

Sarcasm, gossip and condescending eye-contact - return of the workforce to physical office



When hard lockdown was enforced in 2020 due to the Covid-19 pandemic, businesses or organisations that were able to continue rendering services adopted a new work method.

This new method includes moving from office-based workplaces to home offices, and adopting working-from-home policies in support of the new work method.

This was to ensure that businesses could continue operating during lockdown and to eliminate any risk identified as per the Covid-19 risk assessments of the workplace.

Due to the sudden global change in the traditional work environment, *employers had to manage and discipline their employees virtually or digitally*, instead of via face-to-face performance evaluations. It is evident that both employers and employees were confronted with challenges posed by remote working. Technological advances provided employers with the tools to determine whether employees' productivity increased or decreased.

At the start of the new year (2022), many organisations had to reconsider these policies as *the risks associated with Covid-19 decreased once most employees were fully vaccinated*. The national state of disaster in South Africa was terminated in April 2022, which also motivated some employers to get less-productive employees back at the office.

Back at the office

As mentioned previously, employees performed their duties from their home offices due to the hard lockdown under Covid-19. For many businesses operating from business premises or offices, the financial implications of the Covid-19 pandemic were such that they terminated their office space leases or minimised their physical offices in order to save costs.

The return to the office has not been widely welcomed by all employees. After working in isolation for approximately two years, some individuals found it difficult to work with other colleagues in the same space (environment). Some employees may even use the opportunity to harass co-employees. The employer has an obligation in terms of legislation to ensure a safe work environment.

The Department of Employment and Labour gazetted a *Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace* on 18 March 2022. This Code aims to eliminate harassment in the workplace and provides some clarity on what employees returning to the office need to know in this regard.

Harassment in the workplace

Conduct in the workplace that may constitute harassment includes, but is not limited to–

- o slandering or maligning an employee or spreading malicious rumours;
- o conduct which humiliates, insults or demeans an employee;
- o ostracising, boycotting, or excluding the employees from work or work-related activities;
- o passive-aggressive or covert harassment, which may include–
 - o negative gossip
 - o negative joking at someone’s expense
 - o sarcasm
 - o condescending eye contact
 - o facial expression or gestures
 - o mimicking to ridicule
 - o deliberately causing embarrassment and insecurity
 - o invisible treatment (ignorance)
 - o marginalisation
 - o social exclusion
 - o professional isolation
 - o deliberately sabotaging someone’s dignity, well-being, happiness, success or career performance.

Employees will therefore need to be careful when indulging in any “watercooler” or “basement” talks (these terms are used in reference to gossip) as they could face disciplinary action for engaging in these activities as set out in the new Code of Good Practice. Making unwelcome sarcastic jokes with colleagues or rolling eyes at fellow colleagues can also give rise to an employee landing in the hot seat. Employers should ensure that they have adequate staff policies in place to deal decisively with all forms of harassment in the workplace.

The code also explores *Sexual harassment and vicarious liability of the employer* as discussed in one of our previous articles.

Conclusion

This *Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace* should be seen as a tool that can assist and guide businesses to create a positive culture, as passive-aggressive harassment could contribute towards creating a hostile work environment and divisions within an organisation.

SERR Synergy assists businesses in proactive and supportive ways with regard to the required processes and procedures to ensure compliance with labour legislation and to mitigate the risks to which businesses are exposed in relation to employment issues.

About the Author: Dina Korsten joined SERR Synergy in February 2020 as the HR Manager. She graduated from the University of Pretoria in 2011 with a B.Com in Human Resources and in 2018 completed her B.Com (Honours) in Industrial and Organisational Psychology.

Sources acknowledged:

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