

“Workplace Bullying”

- Know Your Rights and Remedies

A **LAWWORKS** Pocket Series

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***LawWorks** is a collaboration between the National Trades Union Congress and Pro Bono SG that aims to educate employees on their legal rights, and to promote the **LawWorks** Pocket Series intended to provide a guide to particular areas of employment law, provide a checklist of key considerations, and point the way to avenues for further advice and assistance.*

*Regular legal clinics and periodic legal primers will be conducted under **LawWorks**. For more information on legal awareness and assistance for employees, please contact the National Trades Union Congress at:*

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This booklet incorporates all the relevant laws as at 1 April 2023

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1. INTRODUCTION TO WORKPLACE BULLYING

■ 1.1

What is Workplace Bullying?

In any work environment, there can be tensions between co-workers that arise from clashes due to differences in opinions and working styles. In exceptional cases, such friction can lead to workplace bullying. You should not suffer in silence if you are confronted with such a situation.

Workplace harassment can occur when one party at the workplace demonstrates behaviour that causes or is likely to cause harassment, alarm or distress to another party.

It can be blatant or subtle, active or passive. Workplace bullying can come from a co-worker with actual power (for example, a superior or direct manager) or with the convincing appearance of power (for example, an influential or senior peer), or from other people at the workplace (for example contractors, interns and volunteers).

Bullying behaviours that are the easiest to detect include swearing, taunting, put-downs and physical abuse. A more common and insidious form of bullying behaviour is subtle intimidation, such as orchestrated silences when the victim walks into the room, the spreading of malicious gossip to coworkers, the deliberate failure to invite the victim to crucial meetings, stripping the victim of critical duties, and constantly setting up the victim to fail.

Further, workplace bullying does not take place only in the physical office. Given the prevalent use of modern telecommunications, the Internet and social media, bullies may also target their victims on and through these digital platforms. The damage from cyberbullying may, in fact, be greater because the bullying behaviour would be visible to not just the victim and his/her immediate co-worker but also to Internet users at large (including the victim's family and friends).

Bullying is not the same thing as a manager getting angry occasionally or calling out poor performance on the part of the employee. Bullying behaviour can also amount to harassment under the law.

The nature of harassment and the remedies available to a victim of harassment will be explained in the sections below.

Many victims of workplace bullying suffer in silence and alone as they are afraid that if they speak up, they may lose their jobs. However, being bullied can take a toll on one's physical and mental health. It can also affect one's work performance. This may in turn intensify the bullying.

If you feel that you are a victim of workplace bullying, it is imperative that you voice your concerns and inform your supervisor(s) of your predicament.

■ 1.2

Why should employers care about Workplace Bullying?

Bullying not only affects the victim; it also affects the organisation. When there is bullying at the workplace, this can result in the creation of a negative work climate. The morale of workers and their productivity are consequently affected. Bullying can also worsen the reputation of the employer.

■ 1.3

What can employers do?

Employers should implement a feedback process for employees to escalate any concerns or complaints of bullying in the workplace. Employers should also make clear to employees that bullying will not be tolerated in the workplace. Measures that can be taken include:

- establishing HR policies and procedures to address workplace bullying;
- communicating these policies and procedures to employees, which includes identifying the relevant personnel/department to which complaints should be lodged;
- providing timely responses to complaints lodged by employees, including giving regular updates to the complainant during the course of any investigation;
- ensuring that all complaints are treated with the strictest confidence and assuring employees of the same;
- training managers/leaders to communicate constructive feedback and handle issues in a manner which encourages accountability and increase productivity;
- educating leaders on the best practices for establishing a workplace culture that is encouraging and enriching; and
- developing a culture of transparency, under which the organisation will cooperate with external authorities (for investigation purposes) if need be.

When an employee has made a complaint of workplace bullying, the organisation should thoroughly investigate the incident(s) complained of and conduct a fair and impartial hearing to allow the perpetrator and the victim the opportunity to present their version of the incident(s). Minutes should be taken of the hearing and the perpetrator and victim should sign these minutes to verify their accuracy. It might also be helpful for the victim and the perpetrator to each be accompanied by a confidante of their choice during the hearing.

2. HARASSMENT AT THE WORKPLACE

The Protection from Harassment Act 2014 ("POHA") covers both intentional and non-intentional acts.

Intentional acts of harassment are covered under section 3 of the POHA. Under section 3, a person will be guilty of an offence if he or she intends to cause harassment, alarm or distress to a victim through threatening, abusive or insulting behaviour, words or communication, or by publishing any identity information of the victim or a related person of the victim. The victim must also have suffered harassment, alarm or distress as a result of the perpetrator's action.

A perpetrator may also be guilty of an offence under section 4 of the POHA even if he or she did not have an intention to cause harassment, alarm or distress to a victim. Under section 4, a person will be guilty of an offence for any threatening, abusive or insulting behaviour, words or communication which is seen, heard or otherwise perceived by the victim, and which is *likely* to cause the victim harassment, alarm or distress.

Harassment can be of a sexual or non-sexual nature. Harassment can take place physically or through modes of communication such as email, telephone, or on the Internet.

- Sexual harassment could involve unwelcome physical contact and advances, suggestive remarks, showing of obscene or lewd images, and requests for physical contact or sexual favours.
- Non-sexual harassment could include persistent and repeated phone calls, text messages, emails or social media messages to the victim. It might also entail the circulation of gossip, untruths or private content (for example photos, videos, etc) of the victim over telecommunication or the Internet.

Other offences under the POHA include causing fear, provoking or facilitating violence against the victim (section 5), as well as unlawful stalking (section 7).

■ 2.1

Protection from Harassment Act

The POHA is a consolidated piece of legislation designed to provide redress to victims of all forms of harassment. Harassment may include certain instances of workplace bullying. Under the POHA, harassment constitutes both a criminal offence and a civil wrong.

A victim of workplace harassment can do more than make an internal complaint within the organisation. He or she may choose to file a police report, take out civil proceedings against the perpetrator or do both.

What amounts to harassment?

Under the POHA, there are various ways in which someone could become liable for harassment.

- Intentionally causing harassment, alarm or distress (section 3 POHA)
 - This can happen when A intentionally causes harassment, alarm or distress to B by communicating or doing something threatening, abusive or insulting to B. Communication need not be verbal and includes the use of any words, images, message, symbol, etc.

- The focus is on the intention of the perpetrator. For example, Alex and Betty are co-workers.
 - At the workplace, Alex loudly and graphically describes to the other co-workers his desire for a sexual relationship with Betty in an insulting manner. Alex knows that Betty is within earshot and intends to cause Betty distress. Betty is distressed. Alex has committed harassment under this section.
 - Alex writes a letter containing threatening words towards Betty, intending to send the letter to Betty to cause her alarm. However, Alex decides not to send the letter and throws it away. Betty finds the letter and is alarmed. In this case, unlike the above example, Alex has not committed intentional harassment under this section as he had no reason to believe the letter would be seen by Betty.

- Alex gets into a disagreement at work with Betty over the way a project is run. Alex is unhappy with Betty. He writes demeaning and untrue things about Betty on his Facebook page, accusing Betty of being incompetent, stupid and lazy. The post is seen by all of Alex's Facebook friends, including his co-workers. Alex knew that Betty herself would see the post because she is his friend on Facebook. Alex had intended to cause Betty distress and Betty did feel distressed. Alex has committed harassment under this section.

- Harassment, alarm or distress (section 4 POHA)
 - Similar to section 3 described earlier, a person can be liable under section 4 when A causes harassment, alarm or distress to B by communicating or doing something threatening, abusive or insulting to B.

 - However, unlike section 3, the perpetrator need not have intended to cause harassment, alarm or distress to the victim to be liable under section 4 . As long as the victim hears, sees or otherwise perceives the act of harassment and is likely (from a reasonable person's point of view) to suffer harassment, alarm or distress, harassment would have been deemed to occur.

- For example, Calvin and Delwin are co-workers.
 - Calvin posts a vulgar rant against Delwin on Calvin's private Facebook page. Calvin did not mean for the post to alarm or cause distress to Delwin. He merely wanted to vent his frustrations. Calvin also did not intend for Delwin to see the post because Delwin was not Calvin's Facebook's friend. But as things turned out, one of Delwin's co-workers (who is Calvin's Facebook's friend) shows the post to Delwin and Delwin is distressed. Calvin has arguably committed harassment under this section.

- Fear, provocation or facilitation of violence (section 5 POHA)
 - This can happen when a person, through any threatening, abusive or insulting words, actions, or communications, intentionally causes a victim to believe that unlawful violence will be used against the victim or any other person.

 - This can also happen when a person publishes any identity information of the victim (or a related person of the victim), with the intent to cause the victim to believe that unlawful violence will be used against the victim, or to facilitate the use of unlawful violence against the victim.

- For example, Edwin and Francis are co-workers.
 - Edwin writes a public post with threatening and abusive remarks against Francis on a social media platform. Edwin writes a subsequent post stating Francis' home address and stating "Everyone, let's beat Francis up!" Edwin is guilty of an offence under this section.
 - Edwin writes a post (on a social media platform to which Francis does not have access containing threats of violence against) Francis and calling others to "hunt him down and teach him a lesson". Mark posts Francis' home address in reply to Edwin's post. Mark is guilty of an offence under this section.
 - Edwin verbally threatens to beat up Francis in a manner which Francis is likely to take his words seriously. Edwin has committed harassment under this section.
 - If, however, it was clear that Edwin meant it as a joke and there was no reason for Francis to take it seriously, Edwin would not have committed harassment.
 - Edwin sends a series of SMSes to Francis, threatening to set Francis' house on fire and to cause harm to Francis' family. Edwin has committed harassment under this section.

- Edwin goes to Francis' house one evening, confronts Francis, picks up a flower pot outside the house and smashes it on the ground. Francis' wife and children witness this. They are afraid for their own safety. Edwin has committed harassment under this section.

- Unlawful Stalking (section 7 POHA)
 - A severe form of harassment can take place through stalking.
 - Examples of unlawful stalking may include:
 - Following a co-worker (or a co-worker's related person) home and loitering outside the co-worker's (or co-worker's related person's) house;
 - Repeatedly sending a co-worker (or co-worker's related person) materials, or leaving it where it will be found by, given to or brought to the attention of the co-worker, or a co-worker's related person ; and
 - Keeping a co-worker (or coworker's related person) under surveillance.

- For example, Harris and Neesha are co-workers.
 - Harris is fond of Neesha. At least thrice a week, he waits for her at the lobby of their office building, follows her home on public transport (while watching her from a distance), then stares at Neesha's flat on the third floor long after Neesha returns home. Neesha has told Harris numerous times not to do this and that she feels freaked out by his actions. Harris continues with such conduct and Neesha feels distressed by it. Harris has committed harassment through stalking.



■ 2.2

Cyber Bullying

Cyberbullying occurs when a person uses digital technology to cause harm, fear or anxiety to other people in a deliberate, repeated and hostile manner. Acts of cyberbullying may also be caught by the POHA.

Cyberbullying differs from conventional bullying due to the nature of transmission. Since cyber bullying usually takes place over the Internet, perpetrators may believe they have the added cloak of anonymity.

The POHA recognises this and therefore, allows for remedies to be sought even against anonymous entities that are causing harassment. This will be discussed further below.

Cyberbullying can also take place anytime and anywhere, even when the victim is not physically in the same vicinity. Perhaps the most damaging aspect of cyberbullying is that it sees no end, as the offending material once posted onto an online platform is exceedingly difficult, if not impossible, to be completely removed from the Internet. Furthermore, in this connected environment, information can spread very quickly and to a vast number of people.

There are various ways in which cyberbullying in the workplace may arise. For example, some forms of cyberbullying at the workplace include online harassment, cyberstalking, denigration, flaming, impersonation and trickery.

- Online harassment, denigration and flaming refer to the use of abusive, threatening and insulting words targeted at an individual, which are spread online.
- Trickery refers to situations where a victim is deceived into revealing embarrassing or private information and/or forwarding such information to others.

Cyberbullying causes emotional and psychological trauma to victims. Cyberbullying in the workplace also disrupts the efficiency of work. Employees may consider the workplace unsafe especially when employers make light of the situation. In some cases, what may have started out as jokes made online at the expense of an individual employee may escalate in time to overtly hostile behaviour both online and in reality at the workplace.

Cyberbullying in the workplace can bring visible and lasting damage to parties involved. The victim may be traumatised and upset by the cyber bullying behaviour. The perpetrator may face criminal charges. The organisation may acquire a reputation of operating an unsafe and non-conducive environment for work. Hence, it is important for all parties to be aware of the negative effects of cyber bullying and strive towards eliminating such destructive behaviour, if they arise, at the workplace.

If you are a victim of cyber bullying and feel that it amounts to harassment under the POHA, you may wish to take action against the perpetrator through the options discussed in the next section.

■ 2.3

What can you do if you are harassed at work?

Harassment as a criminal offence

The acts of harassment outlined above (under sections 3, 4, 5 and 7 POHA) are criminal offences. This means that a perpetrator who commits the above acts may be subject to police investigation and may be charged in a criminal court. The penalties for committing the various offences are as follows:

Summary of punishments for first offences under the POHA

	Punishment for first offence
Section 3 POHA (intentionally causing harassment, alarm or distress)	Fine not exceeding \$5,000 or imprisonment not exceeding 6 months or both
Section 4 POHA (harassment, alarm or distress)	Fine not exceeding \$5,000
Section 5 POHA (fear or provocation or facilitation of violence)	Fine not exceeding \$5,000 or imprisonment not exceeding 12 months or both
Section 7 POHA (unlawful stalking)	Fine not exceeding \$5,000 or imprisonment not exceeding 12 months or both

Offences in relation to public servant or public service worker

The law additionally recognizes the need to protect public servants / public service workers from abuse or harassment as they perform their duties at work, because of the essential roles that they play.

- (i) Who are public servants / public service workers covered under POHA?

Police officers and other law enforcement officers are examples of “public servants” who are covered under the POHA.

Under new amendments to the POHA, new public service workers covered under the POHA include private hire car drivers, workers in MOE kindergartens, as well as private healthcare workers directly involved in the COVID-19 operations etc.

For a complete list of public servants / public service workers covered under the Protection from Harassment (Public Service Worker) Order, please refer to:

<https://www.mha.gov.sg/mediaroom/press-releases/inclusion-of-more-categories-of-workers-as-public-service-workers-under-the-protection-from-harassment-act/>

- (ii) What are some of the offences against public servants / public service workers under POHA?

Section 6(1) POHA provides that an individual or entity that uses or makes any indecent, threatening, abusive or insulting words or behaviour or communication to public servants/public service workers in their execution of their duties, shall be guilty of an offence.

Section 6(1A) POHA further provides that an individual or entity that intentionally causes harassment, alarm or distress through doxxing of public servants/public service worker, with the intent of deterring them from discharging their duties or as a result of a public servant's duty shall be guilty of an offence.

If convicted, an individual or entity shall be liable to a fine not exceeding S\$5,000 or to imprisonment for a term of up to 12 months or both.

Amendments to the Private Security Industry Act which take effect from 1 May 2022

On 5 October 2021, Parliament passed amendments to the Private Security Industry Act (“PSIA”) which would take effect from 1 May 2022 onwards. This is because security officers undertake significant risks, including confrontations with others, in the course of their public-facing nature of work.

While POHA and the existing criminal laws protect all from harassment and abuse, the PSIA was broadened to provide targeted enhanced protection for security officers performing security functions under the PSIA.

With the PSIA in force from 1 May 2022 onwards, those who commit the following offences against security officers may face the following enhanced penalties:-

Offences	Current penalties under the existing laws	New penalties under the PSIA
Assaulting or using criminal force	Under the Penal Code: Up to S\$1,500 fine and/or imprisonment of up to three months	Under Section 17A PSIA: Up to S\$7,500 fine and/or imprisonment up to two years
voluntarily causing hurt	Under the Penal Code: Up to S\$5,000 fine and/or imprisonment of up to three (3) years	Under Section 17B PSIA: Up to S\$10,000 fine and/or imprisonment up to five years
Intentionally causing harassment, alarm or distress	Under POHA: Up to S\$5,000 fine or 6 months' imprisonment (or both)	Under Section 17C PSIA: Up to S\$5,000 fine or imprisonment up to 12 months (or both)

Harassment as a civil wrong

Victims of harassment may sue for damages for the loss suffered as a result of the harassment. To pursue a civil claim for harassment, the claimant must sue a perpetrator in court. This is provided for under section 11 of the POHA, which creates a statutory tort (a civil wrong) of harassment.

To succeed in a lawsuit for harassment, a claimant must show that the perpetrator has committed harassment under sections 3, 4, 5 or 7 of the POHA. The claimant must produce evidence to prove such harassment and the court must ultimately be satisfied on a balance of probabilities (that it was more likely than not) that the perpetrator has breached the sections of the POHA.

If a claimant is successful, the court may order the perpetrator to pay the claimant monetary compensation for the loss and distress the claimant has suffered as a result of the harassment. The court may also make orders to prevent further harassment, for example, ordering the perpetrator to not make further contact with the claimant or to not intentionally appear within a certain distance of the claimant, etc.

Remedies under the POHA

If you believe that you are a victim of harassment at work, you may seek redress against your perpetrator through several options under the POHA:

Civil Remedies	Criminal Sanctions
<ul style="list-style-type: none"> ■ Protection Order: an order from the District Court directing that a perpetrator stop his or her offending conduct. A breach of a protection order amounts to contempt of court, and is also an offence under the POHA. 	<ul style="list-style-type: none"> ■ Criminal charge: usually instituted by the victim making a police report. The police will then decide whether or not to investigate the matter. If it does, and finds that there are sufficient grounds for a charge against the perpetrator, the perpetrator will be prosecuted for a criminal offence in court and may be sentenced to a fine, a jail term or both, if found guilty (depending on the offence committed).

Civil Remedies	Criminal Sanctions
<ul style="list-style-type: none"> <li data-bbox="114 257 498 1124">■ Non-Publication Order: an order from the court directing a perpetrator to stop publishing offending communication within a specified time. This is usually sought in harassment cases that involve the circulation of untrue, insulting or private content about a victim. <li data-bbox="114 1137 498 1906">■ Civil lawsuit: this was discussed above and involves the victim suing the perpetrator for compensation and/or a court order calling for the harassment to stop. A lawsuit is more extensive and usually costs more than an application for a protection order or a non-publication order 	<ul style="list-style-type: none"> <li data-bbox="526 257 919 1705">■ Magistrate's Complaint: a Magistrate's Complaint is filed by a person who wishes to commence private prosecution. Private prosecution is the pursuit of criminal legal proceedings by a private individual, who believes that an offence has been committed against him. A victim may file this if, after making a police report, the police chooses not to investigate the matter. If a Magistrate's complaint is valid, the Magistrate may direct the police to investigate the matter, which may in turn lead to a prosecution.

You should decide on the remedy you wish to pursue because each remedy involves different proceedings, costs and outcomes. The remedies are not mutually exclusive, for example, a victim of harassment may take steps to pursue criminal sanctions and apply for a protection order simultaneously. He or she may then follow up with a lawsuit to obtain compensation from the perpetrator if need be.

Whichever remedy you choose to pursue, it is important that you retain as much evidence as possible to support your allegations. These can include photographs and videos of harassing conduct, records of offending communication that was transmitted to you, to third parties, circulated on the Internet or other platforms. Evidence may also include SMS or instant-messaging chat logs. If you have sought medical treatment as a result of injuries or psychological harm arising from the harassment, retain the medical report/diagnosis from your medical visit together with receipts/invoices for the medical fees incurred.

The nature of and procedure for the various remedies are discussed in the next section.

There are two (2) types of proceedings which may be filed in the Protection from Harassment Court (the “PHC”), namely, simplified or standard proceedings.

(A) Simplified Proceedings

You can file a claim under the simplified proceedings if:

- it is against up to 5 respondents;
- you are the only claimant;
- it is filed within two (2) years of the event which creates the cause of action; and
- the claim for damages is S\$20,000 or less

** If your application does not qualify for simplified proceedings, you will have to file your application using the standard proceedings.*

Before you file your application, you will have to complete a pre-filing assessment. Once you have completed the pre-filing assessment, you may file your claim.

There are two types of orders that you can seek – interim and final orders. An interim order is a temporary order that the Court grants before it makes its final decision. Typically, interim orders are sought where there is some urgency in the situation that requires the Court to grant relief while the case is ongoing. A final order is the order that the Court makes at the end of the proceedings to dispose of the matter.

(i) If you are applying for a final order (without an interim order)

You will need to do the following:

- file the claim within two (2) years of the event which creates the cause of action
- serve the claim and Notice of Case Management Conference (“CMC”) on the respondent within 14 days after the date of filing the claim

- file a Declaration of Service within 8 days after the date you serve the documents on the respondent

After filing, the respondent may file a reply within 14 days after the date of service of your documents. Parties will subsequently be required to attend a CMC regarding the case.

- (ii) If you are applying for a final order and an interim order

* *Examples of interim orders include – an Expedited Protection Order (“EPO”), interim stop publication order etc*

You will need to do the following:

- file your application/claim with the PHC, and indicate that you wish to apply for an interim order
- attend the hearing (usually within 2 working days from the date you filed your claim), wherein the Court will consider your application
- serve the relevant documents (i.e. the application documents and/or the interim court order, depending on the outcome of the hearing) on the respondent, in accordance with the Court’s directions.

The respondent may then file a reply within 14 days after the date of service of your documents. Parties will subsequently be required to attend a CMC regarding the case.

(B) Standard Proceedings

If your claim does not satisfy the criteria for “Simplified Proceedings” (as discussed earlier), you will have to file an application under the standard proceedings.

Do note that you will have to file your claim within six (6) years of the event which creates the cause of action.

The following documents are needed for a protection order:-

- Originating Application (the “OA”)
- Supporting Affidavit (sworn or affirmed before a Commissioner for Oaths)
- All other supporting documents to be admitted as evidence

(i) If you are applying for a final order (without an interim order)

You will need to do the following:

- file the application with the PHC
- collect the documents endorsed by the PHC
- serve the application on the respondent within 14 days after the date of filing the application
- file a Memorandum of Service within 8 days after the date you serve the documents on the respondent

After filing, the respondent may file a reply within 14 days after the date of service of your documents. Parties will subsequently be required to attend a case conference (“CC”) regarding the case.

(ii) If you are applying for a final order and an interim order

You will need to do the following:

- file your prepared documents (i.e. the OA, Supporting Affidavit and other supporting documents)
- attend the hearing (usually within 2 working days from the date you filed your claim), wherein the Court will consider your application
- serve the relevant documents (i.e. the application documents and/or the interim court order, depending on the outcome of the hearing) on the respondent, in accordance with the Court's directions.

The respondent may then file a reply within 14 days after the date of service of your documents.

Parties will subsequently be required to attend a CC regarding the case.

For more information / details on each of the types of proceedings, please refer to:

<https://www.judiciary.gov.sg/civil/how-to-file-serve-protection-from-harassment>

3. PHYSICAL ABUSE AT THE WORKPLACE

This section considers the effect of physically abusive behaviour at the workplace. Such conduct could take the form of a slap, punches, pushing and shoving or other forms of unwanted physical contact which may or may not result in physical injuries.

The victim of physically abusive behaviour has the option of pursuing a criminal or civil case or both. The type of criminal offence which may have been committed would depend on the amount of force that was used by the wrongdoer and whether the victim sustained any injuries. In general, the police are unlikely to investigate isolated incidents of minor physical abuse and where no injuries are sustained by the victim. For a civil case, the amount of damages that is recoverable by the victim would depend on the amount of financial loss suffered by the victim as a result of the unwanted physical contact.

■ 3.1

Physical abuse as a criminal offence

The Penal Code 1871 contains a variety of offences relating to physical abuse inflicted by a person on another, with varying maximum penalties. Offences which are more serious will have a higher maximum sentence specified in the Penal Code. An accused person will also receive a harsher sentence if there are aggravating factors present in the circumstances of the crime (for example, if there are serious injuries caused to the victim).

You may wish to make a police report if you are a victim of physical abuse at your workplace.

■ 3.2

Physical abuse as a civil wrong

A victim of physical abuse may also pursue a civil cause of action against the perpetrator under the tort of battery or the tort of assault. In order to recover damages or compensation, the victim must prove that he or she had suffered a loss as a result of the wrongdoing of the other party. Typically, such loss would come in the form of medical expenses that were incurred by the victim.

Battery

To succeed in a claim for battery, the victim must establish the following:

- There was direct physical contact between the perpetrator and the victim;
- The physical contact with the victim was an intentional act of the perpetrator; and
- The physical contact was unjustified (justified physical contact refers to generally acceptable contact in the ordinary conduct of daily life, for example, when people bump into each other in a packed train).

The tort of battery is actionable even if the victim does not suffer any actual physical harm. Usually, only nominal damages would be recoverable in such a situation.

Assault

The tort of assault refers to an act of the perpetrator which directly and intentionally causes the victim to reasonably apprehend imminent bodily harm or offensive contact. Unlike battery, assault is focused on the threat of imminent force on the victim, thus actual physical contact is not required.

To succeed in a claim for assault, the victim must establish the following:

- The act was intended by the perpetrator to cause apprehension of harmful or offensive contact; and
- The act indeed caused apprehension of harm in the victim.

4. SEEKING HELP

In the event that you (or someone you know) suffer from workplace bullying or harassment, you may seek help from the following parties:

Human Resource Department

The company's human resource department may be the first stop to lodge a complaint. In most MNCs and larger SMEs, they may have established policies to deal with such complaints

Trade Unions

If you are a Union member, you may contact your Union representative for assistance.

Ministry of Manpower (MOM)

The MOM formulates and implements manpower policies in Singapore. The MOM website provides various resources relating to our workforce and workplace, including resources to foster inclusive and harmonious workplaces. For more details, you may wish to refer to their website at www.mom.gov.sg.

Police

For more serious cases of workplace bullying which is causing you alarm or making you fear for your life, or where actual physical violence was used against you, you should lodge a police report. The police will investigate the incident and may charge the perpetrator under the POHA and/or Penal Code for those offences.

For More Assistance/Information

- If you are a union member, you may:
 - approach your union for assistance; and/or
 - approach NTUC at NTUC Centre, 1 Marina Boulevard #B1-01 One Marina Boulevard, Singapore 018989;
 - visit the NTUC portal at: www.ntuc.org.sg

- You may also:
 - refer to the Tripartite Advisory on Managing Workplace Harassment
 - approach the Pro Bono SG at 1 Havelock Square #B1-18 State Courts, Singapore 059724
 - call the general line at 6536 0650
 - e-mail to: help@probono.sg

For more information on legal clinics and assistance for the community, please write to: LawWorks@probono.sg

Do note, however, that the volunteer lawyers at these clinics only provide basic legal guidance during a 20-minute session and cannot subsequently act on your behalf in court proceedings.



5. CHECKLIST

1. Does someone in your workplace regularly use these behaviours against you (or your co-workers)?
 - Exploits and humiliates employees publicly or privately
 - Sabotages or prevents employees from fulfilling their work requirements
 - Tampers with a person's personal belongings or work equipment.
 - Attacks or excludes successful achievers
 - Removes areas of responsibilities without cause
 - Assigns unreasonable duties or workload which are unfavourable to a person
 - Spreads malicious rumours, gossip or innuendo around the workplace
 - Makes jokes that are offensive
 - Intrudes on a person's privacy (including pestering, harassing, spying or stalking)
 - Excludes or isolates a person socially
 - Intimidates a person
 - Physically abuses or threatens abuse
 - Yells, uses taunting remarks or profanity
 - Criticises a person persistently or constantly
 - Belittles a person's opinions
2. Did your co-workers witness the bullying/harassment?
 - Yes
 - No
3. Do you have documentary proof of the bullying/harassment?
 - Yes
 - No

4. Are there an established HR policies and procedures to address workplace bullying/harassment?
 - Yes
 - No
5. Have you reported the bullying/harassment incident to your line manager or human resource officer and have they taken any action against the bully perpetrator?
 - Yes
 - No
6. Are you getting external help from your doctor, psychologist or psychiatrist to deal with the effect of being bullied?
 - Yes
 - No

If you have ticked “yes” to the above, you will probably have a stronger case.

The following are possible actions that you may wish to take:

- √ Check if there are established HR policies and procedures to address workplace bullying/harassment.
- √ Report the bullying/harassment incident to your line manager or human resource officer and the action taken by you against the bully/perpetrator.
- √ If you are a union member, report the bullying/harassment incident to your Union representative.
- √ Get external help from your doctor, psychologist or psychiatrist to deal with the effects, if any, after having been bullied
- √ Legal action to obtain the remedies provided for under the POHA

LAWWORKS

A PARTNERSHIP BETWEEN



JUSTICE FOR ALL