rate of workplace bullying measured is higher than predicted, this figure is both noteworthy and concerning.

Table 4: Mediation from a Victim Perspective – 66 respondents

Alternatives	Yes	No	Not sure
Mediation Item		**%**	
(**18**) Willing to report a bullying case	43.1	16.9	40.0
(**19**) Accept going to a mediation session	50.8	27.7	21.5
(**20**) Consider mediation an efficient process	66.2	13.8	20.0
(**21**) Mediation result in a beneficial outcome	56.9	15.4	27.7
(**22**) Change vision towards the offender	26.2	16.9	56.9
(**23**) Offender's attitude change after a mediation	17.5	15.9	66.7
(**24**) Prefer to solve the dispute in Court	24.2	56.1	19.7

(18) Would you be willing to report a bullying case to your manager, given that you are a person who feels bullied?

RESULTS: The first question in the mediation section was developed to assess whether or not bullying targets were willing to report the acts they were subjected to and/or their aggressors to hierarchical superiors at work. This element is vital in explaining how workers feel about their employer's attempts to minimise workplace bullying and implement effective anti-bullying policies. The findings showed that 28 participants (43.1%) would be willing to report the bullying faced in the workplace, while 11 participants (16.9%) indicated that they would not be willing to report the abuse experienced. Surprisingly, 26 participants (40.0%) demonstrated they were undecided about the approach they would take in relation to the disclosure bullying, despite the fact that they had identified themselves as targets of bullying in the workplace. This data reinforces a crucial aspect of workplace bullying once it can be linked both to the lack of policies and active engagement of Irish companies in identifying and reducing cases of bullying, as well as the risk of the victim losing their job.

(19) Would you accept going to a mediation session with the offender?

RESULTS: This topic pertains to the efficacy of mediation in resolving workplace bullying cases. The desire of the parties to cooperate amicably in order to achieve a compromise is the basis of mediation. As a result, if the victim of workplace bullying refuses to communicate with the aggressor, mediation would be ineffective. Here, 33 participants (50.8%) stated they would be willing to accept a mediation session jointly with the bully, whereas 18 respondents (27.7%) expressed that they were not willing to mediate with their offender. Interestingly, 14 participants (21.5%) suggested that they were unsure whether or not they would accept to engage in mediation with their aggressor. This aspect is essential in obtaining data for the research question of this project, which explores the effectiveness of mediation in resolving workplace bullying disputes.

(20) Would you consider mediation an efficient process for solving relationship issues among parties?

RESULTS: This question is somehow related to both the acceptability of bullying victims to settle their conflicts through mediation as well as to the effectiveness of the procedure. Knowledge about the functioning of mediation and also positive outcomes from the process possibly plays a significant role in the decision of the victims, even if they have not yet participated in a session of such alternative dispute resolution. In this scenario, 43 participants (66.2%) indicated that they consider mediation to be an efficient means of resolving work-related bullying disputes, while only 9 participants (13.8%) considered that the process is not effective in such cases. Again, 13 participants (20.0%), which is an expressive amount, are unsure about the mediation's efficacy.

(21) Do you think that a mediation process would result in a beneficial outcome for all disputing parties?

RESULTS: This query looks at the victim's expectations and perceptions. One of the key points of mediation is that both sides must be able to achieve a mutually beneficial outcome with the mediator's assistance and reality check. The willingness of the victim to participate in the process takes place again since parties with disputes do not usually partake in proceedings that do not favour them. Here, 37 respondents (56.9%) pointed that mediation would result in benefits for all parties, and 10 respondents (15.4%) believe that it would not. Especially intriguing, 18 respondents (27.7%) were unsure about the results of the mediation, suggesting a lack of confidence on the part of the participants regarding the advantages and autonomy of the outcomes.

(22) Do you believe that your vision towards the offender would change after a mediation process?

RESULTS: This section was designed to examine potential changes in the victim's relationship and perceptions towards his or her offender. This aspect is essential in determining the severity of the psychological damage caused by bullying, as well as the victim's ability to mitigate those effects after the conflict has been resolved by mediation. In response to this issue, 17 participants (26.2%) said their vision would shift in the position towards their aggressor, whereas 11 participants (16.9%) stated their vision would not change. The most curious, and perhaps most relevant aspect of this question is that 37 participants (56.9%) are uncertain if their views would change after the process. This aspect seems to imply that the impacts caused by bullying on victims are profound and long-lasting, and aligns with the literature, which indicates that the adverse effects do not cease immediately after the exposure to the negative acts ends.

(23) Do you think that the offender's attitude would change after a mediation process?

RESULTS: The aim of this query, like the previous one, was to determine if the parties to the dispute could change their views. Surprisingly, the vast majority of respondents, 42 people (66.7%) reported they were not sure whether the offender's attitude would improve after mediation, while 11 respondents (17.5%) believe it would and 10 respondents (15.9%) believe that the aggressor's attitude would not change. This is yet another significant factor that may affect the victim's decision to engage in mediation, as a lack of trust in the offender's efforts to resolve the dispute might lead to the victim refusing to participate in the process.

(24) Would you prefer to solve your bullying dispute in Court (Litigation)?

RESULTS: This is, without a doubt, the most critical question in this study. This query specifically assesses how the Irish workforce prefers to handle workplace bullying conflicts. The question gathers information about whether a victim of workplace bullying would prefer to resolve the conflict through litigation or mediation, which is the major question in this research. The topic is

also multi-structural in that it incorporates the respondents' emotional state as well as their feelings regarding mediation. Overall, 37 respondents (56.1%) indicated that they prefer to settle such conflicts by mediation, with just around a quarter of people (16) showing an interest in resolving their case through litigation. Again, 13 participants (19.7%) said they were undecided about which form of dispute resolution they would prefer. This result is relevant to the point that it may demonstrate the general public's lack of understanding of the advantages of both alternatives. According to the literature, the ability of the parties to cooperate is essential for the efficacy of mediation. If the victim of bullying in the workplace is willing to mediate in the first place, mediation has a better chance of succeeding.

CHAPTER 5: DATA ANALYSIS AND FINDINGS

5.1 Section Overview

This section provides and clearly demonstrates the research project's findings in greater detail. This section interweaves secondary literature from Chapter Two and additional literature relevant to the topic, integrating them into the data through rhetoric. Subsequently, three key aspects emerged from the data collected that are pertinent and relate to the literature on mediation and bullying in the workplace. First, the data revealed the prevalence of workplace bullying in Ireland. Second, the data accessed the significance of the negative acts faced by victims, costs for organisations, and potential ramifications. At last, the data accurately observed the willingness of participants to report and resolve work-related bullying cases through mediation.

5.2 The Incidence Rate of Workplace Bullying in Ireland

The rate of workplace bullying in Ireland is unquestionably appalling. As shown in a study published in 2007 by the Economic and Social Research Institute, 7.9 % of Irish workers were victims of workplace bullying, as well as a report released by Eurofound in 2013 revealed that 6.0 % of the Irish workforce faced the same scenario. Additionally, in this project, it was identified that in general 53.6% of the participants declared that they had been targets of workplace bullying at some point in the twelve months preceding the survey. As per Leymann's (1996) evaluation criterion, which emulates the studies performed in Ireland and considers as a victim those who have suffered at least one episode of bullying per week for a period of six months, the prevalence rate of workplace bullying among respondents resulted in 10.5 percent.

The rate of workplace bullying was also compared based on gender differences. According to a study presented in Chapter Two (*See, e.g.* Economic and Social Research Institute 2007), women are twice as likely as men to be bullied at work. In this project, 75.8 % of the 66 participants who declared themselves to be targets of workplace bullying were women, compared to only 19.7 % of men. Furthermore, 84.6 % of the 13 respondents who reported being bullied on a daily or weekly

basis were female, while 7.7 % were male. It is evident that the fact women are overrepresented (*See, e.g.* figure 1) in the sample as a whole could indeed explain a large portion of the disparities between male and female. However, the measured results in this research reaffirm previous studies in the field. As reported by Rosander *et al.* (2020), the fact that women have lower social power due to societal influence, impacts on their self-labelling as targets of bullying. Besides that, women are often underrepresented in managerial positions, which is attributed to the idea that females are more likely to be chosen for positions coupled with poor performance, whereas males are preferred for positions leading to successful performance. This component makes women more vulnerable to criticism as a result of challenging tasks, poor working conditions, and a high probability of failure (Rosander *et al.* 2020).

Cross-cultural relationships have also shown to be essential in influencing workplace bullying rates in Ireland, given the workforce's cultural diversity. In this project, the questionnaire was distributed to individuals of various communities in Ireland, including Brazilians, Irish, Mexicans, and Saudis. Conforming to Jacobson, Hood & Van Buren (2013), there is the possibility of conflict and disagreement when individuals who work jointly provide distinct preconceptions of interpersonal behaviour and perspectives of what is and is not bullying at work. Furthermore, it is also noted that different interpretations of bullying, along with meanings and situational definitions of aggression, can be based on historical and social contexts of different nationalities.

A further reason that the rate of workplace bullying survey participants is so substantial in the outcomes of the project compared with previously documented statistics is most likely due to the definitional obstacles of bullying in the workplace. This relates to the varying concepts of work-related bullying delivered in the research work. Although respondents were given a definition of workplace bullying in the questionnaire, the variety of definitions present in contextual literature and society lead to misunderstanding and lack of certainty for all those who are victims of the acts and those who should be responsible for reporting or judging such actions. For instance, in the

definition presented in the questionnaire, bullying at work is defined as *"a situation where one or several individuals persistently over a period of time perceive themselves to be on the receiving end of negative actions from one or several persons, in a situation where the target of bullying has difficulty in defending him or herself against these actions. We will not refer to a one-off incident as bullying''* (Einarsen, Hoel & Notelaers 2009 p.28). Yet, in another citation, workplace bullying is described as *"emotional abuse and mistreatment of employees, primarily at the hand of supervisors, but may include peer bullying''* (Einarsen & Mikkelsen 2003 p.127).

The legal definitions of workplace bullying, which focus on a persistent pattern, excludes important cases of bullying, as in the case of Una Ruffley (*See, e.g.* Una Ruffley v. The Board of Management St. Anne's School 2017), that explains why the rate of bullying at work is considerable in the study findings. In the perception of respondents, one-off incidents may be considered workplace bullying and cause the same adverse consequences as a pattern of bullying.

5.3 The Costs and Effects of Workplace Bullying

Due to the high percentage of workplace bullying in this project, the organisational outcomes described in Chapter Two may be even higher than documented. In the Irish context, organisations are bound to lose around €3 billion per year as a result of work-related bullying, and there is a greater risk of lowered customer confidence, and negative corporate image (*See, e.g.* Hanley, Benson & Gilbreath 2008). Furthermore, researchers estimate that 1.7 million days are lost due to bullying, costing the economy €239 million in annual productivity losses (*See, e.g.* Cullinan *et al.* 2020). Such factors only serve to highlight how harmful to organisational profit workplace bullying might be, and the data from this research work demonstrates that costs of workplace bullying are far from being reduced in the absence of effective intervention by companies and the Irish Government. Apart from that, new COVID-19 work-from-home practices are unlikely to have reduced bullying-related costs (National University of Ireland Galway 2020).

In terms of individual effects and consequences, the data from this project illustrates how prevalent certain negative acts are in the workplace. A significant proportion of respondents reported being victims of actions such as performing tasks below their level of competence and having their work excessively monitored on a weekly and daily basis. This prolonged exposure to workplace bullying frequently alters targets' perceptions of the work environment, leading to feelings of insecurity and self-doubt (*See, e.g.* Matthiesen & Einarsen 2010). Moreover, secondary data presented in Chapter Two exemplify that, in the Irish scenario, exposure to workplace bullying can have profound effects on individuals' well-being, frequently resulting in high levels of stress, anxiety attacks, depression, and, in some cases, suicide (*See, e.g.* National Anti Bullying Research and Resource Centre 2021).

On top of that, the data collected in the survey points to concerns about the possibility of reporting cases of workplace bullying. Provided that 40 percent of respondents were unsure about the possibility of reporting acts of bullying suffered and another 16.9 percent would be unwilling to report, such values may indicate job insecurity, a lack of anti-bullying policies in organisations and/or absence of employees' awareness of that. These percentages discovered in this project are highly relevant in terms of correlating with data previously presented in the secondary literature. Authors presented in Chapter Two (*See, e.g.* Glambek, Skogstad & Einarsen 2018) further demonstrate that job insecurity is commonly linked to workplace bullying, with targets being discharged for no reason, quitting their jobs, or being compelled to quit their professional careers due to serious health issues. Regardless of the final outcome in terms of professional survival, the threat of job loss can be present during parts, or even all of that time.

In terms of anti-bullying policies, Ireland does have relevant workplace bullying legislation. Employers are responsible for ensuring the safety and health of employees in the workplace under the 2005 Act (*See, e.g.* Safety, Health and Welfare at Work Act 2005). This means that the employer must take appropriate precautions to prevent workplace bullying. However, it is unknown whether the legislations in place are truly effective in combating bullying at work. Furthermore,

failure to follow the Code of Practice (*See, e.g.* Health and Safety Authority 2021) in theory is not an infringement of legislation on the part of organisations, which can lead to misunderstandings about the obligation to follow such guidelines in preventing workplace bullying.

Bullying in the workplace evidently causes major psychological and financial losses for employees and employers; however, based on the data gathered by this study, the damage occasioned by bullying in the Irish workforce may have been underrated by previous publications.

5.4 Willingness of Participants to Address Workplace Bullying

The data gathered assessed participants' willingness to settle work-related bullying disputes, as well as their inclinations for the method of alternative dispute resolution. According to the data obtained, victims of bullying at work are willing to constructively address workplace bullying through mediation, considering the method to be effective in resolving the dispute, even if there is uncertainty about changes in behaviour, relationships, and the positive outcomes of the process. Furthermore, participants expressed a stronger preference for mediation over litigation as a means of resolving workplace bullying disputes.

Various cited sources in Chapter Two advocated that mediation is ineffective for resolving workplace bullying complaints because it places the victim in a vulnerable position. In the justifications of the experienced mediator Esque Walker, for instance, it is debated that mediation is intolerable in any case involving abuse or violence whatsoever. Walker claims that when mediation was formed, it was not designed to deal with the complexities of workplace bullying or other situations of violence (*See, e.g.* Walker 2013). In other words, Walker's study argues that the victim of bullying is generally powerless to confront the aggressor and that mediation commonly fails due to the imbalance of power between the parties, fear of the offender, lack of confidence, and complexity of the case (Walker 2013).

Overall, a considerable number of participants would not be willing to participate in the mediation, while others hesitated to make a decision. It is important to note that the failure factors presented by Walker may have an impact on the results of this study because the victims' uncertainties and fears may influence their decision-making regarding the method chosen or not to address their complaints. Contrarily, half of the participants were willing to accept mediation as a step towards resolving workplace bullying disputes. This factor might be related to the idea that mediation promotes a secure environment in which power differences are best handled with the assistance of a neutral party and the possibility of reaching its own solution rather than having an enforced resolution (*See, e.g*. Saundry, Bennett & Wibberley 2018).

Moreover, it is vital to recognise that, while the acceptance of mediation was quite positive in this project, the severity of the cases and the bully's preferences were not measured. Therefore, as discussed in Chapter Two, the stage of the conflict and the perpetrator's willingness to participate in mediation must be considered in order to achieve a beneficial and conclusive outcome (*See, e.g*. Jenkins 2011). Ultimately, there was considerable reluctance to resort to litigation as a means of resolving a dispute. This outcome makes sense since litigation does not address the instant challenges triggered by bullying at work. Bullying in the workplace occurs immediately, and a lengthy and costly legal dispute against the bully and/or employer would not be advantageous to tackle an urgent issue. This appears to imply that, in the victims' opinion, relying solely on litigation as a legitimate tool to assist in the prevention and resolution of workplace bullying is not the best alternative.

CHAPTER 6: DISCUSSION

6.1 Section Overview

This chapter connects the concepts from the previous chapters and assesses mediation's overall acceptability and efficacy in addressing workplace bullying conflicts. This discussion is designed to reflect on key considerations involving the appropriateness of mediation in workplace bullying disputes, as well as connecting ideas presented in the secondary literature review, such as definitions, individual and organisational outcomes, and preventive alternatives.

This section also includes recommendations for organisational and societal implementation. In a nutshell, mediation was found by the participants to be acceptable in resolving workplace bullying cases. Although mediation is a crucial component in addressing labour disputes, particularly bullying, its use should be strongly associated in the first place with the propagation of its benefits, appropriate legal advice, and effective corporate policies to discourage negative acts. All arguments will be explained and endorsed in the following discussion.

6.2 Mediation vs. Litigation - a Method to Resolve Workplace Bullying Disputes

In workplace bullying cases, mediation is preferable to litigation as a method of dispute resolution. Victims are unable to rely on the court system to overcome their allegations, which emphasises the function and significance of mediation in resolving such disputes. The statistics collected demonstrate this inclination, with the majority of participants preferring to resolve a work-related bullying claim through mediation instead of litigation. From an organisational standpoint, mediation is one of the choices available for cases of bullying at work, while for victims, it is frequently the most beneficial and consistent tool.

In an immediate attempt to solve or minimise the issue internally, most organisations frequently prefer to use the assistance of the human resources department or face-to-face confrontation. However, these actions might not always produce the ideal results. Another common strategy is to

transfer the victim to other departments of the company; this technique can be advantageous as well as detrimental to the company's performance. The victim may be unable to adapt to the new role for a variety of reasons, including feelings of disappointment or helplessness, fear of future aggression, and a lack of interest in the given task. Concerning the aggressor, the majority of organisations prefer to report the problem in a cordial manner utilising only verbal warnings and requesting the perpetrator to quit bullying behaviour. Such a strategy is often ineffective because the aggressor may feel untouchable and encouraged by the company's tactics and policies, increasing the likelihood of recurring incidents.

Mediation is preferred over litigation in cases of workplace bullying claims owing to the exorbitant costs, time, and ambiguous standards involved in litigation. Victims of workplace bullying typically seek redress when the situation has become untenable and requires urgent resolution. Litigious processes can take years to complete, whereas mediation can be finalised in weeks. The supposition that litigation would put organisations and bullies in jeopardy due to financial loss appears to be illustrative, with little impact on decreasing workplace bullying rates. Although it is uncertain how mediation operates to prevent prospective bullying at work, mediation is preferable to litigation because it has the possibility to resolve the case immediately.

Another factor that reinforces the importance of employing mediation as a common procedure in cases of workplace bullying, is the length of time victims have to file a lawsuit. In the Irish judicial system, the claimant has two years from the date stated as the commencement to initiate the personal injury process (Civil Liability and Courts Act 2004). Given that victims frequently require years of psychological treatment to overcome their barriers and recognise the negative acts committed against them, mediation would be a viable alternative to a late resolution.

Due to the inconsistent standards set by the Irish Supreme Court, litigation proves to be a poor channel for combating and preventing workplace bullying. A target of workplace bullying in Ireland may find it difficult to win a case in Court, as the judicial system in many cases appears to

side with organisations rather than victims, making evidence of the bully's actions practically unreachable. The case law presented in Chapter Two is one of the most important in the country when such points are raised. The legal definition established in the verdict exemplifies the tough challenge of prevailing in Court over a workplace bullying claim. In this case, the Supreme Court ruled that the victim of bullying must prove that the negative behaviour faced is repeated, inappropriate, and undermines the employee's dignity at work, as well as stated that employers require a certain level of autonomy and discretion to make appropriate business decisions (See, e.g. Una Ruffley v. The Board of Management St. Anne's School 2017). While this decision rationale is debatable and may be reasonable from one point of view, the actual effect is that workplace bullying victims cannot depend solely on the judicial system or litigation to settle their conflicts. This implies that the role of mediation becomes even more important since the victims are unable to effectively rely on certain legal methods.

Besides that, the Irish Government seems to recognise the limitations of legal proceedings and has encouraged the population to seek alternatives to litigation in order to optimise the country's judicial system. The Mediation Act 2017 states that before filing a lawsuit, solicitors should advise the client to consider mediation as an attempt to resolve the dispute, while providing information about the services and clarifying the advantages of the alternative (Section 14 of Mediation Act 2017). Furthermore, the well-known report by Judge Peter Kelly acknowledges that the promotion of ADR methods has been a specific emphasis of civil procedural restructuring in Ireland, and has been supplemented by substantial primary legislative initiatives in the areas of mediation and arbitration (The Kelly Report 2020).

According to the findings of this research, the bulk of participants stated that they would prefer to settle their disputes through mediation rather than litigation. This choice reflects the major advantages of mediation over litigation in work-related bullying claims.

6.3 Mediation's Effectiveness and Acceptability from the Victims' Perspective

Mediation was deemed acceptable by the project's participants, demonstrating that, yes, the large proportion of workplace bullying victims are open and willing to dialogue in order to resolve their claims. Nonetheless, it is critical to have a discussion about the apparent lack of knowledge of the mediation's positive outcomes, particularly when evaluating possible changes in perceptions and relationships.

As previously stated, long-term exposure to bullying alters victims' perceptions of the workplace and life in general (See, e.g. Matthiesen & Einarsen 2010). Little is known about the factors that influence victims' perceptions of bullying and their willingness to report abuses. Perhaps the most important point to comprehend is that the concept of workplace bullying is primarily based on the subjective experiences of the people involved. As described earlier in Chapter Two, definitions of bullying in the workplace are diverse and contradictory, expanding or declining concepts between countries and researchers and, as a result, not effectively encompassing all bullying claims. The legal definition of workplace bullying in Ireland is as follows: *"Workplace bullying is 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 be reasonably regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying"* (Health and Safety Authority 2021). Bullying definitions generally require systematic negative behaviour, as in the Irish example, but such an approach appears to be more efficient in determining patterns in massive samples than in individual levels.

To fully understand each individual's reactions and perceptions, it is necessary to examine the psychological and fairness beliefs that pervade a work environment. The organisational support perceived by the victims is a critical factor in determining the acceptability of mediation; the

employee must acknowledge that the organisation cares about their well-being and values their professional contributions. Therefore, the victims' expectations play a significant role in their experience of workplace bullying. In other words, negative behaviours are interpreted as bullying when they overlap with prevailing norms and expectations and are considered harsh enough (Parzefall & Salin 2010). The victims' apprehensions about disclosing abuse and the difficulty in recognising potential advantages in interpersonal relationships are evident in this research, which is set against a background of intimidation and disruptive organisational support.

In terms of effectiveness, mediation can be used in certain instances of workplace bullying, but not all. Mediation can be a successful, low-cost, and quick manner to handle cases of workplace bullying that do not constitute extreme violence. Victims of severe bullying are especially vulnerable to be able to confront their bully. As suggested earlier, some situations are believed by researchers to be inappropriate for resolution through mediation (See, e.g. Walker 2013). Those who reject mediation in workplace bullying cases argue that the victim is fundamentally disadvantageous and vulnerable in the discussions because the perpetrator tends to exploit and misrepresent the victim's viewpoints (Walker 2013).

Fortunately, this does not dismiss the possibility of using mediation to address workplace bullying. Mediation has multiple practical advantages and the capacity for rapid resolution to be entirely ignored. Bullying in the workplace can take several forms, and it is not necessarily accompanied by extreme physical and emotional manifestations. Excessive control of work and ignoring opinions are examples of negative behaviour. In some situations, the perpetrator may be unaware that her or his actions are considered bullying. As a result, not all cases of bullying involve violence and coercion, which could put the victim in a vulnerable position, allowing mediation to be used effectively.

Mediation can be valuable in cases of workplace bullying because it creates a safe atmosphere by allowing a constructive balance of power and focusing primarily on achieving a mutually beneficial

solution. This is validated by the fact that when asked about the theoretical concept of whether they would engage in mediation with the bully, the overwhelming majority of participants replied affirmatively. Organisations should seek to educate human resources department employees to recognise when an allegation for workplace bullying can be resolved by mediation or when situations have a high likelihood of prospective abuse, and in such cases pursue remedies that require less emotional capacity from the victim.

6.4 Recommendations

Given the relevant statistics obtained in this project regarding the incidence rate of workplace bullying among the Irish workforce, recommendations in social parameters are deemed essential. To begin, the Irish Government should conduct frequent research on the influence and impact of cultural differences on the incidence of workplace bullying, as the diversity of the workforce has increased significantly in recent years since the Irish labour market has become more accessible to foreign workers. Cross-cultural relationships, as discussed in this study, have had a significant impact on workplace conflicts, with perceptions and experiences from the worker's homeland being part of their professional background. Different organisational initiatives are likely to be required in cultures where bullying is more permissible and undetectable than in nations where bullying is socially approved or where legislation/provisions exist.

Foremost, there is a need for changes to the Workplace Relations Commission and Health and Safety Authority's Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work. Given the significant negative consequences that can result from workplace bullying, organisations should endorse stricter regulatory policies regarding bullying at work. Presently, there is no constitutional mandate for employers to have an anti-bullying policy; it is strongly recommended, but not compulsory. In order to create healthy work environments, Ireland should follow the Australian example of the Brodie's Law and emphasise the legal implications of bullying, by establishing a solid framework to criminalise workplace bullying. As a

result, the law would deliver a clear message that intimidating and threatening behaviour in the work environment or elsewhere in the society would not be accepted.

In addition to assisting the implementation of the practices proposed in the Code of Practice, the Irish Government should promote channels of support for workers and employers aiming to reduce the culture of bullying in the country's organisations. Nowadays, there are two channels with extremely important functions to support bullying cases, although they are little explored and not known by the wider public. Further positive media advertising should be used to promote the Workplace Relations Commission's services that target the management and resolution of work-related conflicts, including bullying. Another program that should be promoted is the National Anti Bullying Research and Resources Centre, which plays an important role in assisting and guiding workers and employers, as well as fosters mediation and the effective development of anti-bullying policies.

Given the previously discussed benefits of mediation, as well as mediation's suitability in many types of workplace bullying disputes, corporations should develop a mediation-focused anti-bullying policy. Actually, it is the employer's responsibility to encourage an anti-bullying culture, as this is the more efficient method to prevent workplace bullying in the very first place.

To address the issue, organisations must implement an anti-bullying policy that expresses to employees that bullying is intolerable. A policy itself, however, is ineffective, and it is critical that such policy is incorporated reasonably and in a timely manner. Preferably, organisations should be assertive in categorising when and how bullying arises in the workplace and be prepared to create context-specific interventions. In adequate cases where the victim is not in an abusive position, the anti-bullying policy should employ mediation.

Essentially, instead of being utilised in any situation, mediation should be seen as a more flexible, nuanced instrument that tackles specific types of workplace bullying conflicts. This middle ground maximises the advantages of meditation while minimising its limitations. Since mediation solely

cannot always resolve and/or pertain to certain disputes successfully, the onus ultimately falls on the company to assertively foster a culture of workplace bullying prevention. In other sayings, mediation should be a key component of a greater workplace bullying prevention strategy that prioritises company policies, with mediation serving as a central theme and litigation serving as a last resource.

More clarification is needed as to when threatening behaviours cross the line from inoffensive banter to improper workplace behaviour. Given the vagueness and existing definitional issues reported earlier, organisations would be wise to establish a workplace bullying definition and clearly state to staff members that this definition will be used and considered when coping with workplace bullying allegations. Employees should be provided with the definition during their induction process, and it should be clearly documented in the organisation's anti-bullying policy. Employees should be made aware of any changes to the definition if they occur.

Ultimately, when a victim files a complaint, it should be forwarded to the human resources department. HR personnel should be properly trained to determine whether a complaint should be resolved through mediation or by another dispute resolution method. Cases involving abuse or a high level of venom should not be referred to mediation. Furthermore, HR should advise the employee, who is the target of the bullying, to seek legal counsel so all of their concerns can be addressed. In this case, it is suggested that companies instruct victims about the Free Legal Advice Centre (FLAC), which is a self-governing voluntary group dedicated to the realisation of equitable access to justice.

If implemented, the strategies outlined above would have numerous positive effects on the economy, the organisations, and the individual well-being of employees and victims of workplace bullying.

CONCLUSION

The following are the vital conclusions of this research project: The rates of workplace bullying in Ireland have remained consistent with the latest studies in the field, confirming the country's alarming situation with such a phenomenon. Bullying in the workplace is challenging to detect because it takes on a subtle nature. The abusive tendency to manipulate others underpins the majority of bullying conduct. Since it is complex to research workplace bullying, its categorisation was focused on the victims' perspectives.

In terms of mediation, it has been determined that the method has a high level of acceptability among victims of workplace bullying, and thus plays an essential role in the settlement and prevention of workplace bullying. Nevertheless, it has been established that the use of mediation to resolve workplace bullying claims should be adapted to the stage of the dispute rather than being applied universally in order to acquire successful outcomes. Organisations should classify claims based on the seriousness of the cases and mediate only those cases with a light to moderate severity and/or a low likelihood of negative actions recurring. The aim of such action would be to protect victims in vulnerable circumstances.

Overall, due to the uncertainty of a significant percentage of victims in disclosing cases of bullying they have encountered, it was discovered that, in the first instance, corporations should develop an atmosphere that actively discourages bullying in the workplace, as well as creates anti-bullying policies. The goal would be to minimise the number of workplace bullying incidents and, as a result, the need for alternative dispute resolution. Thus, lawsuits, mediation, and other alternatives would only be utilised as a last resort if and when disputes arose.

Therefore, the project's final outcome prompted the creation of guidelines for Irish society and organisations. The suggested scheme stresses to Irish companies and Government how to foster successful workplace bullying prevention and interventions, including more realistic regulatory steps and a deeper and sophisticated emphasis on mediation. Victims of workplace bullying will

still have access to the judicial system, but they cannot depend on it for a speedy or even favourable resolution. Mediation must be prioritised as a means of resolving conflicts so that workplace bullying cases gain the attention and timely resolution they require. If adopted, these recommendations have the potential to reduce the substantial economic and bureaucratic costs associated with the high incidence of workplace bullying, and also the severe psychological and physical damage caused to those who are victims or observers to such intolerable behaviour.

So far, it has been possible to conclude that the research has met its primary objectives; additionally, the project has reacted to the hypothesis in the following manner:

Disproved that the victims of bullying somehow are not willing to participate in a mediation process with their offender and that on the part of the victims there is no confidence in the effectiveness of the process and its outcomes. According to the findings of the research, victims of bullying are willing to engage in mediation with their bullies and believe in the effectiveness of the process.

Proved that from an employment perspective, there is a resistance in reporting cases of bullying in the workplace due to a possible flawed approach between employer and employees, and a lack of anti-bullying policies. It was possible to infer from the research that a significant percentage of the participants were hesitant or unsure about disclosing workplace violations. This aspect reinforces the theory of workers' lack of trust in company's policies and efforts to avoid and resolve workplace disputes.

This research project had several secondary goals in addition to the main objectives. The conclusion for each of these goals will be outlined here in the sequence in which they emerged in Chapter One.

To discuss different definitions and opinions encircling the workplace bullying concept: The legal concept of workplace bullying differs significantly from how workers can perceive workplace bullying in reality. Workplace bullying is described as repetitive behaviour that infringes on a person's right to dignity at work and necessarily requires a component of motivation on the bully's part. In practice, workplace bullying can occur on a one-time basis and over a shorter period of

time. According to the conclusions, workplace bullying is more common and detrimental than initially assumed.

To demonstrate the impacts of workplace bullying on the victims' well-being and the organisational economy: According to the literature reviewed, heavy exposure to bullying has a significant impact on the welfare and safety of the victims. Organisations incur substantial economic costs as a product of the effects of workplace bullying on employees' physical and psychological health, as well as a high rate of issues such as turnover and decreased performance.

To present the existing legislation to prevent workplace bullying in Ireland: As shown by this study, the Irish court system does not do a sufficient service of preventing, discouraging or resolving workplace bullying issues in general. Since it is so lengthy and costly, the judicial system does not effectively prevent workplace bullying. Besides that, Irish courts appear to favour employer discretion over actively combating workplace bullying: the pressure on the victim is exceedingly high since she or he must show a history of violence, which is incredibly complex to prove in Court.

To supply the ongoing discussion in relation to the appropriateness of using mediation as a tool to resolve workplace bullying cases: In certain cases where there is a low stage of conflict or limited risk of further abuse, this study concluded that workplace bullying can be effectively resolved by mediation. Conforming to scientific literature, the most significant disadvantage of mediation in the case of bullying at work is the targeted party's insecurity during the consultations. If the victim's risks and exposure can be diminished, both sides of the discussion over whether mediation is suitable for workplace bullying can reach a compromise.

To identify if a mediation process could transform the victim's relationship and perception towards his or her offender: Owing to the high degree of uncertainty displayed, the victims of bullying were unable to formulate a conclusive answer in a significant percentage of responses. This aspect is consistent with parts of the literature that indicate that the victim of bullying suffers

from long-term effects that do not cease when the negative actions are stopped, which have the potential to alter their resilience.

The conclusion is remarkable since it proposes a statutory amendment requiring compliance with the Code of Practice, as well as a specific study to examine the effects of cross-cultural relationships on the prevalence of bullying, which was not previously recommended in the Irish literature. As a culmination of this conclusion, the research project was able to achieve its primary goal, which was to determine the acceptability and effectiveness of mediation based on the perspectives of work-related bullying victims. Generally speaking, the application of this scheme could lead to a reduction in workplace bullying in Ireland, which would have numerous financial and social advantages.

REFLECTION

The research project was completed successfully and met its main objectives. However, there were some obstacles encountered along the way. Initially, it was intended to conduct interviews with workplace mediators to obtain valuable professional perspectives on the process's effectiveness in resolving cases of workplace bullying. In such interviews, I expected to receive assistance from the mediator in locating victims of bullying who had already successfully participated in mediation with the perpetrator or the company, in order to acquire as much accurate information as possible for my research. Nevertheless, it was strongly recommended during the development phase of the research proposal that the study should be redirected to the self-declaration of victims, considering the confidentiality of mediation and the highly sensitive nature of this type of research. This removed a precious component of my Dissertation project and pressured me to reconsider the data collection methodology. Rather than in-depth discussions, the survey became far more relevant within the context of the project.

A further major challenge in this research work was connecting the central themes correlated with mediation and bullying to create a coherent evaluation explaining the effectiveness of mediation in addressing workplace bullying disputes. Several principles are relevant in this matter, including the prevalence of bullying, the individual and organisational consequences, the procedures in place to combat this behavioural pattern, and the forms of dispute resolution available for these conflicts. Relating these principles to comment on mediation's overall acceptability and effectiveness proved to be a more difficult task than I had anticipated, especially given the scarcity of previous research in Ireland on victim perceptions and the benefits of mediation in scenarios of workplace bullying. It was a constant struggle to maintain the theories focused, tight, and connected throughout the Dissertation.

On the other hand, some factors were surprisingly satisfactory and the results were outstanding. This study produced unforeseen results which aided in the development of concrete and innovative

recommendations for Irish society. For starters, there was a concern during the secondary research that the statistics on bullying in Ireland could have been inadvertently boosted. However, the findings of this project confirmed the country's alarming situation, and concerns about the current scenario flourished. The most important statistic I will remember from this study is that 53.6 percent of participants stated they had been bullied at work in the previous 12 months. The conclusions highlight and attract focus to what I presently refer to as a workplace bullying epidemic. Furthermore, I believe that this Dissertation contributes significantly to the debate over mediation as a method for resolving workplace bullying: the interviewees' responses contribute greatly to discussions about the vulnerabilities of the victims.

Throughout this Dissertation, I have come across a few areas where I consider more research is needed. I believe that the advantages of workplace bullying mediation should be meticulously researched, exposing examples of recent workplace bullying disputes that have been successfully settled through mediation. It was clear from several answers that the victim has hesitations about the potential outcomes, particularly regarding the parties' relationship after the mediation. By promoting such positive impacts through scientific studies, organisations can be encouraged to implement anti-bullying policies and discourage bullying culture in the workplace.

As a whole, I am pleased with the results of this study. I believe I have accomplished my goal of providing a comprehensive analysis of the effectiveness and acceptability of mediation from the perspectives of workplace bullying victims. The dissertation title has changed to better express the results of this study. Despite the obstacles encountered in collecting data and the challenges in articulating secondary literature concepts owing to the bounds of the project, I am optimistic that I have formulated a consistent and accurate Dissertation on the matter that would be valuable for everyone interested in studying mediation as an alternative dispute resolution in the sense of work-related bullying.

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Form A: Application for Ethical Approval

<table>
<tr><td colspan="4">

Form A: Application for Ethical Approval
Undergraduate/Taught Postgraduate Research
</td></tr>
<tr><td colspan="4">This form should be submitted to the module leader for the relevant initial proposal and/or the relevant supervisor is the proposal has already been accepted.
<mark>Please save this file as *STUDENT NUMBER_AEA_FormA.docx*</mark></td></tr>
<tr><td>**Title of Project**</td><td colspan="3">A victim's perspective: Would mediation be an acceptable alternative for workplace bullying disputes in Ireland</td></tr>
<tr><td>**Name of Learner**</td><td colspan="3">Michelle Goncalves Silva</td></tr>
<tr><td>**Student Number**</td><td colspan="3">51703041</td></tr>
<tr><td>**Name of Supervisor/Tutor**</td><td colspan="3">Alison Walker</td></tr>
</table>

Check the relevant boxes. All questions must be answered before submitting to the relevant lecturer / supervisor. Note: only one box per row should be selected.

Item	Question	Yes	No	NA
1	Will you describe the main research procedures to participants in advance, so that they are informed about what to expect?	☒		■
2	Will you tell participants that their participation is voluntary?	☒		■
3	Will you obtain written consent for participation (through a signed or 'ticked' consent form)?	☒		
4	If the research is observational, will you ask participants for their consent to being observed.			☒
5	Will you tell participants that they may withdraw from the research at any time and for any reason?	☒		■
6	Will you give participants the option of not answering any question they do not want to answer?	☒		
7	Will you ensure that participant data will be treated with full confidentiality and anonymity and, if published, will not be identifiable as any individual or group?	☒		■
8	Will you debrief participants at the end of their participation (i.e., give them a brief explanation of the study)?	☒		■
9	If your study involves people between 16 and 18 years, will you ensure that passive consent is obtained from parents/guardians, with active consent obtained from both the child and their school/organisation?			☒
10	If your study involves people less than 16 years, will you ensure that active consent is obtained from parents/guardians and that a parent/guardian or their nominee (such as a teacher) will be present throughout the data collection period?			☒
11	If your study requires evaluation by an ethics committee/board at an external agency, will you wait until you have approval from both the Independent College Dublin and the external ethics committee before starting data collection.	☒		
Item	Question	Yes	No	NA

12	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.) will you inform participants in writing that their grades and/or evaluation will be in no way affected by their participation (or lack thereof) in your research?			☒
13	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.), does your study involve asking participants about their academic or professional achievements, motivations, abilities or philosophies? (please note that this does not apply to QA1 or QA3 forms, or questionnaires limited to market research, that do not require ethical approval from the IREC)			☒
14	Will your project involve deliberately misleading participants in any way?		☒	
15	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?		☒	
16	Does your project involve work with animals?		☒	
17	Do you plan to give individual feedback to participants regarding their scores on any task or scale?		☒	
18	Does your study examine any sensitive topics (such as, but not limited to, religion, sexuality, alcohol, crime, drugs, mental health, physical health, etc.)		☒	
19	Is your study designed to change the mental state of participants in any negative way (such as inducing aggression, frustration, etc?)		☒	
20	Does your study involve an external agency (e.g. for recruitment)?		☒	
21	Do your participants fall into any of the following special groups? *(except where one or more individuals with such characteristics may naturally occur within a general population, such as a sample of students)*		☒	
			☒	
			☒	
			☒	
			☒	

If you have ticked any of the shaded boxes above, you should consult with your module leader / supervisor immediately. **You will need to fill in Form B Ethical Approval** and submit it to the Research & Ethics Committee **instead** of this form. There is an obligation on the researcher to bring to the attention of the Research & Ethics Committee any issues with ethical implications not clearly covered by the above checklist.	

I consider that this project has **no** significant ethical implications to be brought before the relevant Research & Ethics Committee. I have read and understood the specific guidelines for completion of Ethics Application Forms. I am familiar with the codes of professional ethics relevant to my discipline (and have discussed them with my supervisor).	☒
Name of Learner	Michelle Goncalves Silva	
Student Number	51703041	
Date	16/03/2021	

I have discussed this project with the learner in question, and I agree that it has no significant ethical implications to be brought before the Research & Ethics Committee.	☒
Name of Supervisor / Lecturer	Alison Walker	
Date	16/03/2021	

Survey Questionnaire

Workplace bullying

Project title: "A victim's perspective: Would mediation be an acceptable alternative for workplace bullying cases in Ireland".

You are being asked to take part in a research study that aims to demonstrate the prevalence of workplace bullying in Ireland and to debate the willingness of bullying victims in participating in a mediation process. This research is being carried out by Michelle Goncalves Silva with the supervision of Alison Walker B.L. as a part of the requirements for conclusion of a Master's Degree in Dispute Resolution at Independent Colleges Dublin.

In this study, you will be asked to answer 14 multiple choice questions related to negative behaviour in the workplace and 1 related to self-identification. You will be asked to answer 7 further questions related to mediation if you qualify for it.

The study typically takes 7-10 minutes to be completed.

Your participation is voluntary and you:

- May decide to stop being a part of the research study at any time without explanation required from you. You have the right to ask that any data you have supplied to that point be withdrawn / destroyed.

- Have the right to omit or refuse to answer or respond to any question that is asked of you.

 - Have the right to have your questions about the procedures answered (unless answering these questions would interfere with the study's outcome. A full de-briefing will be given after the study).

The data I collect does not contain any personal information about you except your gender. Your participation is anonymous, and your responses will be kept confidential.

I and/or Alison Walker B.L. will be glad to answer your questions about this study at any time.

You may contact my supervisor at +353 1 8773900 or info@independentcolleges.ie

Please support me in this study by completing the survey by April 1st.

Thank you in advance for your assistance.

Michelle Goncalves Silva

*Required

1. Do you consent to participate in this research? *

   Mark only one oval.

   ( ) Yes

   ( ) No

2. What is your gender?

   Mark only one oval.

   ( ) Female

   ( ) Male

   ( ) Prefer not to say

   ( ) Other

Negative behaviour in the workplace	The following behaviours are often seen as examples of negative behaviour in the workplace. Over the last 12 months, how often have you been subjected to the following negative acts at work? Please choose the option that best corresponds with your experience:

3. Someone withholding information which affects your performance

   Mark only one oval.

   ( ) Never

   ( ) Now and then

   ( ) Monthly

   ( ) Weekly

( ) Daily

4. Being humiliated or ridiculed in connection with your work

Mark only one oval.

( ) Never

( ) Now and then

( ) Monthly

( ) Weekly

( ) Daily

5. Being ordered to do work below your level of competence

Mark only one oval.

( ) Never

( ) Now and then

( ) Monthly

( ) Weekly

( ) Daily

6. Spreading of gossip and rumours about you

Mark only one oval.

( ) Never

( ) Now and then

( ) Monthly

( ) Weekly

( ) Daily

7. Being ignored, excluded or avoided.

Mark only one oval.

( ) Never

( ) Now and then

( ) Monthly

( ) Weekly

( ) Daily

8. Having insulting or offensive remarks made about your person (i.e. habits and background), your attitudes or your private life

Mark only one oval.

( ) Never

( ) Now and then

( ) Monthly

( ) Weekly

( ) Daily

9. Being shouted at or being the target of spontaneous anger (or rage)

Mark only one oval.

( ) Never

( ) Now and then

( ) Monthly

( ) Weekly

( ) Daily

10. Intimidating behaviour such as finger-pointing, invasion of personal space, shoving, blocking/barring the way

Mark only one oval.

( ) Never

( ) Now and then

○ Monthly

○ Weekly

○ Daily

11. Repeated reminders of your errors or mistakes

Mark only one oval.

○ Never

○ Now and then

○ Monthly

○ Weekly

○ Daily

12. Having your opinions and views ignored

Mark only one oval.

○ Never

○ Now and then

○ Monthly

○ Weekly

○ Daily

13. Excessive monitoring of your work

Mark only one oval.

○ Never

○ Now and then

○ Monthly

○ Weekly

○ Daily

14. Pressure not to claim something which by right you are entitled to (e.g. sickleave,

   holiday entitlement, travel expenses)

   Mark only one oval.

   ○ Never

   ○ Now and then

   ○ Monthly

   ○ Weekly

   ○ Daily

15. Being exposed to an unmanageable workload

   Mark only one oval.

   ○ Never

   ○ Now and then

   ○ Monthly

   ○ Weekly

   ○ Daily

16. Threats of violence or physical abuse or actual abuse

   Mark only one oval.

   ○ Never

   ○ Now and then

   ○ Monthly

   ○ Weekly

   ○ Daily

Have you been bullied at work?	According to Einarsen et al. 2009, Bullying is defined as a situation where one or several individuals persistently over a period of time perceive themselves to be on the receiving end of negative actions from one or several persons, in a situation where the target of bullying has difficulty in defending him or herself against these actions. We will not refer to a one-off incident as bullying.

17. Using the above definition and the previous answers, please state whether you have been bullied at work over the last 12 months *

Mark only one oval.

◯ No

◯ Yes, but only rarely

◯ Yes, now and then

◯ Yes, several times per week

◯ Yes, almost daily

Mediation	Mediation is defined in the Mediation Act 2017 as "a confidential, facilitative and voluntary process in which parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute." Considering the definition presented above, please answer the following questions with the option that best corresponds to your opinion on the mediation process in cases of workplace bullying.

18. Would you be willing to report a bullying case to your manager, given that you are a person who feels bullied?

Mark only one oval.

◯ Yes

◯ No

◯ Not Sure

19.   Would you accept going to a mediation session with the offender?

Mark only one oval.

○ Yes

○ No

○ Not Sure

20.   Would you consider mediation an efficient process for solving relationship issues among parties?

Mark only one oval.

○ Yes

○ No

○ Not Sure

21.   Do you think that a mediation process would result in a beneficial outcome for all disputing parties?

Mark only one oval.

○ Yes

○ No

○ Not Sure

22.   Do you believe that your vision towards the offender would change after a mediation process?

Mark only one oval.

○ Yes

○ No

○ Not Sure

23. Do you think that the offender's attitude would change after a mediation process?

Mark only one oval.

○ Yes

○ No

○ Not Sure

24. Would you prefer to solve your bullying dispute in Court (Litigation)?

Mark only one oval.

○ Yes

○ No

○ Not Sure