

BULLYING IN THE WORKPLACE

In the previous quarter (Quarter 3), we wrote an article on Harassment in the workplace which is covered in the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace. We further emphasized that in terms of the Code, all forms of harassment, one of which is bullying, are a form of unfair discrimination and constitute a barrier to equality; and must be eliminated. Workplace bullying can either be subtle or overt or openly hostile.

Bullying is when someone aggressively uses their power to target another individual with repeated, unwanted words or actions, hurting them physically and/or emotionally (Pacer's National Bullying Prevention Centre). Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm (<https://www.ncb.org.au/bullying-for-parents/definition-of-bullying/>). The Code of Good Practice referred to in the preceding paragraph indicates at 4.7.7 that bullying is where harassment involves the abuse of coercive power by an individual or group of individuals in the workplace (*repeatedly on another hurting them physically and/or emotionally*). Workplace bullying may involve aggressive behaviour in which someone repeatedly causes another person injury or discomfort (The code of Good Practice on the Prevention of Harassment in the Workplace).

Bullying has an inherent element of intimidation or it has an intimidating effect on the recipient of such a horrible action/experience. The code again at 4.7.7 indicates that intimidation is an intentional behaviour that would cause a person of ordinary sensibilities to fear injury or harm.

Stone (2006:660) as quoted by Swanepoel, Erasmus and Schenk (2008:550) says workplace bullying includes persecuting or ganging up on an individual, making unreasonable demands or setting impossible work targets, making restrictive and petty work rules, constant intrusive surveillance, shouting, abusive language, physical assault and open or implied threats of dismissal or demotion. Similarly, Sherri Gordon also claims that inappropriate behaviour or behaviour constituting bullying includes: berating people; coercing people to do things they don't want to do; dismissing someone's efforts; embarrassing people in front of their employer, co-workers, or clients; excluding others from team activity/activities; intimidating people; lying to others; making snide remarks; minimizing others' concerns (i.e. treating them as trivial); taking credit for other people's work; threatening others; and criticizing others unfairly/unreasonably.

Bullying can be perpetrated by an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it (i.e. to stop bullying) from happening (<https://www.ncb.org.au/bullying-for-parents/definition-of-bullying/>). They further indicate that the following incidents do not constitute bullying:

- Single episodes of social rejection or dislike.
- Single episode acts of nastiness or spite.
- Random acts of aggression or intimidation.
- Mutual arguments, disagreements or fights.

However, despite the fact that the above-mentioned episodes have been indicated as not constituting bullying; it is imperative that they be avoided as they could lead to the very same effects as blatant bullying behaviour. Bullying can be vertical (downwards i.e. supervisor/manager on employee, or upwards employee on supervisor/manager), and it can also be horizontal i.e. involving people of equal ranks or peers on peers.

Upward bullying involves people forming cliques to undermine the person in supervisory/management positions, perpetrating gossiping that could ruin his/her reputation

within the organisation. Generally, this type of bullying is done by or in a group / mob situation; spreading rumours/malicious rumours about you; however, it (this type of bullying) seldom happens because of the power-balance in the hierarchy. This type of bullying, if proven valid, can be addressed through disciplinary proceedings.

The top-down bullying is normally done by a supervisor/manager to an employee and can have a range of negative effects or grievous consequences on the victim in particular and can adversely affect the Business Unit and/or Department in general. If an official/employee experiences a personal problem themselves or their loved ones, it is inappropriate to expect them to just ignore their problem. Ignoring such will definitely adversely affect their work performance. They do not need only your sympathy, but your empathy. Another example could be when an authoritative figure talks inappropriately to a supervisor in front of their junior staff, this will make the junior staff lose respect for the supervisor. Rather call the supervisor to the office and privately address the issue, as that should be the case with junior staff as well. They must not be talked down to in front of other senior staff as they should not be talked down to in front of any staff member for that matter; and this goes for anyone. Work overload and/or making unreasonable demands on someone or setting impossible work targets also constitutes bullying in the workplace. Failure to meet/achieve these targets results in them being marked down using the performance management system when they should in fact be coached and given proper guidance. Such an approach destroys/ruins their careers. Discriminating or excluding others from team activity/activities is another example of bullying in the workplace. This type of bullying can be addressed, if proven valid, through the grievance procedure and ultimately through the disciplinary procedure; otherwise, it can result in a dispute.

Horizontal bullying occurs among people of equal ranks or peers. For example, Bridget Redman refers to an instance where your co-worker deliberately withholds crucial information that you need to successfully complete a project. The intention of such conduct could be to sabotage your project and make you fail. Again, gossiping, slandering, and video-recording someone's chatting/conversation without their consent and sharing such with others; is another form of bullying that also perpetrates the prevalence of horizontal bullying in the workplace. This type of bullying, if proven valid, can also be addressed through the disciplinary procedure. If relevant management does not address it or have addressed it but the complainant still remains dissatisfied/unhappy, he/she can lodge a grievance regarding non-action by the relevant level/s of management or unsatisfactory outcome; and could end up in a dispute if it could not be settled internally.

There are numerous instances of bullying that occur in workplaces, the list is endless. Victims or complainants of bullying must ensure that such acts are reported to higher authority for appropriate consideration and/or immediate appropriate action. The fact that the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace, was gazetted on 18 March 2022 – covering bullying, amongst others, means that stern actions must be instituted against the workplace incidents of bullying, harassment, sexual harassment, and discrimination. In fact, should the employer ignore dealing with these incidents when they have been reported, may face a claim of vicarious liability in court (i.e. being held liable for the wrong-doings of their employee/s or official/s). So, employers are enjoined to act decisively against these hostile, degrading, humiliating, and dehumanising acts/incidents in their workplaces.

*(An opinion from the labour desk
Q4 Employee relations article for 2023/24 Financial Year)
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