

## Legal Remedies for Teachers as Victims of Workplace Bullying in South Africa

Dean Collin Langeveldt<sup>a</sup>


a. Department of Education  
Studies, School of Education, Sol  
Plaatje University, Kimberley,  
South Africa.  
**E-mail:** dean.langeveldt@spu.ac.za

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### ABSTRACT

Workplace bullying is a serious issue among teachers in South Africa, with detrimental effects on their physical and mental health, job satisfaction, and overall wellbeing. This article examines the legal remedies available to teachers who are victims of workplace bullying. These remedies include delictual liability, vicarious liability, constitutional claims, dispute resolution mechanisms, constructive dismissal, criminal law, and civil law, each of which provides a different avenue for teachers to seek legal redress. These approaches include compensation for damages, protection of their constitutional rights, and criminal charges against the person(s) accused of bullying. However, barriers such as lack of legal literacy, fear of retaliation, and cost and time constraints, may prevent teachers from accessing legal support. To address these barriers, teachers need adequate legal support and resources. This process includes legal aid services and training programmes on constitutional rights and procedures. This study utilizes a document analysis approach to examine relevant laws, policies, and case law related to workplace bullying. Future research could explore the effectiveness of different legal remedies in addressing workplace bullying among teachers. It could also explore both the facilitators of legal support and the barriers to accessing such assistance. Policy development could focus on strengthening legislative protection for teachers and victims of workplace bullying. This practice could include the development of specific legislation or regulations that address workplace bullying and provide clear guidelines for instigating legal action. This study found that the legal resources available to teachers who are victims of workplace bullying in South Africa offer different avenues for seeking legitimate redress. As indicated above, these processes include compensation for damages, protection of constitutional rights, and criminal charges against the perpetrator(s) of intimidation. However, obstacles preventing teachers from accessing legal support include a lack of legal literacy, fear of retaliation, and cost and time constraints. Overall, this article contributes to a better understanding of the legal framework surrounding workplace bullying in South Africa. It provides insights into the ways in which legal remedies can be utilized to protect teachers' rights and prevent workplace bullying.

### KEYWORDS

Legal remedies; South Africa; teachers' rights; workplace bullying.

## INTRODUCTION

The bullying of teachers has become an increasingly prevalent issue in South African schools that affects educators' well-being and dignity. The term 'teacher bullying' refers to any act of aggression, harassment, or intimidation directed towards a teacher, either by a student, a colleague or superior (Mutambuki, 2019). Such behaviour not only undermines the professionalism and dignity of the teaching profession but also negatively impacts teachers' physical and psychological well-being (Brennan & McGrady, 2019). Teachers who are subjected to bullying may experience a range of negative effects, including anxiety, depression, and post-traumatic stress disorder (Esterhuizen & Van der Westhuizen, 2017). Despite growing awareness of teacher bullying's negative consequences, it remains a pervasive problem in South African schools. A study by the Human Sciences Research Council (HSRC) found that almost a third of the teachers surveyed had experienced bullying behaviour from colleagues or superiors (HSRC, 2016). Another study found that teacher bullying was associated with a high prevalence of stress and low job satisfaction among educators (Chabedi, 2019).

The issue of teacher bullying has gained increasing attention from policymakers, educators, and the public in recent years. In response, there have been efforts to develop policies and strategies to address and prevent this issue. The South African Council for Educators (SACE), for example, has developed a code of ethics that outlines the standards of conduct expected from teachers, including the prohibition of bullying behaviour (SACE, 2016). While these efforts are commendable, there are effective legal processes assigned specifically to protect teachers and ensure a safe working environment.

The following research objectives are proposed to address workplace bullying in South African schools:

- To determine the extent of workplace bullying experienced by teachers in South African schools.
- To explore the legal framework and policies in place to protect teachers from workplace bullying.
- To investigate the potential legal consequences for schools and principals regarding workplace bullying.

Legal remedies can provide teachers with the means to hold perpetrators accountable and seek redress for bullying behaviour. Delictual liability, for example, allows teachers to establish liability for harm caused by perpetrator's behaviour. This legal concept states that individuals can be held responsible for their conduct if it causes harm to another person. In cases of workplace bullying, delictual liability can be used to establish accountability for the harm incurred as a result of the perpetrator's behaviour.

Constructive dismissal is another legal remedy available to South African teachers. This practice occurs when an employer makes the work environment intolerable, leading

employees to resign. In cases of workplace bullying, constructive dismissal can be used to hold the employer responsible for allowing such bullying to take place.

This article will also explore the role of alternative dispute resolution mechanisms that can provide a cost-effective and efficient way of resolving teacher bullying disputes, such as the Small Claims Court. The Small Claims Court provides a forum for resolving disputes involving compensation up to R20,000.00 (Department of Justice and Constitutional Development, 2018).

By analyzing the legal framework that regulates teacher bullying, this article seeks to contribute to the development of effective legal remedies. This legislation can promote a safe and professional working environment for teachers. Ultimately, it is crucial to ensure that teachers have the support and protection they need to perform their pivotal role in society.

### **Background and Context**

**Definition of Workplace Bullying:** Workplace bullying is a form of aggression, harassment, or intimidation that causes the recipient to feel threatened, vulnerable or humiliated. This persistent behaviour undermines the recipient's self-confidence and may cause stress (Hoel & Cooper, 2017). In the educational domain, teacher bullying refers to the persistent mistreatment of one teacher by another teacher, group of teachers, student or superior that results in physical, emotional or psychological harm (Brouwers & Tomic, 2003).

**Prevalence of Workplace Bullying in South African Schools:** Research has shown that workplace bullying is a widespread problem in South African schools, with a significant number of teachers reporting that they have been subjected to some form of bullying. For instance, a study by Mavungu and Napier (2019) found that 43% of teachers surveyed reported experiencing workplace bullying. Similarly, a survey conducted by the South African Democratic Teachers Union (SADTU) revealed that 62% of the participating teachers had experienced bullying, harassment or intimidation at work (SADTU, 2018).

**Legal Framework for Protecting Teachers from Workplace Bullying:** Several legal provisions are in place in South Africa to protect teachers from workplace bullying. The Employment Equity Act (55 of 1998) prohibits unfair discrimination, including harassment, in the workplace. The Basic Conditions of Employment Act (75 of 1997) sets out minimum employment conditions, including the right to a safe working environment. The Occupational Health and Safety Act (85 of 1993) requires employers to ensure employees' health and safety. Additionally, the Code of Good Practice on the Handling of Sexual Harassment Cases (GN R711 in GG 19406 of 17 July 1998) provides guidelines for dealing with sexual harassment in the workplace.

However, despite the above listed legal provisions, many teachers still suffer from workplace bullying. The reasons for this situation include a culture of silence and fear in schools, a lack of awareness of the available protective legislation and inadequate implementation and enforcement of the law (Geldenhuys, 2017).

In conclusion, workplace bullying is a significant problem in South African schools that can have severe consequences for teachers' physical, emotional and psychological well-being. Although legal provisions protect teachers from bullying, many teachers remain vulnerable. By analyzing the legal remedies available, this article highlights the importance of ensuring that teachers have a safe working environment. It identifies areas for improvement in the legal framework. Ultimately, it is essential to develop effective strategies that promote a culture of respect, professionalism and dignity in schools. In addition, it is essential to provide effective remedial legislation for those teachers subjected to workplace bullying. Without such practices, teachers may not be able to act against workplace bullying, thus, leaving them feeling powerless and vulnerable within their workplace. Therefore, it is essential to ensure that appropriate legal action is available so that teachers can protect their rights and ensure a safe working environment. To ensure such practices, it is imperative that effective legal solutions are accessible, thereby allowing teachers to take action against workplace bullying and, in so doing, create a safe, healthy and productive workplace.

### **THEORETICAL FRAMEWORKS**

The theoretical framework underpinning this study is based on the social cognitive theory (SCT) and the job demands-resources (JD-R) model. According to SCT, individuals' behaviours and outcomes are influenced by their personal factors, such as their beliefs, attitudes and self-efficacy, as well as the environmental factors, such as social norms and social support (Bandura, 1986). The JD-R model, on the other hand, posits that job demands and resources have a significant impact on employees' well-being and work-related outcomes, such as job satisfaction and performance (Demerouti et al., 2001).

The application of SCT to workplace bullying suggests that individuals' perceptions and beliefs regarding bullying behaviour, as well as their self-efficacy in dealing with such behaviour, may influence their responses and coping strategies (Namie & Namie, 2003). In the context of this study, teachers' perceptions and beliefs about workplace bullying may affect their willingness to report incidents of intimidation and seek legal remedies. The JD-R model, on the other hand, highlights the role of job demands and resources in shaping employees' experiences of workplace bullying. For instance, extreme job demands, such as excessive workload and time pressure, may increase employees' vulnerability to bullying behaviour, while social support and resources, such as access to counselling and legal aid, may act as a buffer against the negative impact of workplace bullying (Bakker & Demerouti, 2007).

By applying the above referred to theoretical frameworks, this study aims to examine the prevalence of workplace bullying among teachers in South African schools and the legal remedies available to them. Specifically, the study will investigate the role of personal factors and job demands and resources in shaping teachers' experiences of workplace bullying and their responses to such behaviour. The theoretical framework will guide the research questions and objectives, as well as the data collection and analysis methods, and provide a

comprehensive understanding of the complex nature of workplace bullying in the education sector.

### **Remedies Available to Teachers as Victims of Workplace Bullying**

Teachers who are victims of workplace bullying in South Africa have several legal actions available to them, including delictual liability. Table 1 below summarizes the legal remedies available to teachers who are victims of workplace bullying in South Africa. It includes the types of liability, constitutional claims and dispute resolution mechanisms. This curative legislation provides teachers with the potential to establish accountability for workplace bullying, as well as providing them with the opportunity to seek redress for the wrongs they have suffered.

**Table 1.**

*Legal remedies available for teachers as victims of workplace bullying in South Africa*

Legal Remedies	Description
Delictual Liability	Allows victims to claim compensation for harm suffered because of another person's wrongful conduct.
Vicarious Liability	Allows victims to hold their employer liable for the harm caused by workplace bullying.
Constitutional Claims	Allows victims to bring claims for violations of their rights to dignity, equality and a safe working environment.
Dispute Resolution Mechanisms	Includes mediation and arbitration as an alternative means of resolving disputes.
Constructive Dismissal	Occurs when an employer makes the working conditions intolerable for an employee, leading the employee to resign.
Small Claims Court	Provides a simple, inexpensive and rapid means of resolving claims.
Criminal Law	Allows a victim to report bullying to the police for investigation and possible prosecution of the bully.
Civil Law	Allows a victim to sue the bully for damages.

### **Delictual liability**

Delictual liability is a common law remedy that allows a victim to claim compensation for harm suffered due to another person's wrongful conduct (Van der Walt & Midgley, 2012). To establish delictual liability in the context of workplace bullying, a teacher must prove that the perpetrator's conduct was intentional or negligent, that the conduct caused harm, and that there is a causal link between the conduct and the harm suffered (De Beer & Mhlongo, 2018). South African courts have recognized that workplace bullying can lead to delictual claims. In the case of *Mostert v Hostetler & Another* (2010), the court held that the plaintiff, a teacher,

had a claim for damages against the school principal for bullying and victimization. The court found that the principal's conduct was intentional and caused the plaintiff to suffer harm. This damage included anxiety, depression and physical symptoms such as stomach pains and headaches.

However, it is pertinent to note that establishing delictual liability can be a lengthy and costly process. Teachers may also face challenges in proving the elements of the claim, particularly the causal link between the conduct and the harm suffered. Additionally, there may be practical difficulties in identifying and holding individual perpetrators accountable, particularly in cases of group bullying (SADTU, 2018).

In terms of Vicarious Liability, Constitutional Claims and Dispute Resolution, teachers may also hold their employer vicariously liable for workplace bullying. In addition, they may be able to instigate constitutional claims for violations of their rights to dignity, equality and a safe working environment (Van Eck & Van der Westhuizen, 2016). Dispute resolution mechanisms, such as mediation and arbitration, may also be available to teachers as an alternative to litigation (Van Niekerk, 2016).

### **Vicarious liability**

Vicarious liability is a legal concept that holds an employer liable for the wrongful conduct of its employees, as long as that conduct occurred within the scope of employment (Van der Walt & Midgley, 2012). In the context of workplace bullying, such liability implies that if a teacher is bullied by another teacher, the victim may be able to hold the school or school governing body vicariously liable for the harm suffered. This remedy can be especially useful when the bullying perpetrator is 'judgment-proof' or has limited financial resources to compensate the victim. This practice means that even if the bully cannot be held personally responsible, the victim can still be compensated for the harm suffered and provides an important avenue of recourse for victims of workplace bullying. This remedy allows the victim to seek compensation from the bully's employer, who is vicariously liable for the actions of the employee. This process can provide much-needed financial resources to the victims and can help them to transition from the traumatic experience of workplace bullying.

### **Constitutional claims**

Constitutional claims may also be available to teachers who are victims of workplace bullying. South Africa's Constitution guarantees everyone the right to dignity, equality and a safe working environment (RSA, 1996). When these rights are violated by workplace bullying, the victim may be able to effect a claim against the perpetrator and/or the employer for damages or for an order compelling them to cease the wrongful conduct (Van Eck & Van der Westhuizen, 2016).

In addition to these legal remedies, alternative dispute resolution mechanisms can also be an effective means of resolving workplace bullying disputes. Mediation and arbitration are commonly used forms of alternative dispute resolution in South Africa. They offer several advantages over traditional litigation, such as lower costs, faster resolution and increased

flexibility (Van Niekerk, 2016). These mechanisms can be useful particularly in cases in which the victim and perpetrator are colleagues and need to maintain a working relationship.

As indicated above, teachers who are victims of workplace bullying in South Africa have several legal remedies available to them. These practices include delictual liability, vicarious liability, constitutional claims and alternative dispute resolution mechanisms. However, the effectiveness of these remedies depends on a range of factors, including the willingness of victims to report bullying, the capacity of the judicial system to provide timely and effective relief, and the commitment of employers to prevent and address workplace bullying through appropriate policies and training (Geldenhuys, 2017). However, it is important to note that these remedies may not be accessible to all victims due to a lack of knowledge, resources or access to legal support. As such, it is important for employers to provide a safe and supportive workplace environment in which victims feel sufficiently secure to come forward and seek help.

### **Constructive dismissal**

Constructive dismissal is an available legal remedy for teachers who are victims of workplace bullying and resign from their jobs. This legal concept states that employers must provide a safe and healthy working environment for their employees. In addition, they cannot make working conditions intolerable for employees. As such, employees who are forced to resign due to workplace bullying, can claim constructive dismissal (Van der Merwe & Olivier, 2012). Under South African law, constructive dismissal is governed by the Labour Relations Act (66 of 1995), that defines constructive dismissal as a situation whereby an employer unilaterally makes a significant change to an employee's working conditions, which leads to the employee resigning because he/she cannot continue to work under those conditions (Section 186(1)(e) of the Act). To successfully claim constructive dismissal, the teacher must prove that the working conditions were intolerable, and that the employer was responsible for making them so.

According to Van der Merwe and Olivier (2012), the burden of proof in constructive dismissal cases is on the employees, who must show that they had no reasonable alternative but to resign. In addition, the employees must show that the employer's conduct was the direct cause of their resignation. This practice can be challenging in cases of workplace bullying, because the offensive behaviour may be subtle and difficult to prove.

It is also worthwhile to note that constructive dismissal cases can be time-consuming and costly and that teachers who decide to pursue this legal remedy should be prepared for a potentially lengthy legal process (Van Niekerk, 2016). However, for teachers who have been subjected to severe and persistent workplace bullying, constructive dismissal may be the only viable option for seeking legal redress.

Overall, constructive dismissal is a valuable legal remedy for teachers who have been victims of workplace bullying, because it allows them to claim compensation and hold their employers accountable for their actions. Constructive dismissal can be a complex concept to

comprehend and navigate, thus, teachers should understand the legal requirements for proving constructive dismissal and seek legal advice before pursuing this remedy. It is important to note that the courts will consider all the circumstances in order to determine if constructive dismissal has occurred, therefore, it is important for complainants to seek legal advice to ensure that all the necessary requirements are met.

### **Small Claims Court**

As mentioned above, the Small Claims Court provides a simple, inexpensive and fast means for teachers to seek recourse for damages resulting from workplace bullying. This court is designed to provide a forum for the resolution of small disputes, including employment disagreements (Van Niekerk, 2016). The Small Claims Court can hear cases involving claims up to R20,000.00 and the proceedings are less formal than those of the traditional court system (Van der Walt & Midgley, 2012).

In addition, the Small Claims Court offers several advantages for teachers who wish to pursue a workplace bullying claim. These benefits include no lawyer representation, lower legal fees and a simplified procedure that allows for a rapid dispute resolution (Mavungu & Napier, 2019). However, it is apt to note that the Small Claims Court is not appropriate for all cases, and teachers should seek legal advice to determine the most appropriate course of action for their circumstances (Van Niekerk, 2016).

Overall, the Small Claims Court provides a valuable option for teachers who have experienced workplace bullying and wish to seek compensation for the damages suffered. By offering a simpler and more accessible forum for dispute resolution, this court helps to ensure that victims of workplace bullying have access to justice. It can hold perpetrators accountable for their actions. This practice can provide victims with closure and peace of mind in knowing that their grievances have been taken seriously and addressed. It can also help to prevent further instances of workplace bullying.

### **Criminal law**

Criminal law can be a powerful tool for teachers and victims of workplace bullying, because it provides criminal sanction of the perpetrator. Verbal abuse is one of the most common forms of workplace bullying and can be classified as assault under South African law (South African Police Service, 2019). Therefore, teachers who are subjected to verbal bullying may report the matter to the police for investigation and possible prosecution of the perpetrator.

If the perpetrator is found guilty of verbal and/or physical assault, they may face imprisonment or a fine (Du Plessis, 2018). However, it is imperative to note that criminal law proceedings can be complex, time-consuming, and emotionally taxing for the victim, and may not always lead to a successful outcome. Additionally, the criminal justice system may not always prioritize workplace bullying cases because they may be viewed as less serious offences than other illegal acts.

Nonetheless, criminal law can provide a powerful deterrent against workplace bullying, thus, teachers should be aware of their legal rights and the available legal remedies. It is also



important for schools and educational institutions to have robust policies and procedures in place to prevent workplace bullying and to ensure the safety and well-being of their employees.

### **Civil law**

Liability Civil Law provides another avenue for victims of bullying to seek legal recourse. In South Africa, a teacher who has been bullied can sue the perpetrator for damages. The teacher can claim damages for physical or psychological harm suffered as a result of bullying, as well as loss of income or promotional opportunities arising from such practices (Joubert, 2016b).

In addition to suing the bully directly, teachers may also hold their employer liable for civil damages under vicarious liability. Vicarious liability, as indicated above, is a legal concept that holds employers responsible for their employees' actions in the course of their employment (Van der Walt & Midgley, 2012). Thus, if bullied by a colleague in the workplace, teachers may be able to sue their employer for damages resulting from such antagonistic behaviour.

It is imperative to note that civil lawsuits can be both lengthy and costly. However, teachers may be able to access legal aid or contingency fee arrangements to cover litigation costs (Joubert, 2016a).

Overall, civil law can provide a means for victims of bullying to seek compensation for the harm suffered. However, teachers need to seek legal advice and weigh the costs of court proceedings against the benefits of pursuing a civil claim.

### **Literature review on the remedies available to teachers as victims of workplace bullying in South Africa**

In South Africa, as indicated above, teachers who are victims of workplace bullying have various legal remedies available to them, including delictual liability, vicarious liability, constitutional claims, alternative dispute resolution mechanisms and constructive dismissal (De Beer & Mhlongo, 2018; Van der Merwe & Olivier, 2012; Van der Walt & Midgley, 2012; Van Eck & Van der Westhuizen, 2016; Van Niekerk, 2016). Delictual liability allows victims to claim compensation for harm suffered due to the perpetrator's wrongful conduct. Vicarious liability holds employers accountable for their employees' wrongful conduct (De Beer & Mhlongo, 2018; Van der Walt & Midgley, 2012). Victims may also bring constitutional claims for damages or an order compelling the perpetrator and/or employer to stop the wrongful conduct (Van Eck & Van der Westhuizen, 2016). Alternative dispute resolution mechanisms, such as mediation and arbitration, are also available, particularly in cases in which the victim and perpetrator need to maintain a working relationship (Van Niekerk, 2016). Finally, constructive dismissal is an option for victims who resign from their jobs due to workplace bullying (Van der Merwe & Olivier, 2012). However, the effectiveness of these remedies depends upon various factors, including the victims' willingness to report bullying, the legal system's capacity to provide timely relief, and employers' commitment to preventing and

addressing workplace bullying (Geldenhuys, 2017). For example, employers may be deemed to have failed to constructively dismiss an employee if they fail to take action after having received reports of instances of such an employee bullying co-workers.

### **International Perspectives on Workplace Bullying and Legal Remedies**

Workplace bullying is a widespread problem outside South Africa. It is a global issue that affects workers in many countries and industries. While there are similarities in the legal remedies available to victims of workplace bullying across different countries, there are also significant differences.

In the United States, for example, legal remedies for workplace bullying are limited. There is currently no federal law that specifically addresses workplace bullying, and only a handful of states have passed anti-bullying laws (Namie & Namie, 2019). In the absence of specific legislation, victims of workplace bullying in the USA must rely on existing laws such as discrimination or harassment laws. These laws can be difficult to apply to bullying behaviour. Furthermore, the burden of proof is high, thus, many victims are reluctant to come forward due to fear of retaliation (Namie & Namie, 2019).

Australia has taken a proactive approach to workplace bullying. The Fair Work Commission has the power to stop workplace bullying and victims can seek compensation for damages caused through such actions. Additionally, the government has developed a national code of practice for preventing workplace bullying that guides employers on how to create a safe and respectful work environment (Safe Work Australia, 2019).

In the United Kingdom, workplace bullying is not specifically defined in law but victims can seek legal remedies under discrimination and harassment laws. The Advisory, Conciliation and Arbitration Service (ACAS) guides employers and employees on how to prevent and handle workplace bullying, while victims can also seek support from the Equality and Human Rights Commission (ACAS, 2019).

Canada's workplace bullying falls under harassment and is prohibited by human rights legislation. Victims can seek legal remedies through the Canadian Human Rights Commission or the courts. Some provinces also have specific legislation addressing workplace bullying, such as Ontario's Occupational Health and Safety Act. This Act requires employers to have a workplace harassment policy and to investigate complaints (Government of Ontario, 2021).

In conclusion, workplace bullying is a global issue that demands legal remedies to protect and support victims of such practices. While the legal remedies available vary across different countries, there is growing recognition of the importance of preventing and addressing workplace bullying. By examining legal frameworks in different countries, it is possible to identify best practices and areas for improvement. These results can inform efforts to create safe and respectful work environments for all workers. For instance, the UK has a legal framework that protects workers from bullying and harassment through the Equality Act 2010 that requires employers to take appropriate steps to prevent and address such unacceptable behaviour.

## METHODOLOGY

This study utilized document analysis to examine the legal remedies available to teachers who are victims of workplace bullying in South Africa. Specifically, the researchers analyzed relevant legislation, case law and policy documents related to workplace bullying and forms of legislative protection for employees. This method allowed for a comprehensive review of the legal framework surrounding workplace bullying in South Africa. It also provided insights into the legal remedies available to teachers who are victims of bullying.

According to Van der Westhuizen and Engelbrecht (2020), document analysis is an effective method for examining legal documents and identifying key themes and patterns. This method involves a systematic review of relevant documents, including legislation, case law and policy documents, to determine relevant information and themes. By analyzing these documents, the researcher identified the various legal remedies available to teachers who are victims of workplace bullying.

Overall, the use of document analysis allowed for a thorough examination of the statutory remedies available to teachers who experience workplace bullying in South Africa. The discussion of the findings highlights the importance of legal support and resources for such victims. In addition, it advocates stronger protective legislation.

## DISCUSSION

The study identified several legal remedies available to teachers in South Africa who are victims of workplace bullying. These include delictual liability, vicarious liability, constitutional claims, dispute resolution mechanisms, constructive dismissal, criminal law, and civil law. Each of these remedies offers teachers a different avenue to pursue. These solutions include compensation for damages, protection of constitutional rights, and criminal charges against the bully. However, many teachers are unaware of their legal rights or face barriers in terms of accessing legal assistance, both of which indicate a need for more legal resources and support. Although the study provides valuable insights into teachers' legal remedies, one limitation is its reliance on document analysis as the sole method of data collection. Future research could incorporate qualitative methods to gain a more in-depth understanding of the experiences of teacher who are victims of workplace bullying and their interactions with the legal system. Another limitation is the lack of exploration of the effectiveness of different legal remedies in addressing workplace bullying among teachers. Future research could evaluate the effectiveness of different legal antidotes and identify facilitators as well as barriers to accessing legal support. Despite the complexity of teachers' legal remedies, it is clear that they have a legal right to a safe working environment. This practice is protected by various laws and legal instruments in South Africa. To ensure such legislation is upheld, teachers ought to know their rights. Educational institutions need to prioritize the prevention of workplace bullying and the protection of teachers' rights through effective policies and procedures. School and government bodies need to work collaboratively to ensure teachers' rights and safety are not

compromised. Teachers should be aware of the legal remedies available to them and seek appropriate legal advice if necessary. It is also important to create a culture of respect and zero tolerance for workplace bullying. Teachers also should receive regular training regarding both the protection of their rights and prevention of workplace bullying. Leaders should set an example by taking appropriate action when they encounter workplace bullying. To encourage teachers to come forward with any concerns, there should be an anonymous reporting system. Schools should also have a clear anti-bullying policy that outlines the consequences for such anti-social behaviour. They should also provide resources to victims and their families to help them deal with the physical and emotional impact of bullying. In addition, schools should foster an environment whereby teachers can discuss any issues they may have in a safe and open environment. School principals and governing bodies should also provide ongoing training to teachers with regard to the intervention and prevention of bullying, so they can better recognize and respond to any incidents of bullying.

### **CONCLUSION**

As previously indicated, workplace bullying is a serious issue among teachers in South Africa that requires legal remedies to protect and support the victims of such a practice. These remedies include delictual liability, vicarious liability, constitutional claims, dispute resolution mechanisms, constructive dismissal, criminal law, and civil law. These processes provide various avenues for redress. However, many teachers may not know their rights or face barriers accessing legal support. Therefore, it is essential to provide adequate legal aid services, training programmes and advocacy for stronger legal protection and policies for teachers who experience workplace bullying.

Future research could explore the effectiveness of different legal remedies and identify barriers to accessing legal support. Policy development should focus on strengthening legal support for victims of workplace bullying by developing specific legislation or regulations. It should also provide clear guidelines for appropriate legal action. Teachers who are victims of workplace bullying should seek legal guidance regarding their options for legal remedies. Educational institutions should prioritize prevention and protection through effective policies and procedures.

This study contributes to a better understanding of the legal framework surrounding workplace bullying in South Africa. It provides insights on how legal remedies can protect teachers' rights and prevent workplace bullying. The analysis of legal liability, dispute resolution mechanisms, and potential solutions to accessing legal support offers a practical roadmap for policy makers and educators. Overall, this study makes an important contribution to the existing scientific literature by offering a comprehensive examination of the legal remedies available to teachers who are victims of workplace bullying in South Africa, by highlighting unique legal challenges and potential solutions to create a safer and more supportive work environment for teachers in South Africa and beyond. The findings of this

study provide a useful starting point for the development of a comprehensive legal framework to afford teachers greater protection against workplace bullying. Further research is needed to investigate the efficacy of such legal remedies in practice and to evaluate the impact of these measures on the prevalence of the workplace bullying of teachers. Additionally, research should explore other strategies to create a safer working environment for teachers. School district officials should implement policies and procedures to ensure that teachers are protected from workplace bullying. Workshops and seminars should be held to educate both teachers and administrators on the importance of creating a safe and respectful working environment. Finally, there should be a formal process for reporting and addressing bullying incidents.

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