

Short notes on:

BULLYING IN THE WORKPLACE

Introduction

In terms of our employment Equity Act 55 of 1998 (EEA), bullying of an employee is a form of unfair discrimination as envisaged in Section 6, and it is prohibited. Bullying also results in losses for an employer both in terms of productivity and efficiency. In addition, it has a detrimental effect on employees' mental and emotional well-being and the working environment.

What are some examples of behaviours that may constitute bullying?

Some of the behaviours that may constitute bullying include inappropriate targeted practical jokes, threats, humiliation, unjust criticism, excessive-performance monitoring, continued denial of requests for time off without a valid reason, unclear or unreasonable deadlines, sending harsh emails or messages to employees, and others verbal abuse.

Why is it essential to have an anti-bullying policy?

An anti-bullying policy assists in the elimination of bullying in the workplace. It educates employees, provides for appropriate and consistent procedures to deal with bullying and prevent its recurrence. The contents of the anti-bullying policy and how it is communicated to employees are among the factor that will be considered when determining whether an employer took the necessary steps to eliminate bullying.

What can an employee do if the employer does not take the necessary steps to eliminate the bullying?

It is the duty and responsibility of the employer to create and maintain a safe and healthy work environment. Failure or refusal to do so is deemed to be an infringement of its obligations. This means that the employer can be held liable to pay damages or

compensation to the victim of bullying. In addition, the employee may refer an unfair discrimination dispute to the CCMA if not satisfied with the steps taken by the employer.

Conclusion

It is advisable for employers to train employees on what constitutes bullying and what they should do if it occurs. Employers must take active steps to prevent bullying, and they may not simply sit back and wait to be informed of it happening before doing something. Furthermore, they should ensure that they give attention to complaints of bullying and take the necessary steps as soon as possible.

Contact SchoemanLaw Inc. for your Labour and Employment needs.