

# Say no to job yobs

**R**ECENT research indicates that incidents involving workplace bullying are increasing, becoming more widespread and prevalent than harassment.

What is workplace bullying? It occurs when an employee experiences persistent mistreatment in the workplace that causes harm. It can include verbal, non-verbal, psychological and physical abuse, and even humiliation.

The act of bullying may come from the employers or employees, and even from third parties, such as a client or customer. Bullying can be covert or overt. It may be missed by superiors or known by many throughout the organisation. The negative effects are not limited to the targeted individuals, and may lead to a decline in employee morale and a change in organisational culture.

The most common acts which constitute workplace bullying are having information withheld that affects the worker's performance; being exposed to an unmanageable workload; being ordered to do work below one's level of competence;

given tasks with unreasonable/impossible deadlines and targets; having opinions and views ignored; being spoken to in unacceptable language; coercive behaviour directed against a person or property; unreasonable teasing; all forms of intimidating behaviour including physical assault; intimidation or threats; any form of demeaning behaviour whether business or personal which serves to denigrate the individual being attacked; and abuses of authority.

Workplace bullying should never be tolerated under any circumstances. Although Malaysian labour laws currently do not afford distinct protection against workplace bullying, victims may bring a claim for constructive dismissal where the circumstance surrounding the bullying is tantamount to a material breach of the employment contract by the employer to provide a safe working environment.

Such a legal avenue has clearly been provided under the Industrial Relations Act 1967 (Act 177). It also has well-established legal duties for employers to ensure safety within the workplace. Section 15 (1) of the

Occupational Safety and Health Act 1994 (Act 514) also states that, "It shall be the duty of every employer and every self-employed person to ensure, so far as is practicable, the safety, health and welfare at work of all his employees".

If the acts of bullying transform into physical force, a police report can be lodged. The police will then investigate the matter under the existing Penal Code (Act 574) either for assault, grievous hurt, threats, criminal intimidation or others. Bullying in the workplace may also create a civil claim for damages if it constitutes a form of discrimination.

It is important to note that it is also against the law to bully someone on the basis of race, sex, marital status, religious beliefs, sexuality or disability. It should be the employer's main duty to develop clear workplace guidelines, practices and policies to safeguard all employees.

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