

NTEU NMMU PROTOCOL IN DEALING WITH RACIST INCIDENTS

Principles

- NTEU believes that all employees are entitled to a work place that is free from racial discrimination, harassment or tension;
- All union representatives are expected to take all allegations seriously;
- Verbal abuse, undermining of a worker's dignity, physical abuse, harassment, threats etc. are unacceptable in the workplace and should be dealt with when they occur, but to see racism in every misdemeanor would surely highlight and possibly exacerbate racial issues;
- Allegation of lesser offenses must be supported by submitting some evidence to indicate at least on a balance of probabilities that the ill treatment is motivated by racial prejudices. This could include witness accounts, photos, recordings etc.;
- Allegations of a more serious nature (including criminal nature) will necessitate a higher level of proof to be submitted;
- The onus is on the complainant to show that the abuse is racially motivated; and
- This protocol should be reviewed annually and take into account all cases brought to the union's attention during the previous year.

Definitions of racism

Merriam-Webster reference *racism* as:

- poor treatment of or violence against people because of their race;
- the belief that some races of people are better than others;
- a belief that race is the primary determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race; and
- racial prejudice or discrimination.

Dictionary.com reference *racism* as:

- a belief or doctrine that inherent differences among the various human racial groups determine cultural or individual achievement, usually involving the idea that one's own race is superior and has the right to dominate others or that a particular racial group is inferior to the others;
- a policy, system of government, etc., based upon or fostering such a doctrine; discrimination; and
- hatred or intolerance of another race or other races.

What is a racist incident?

<http://www.wrep.org.uk/what-is-a-racist-incident>

It is "any incident which is perceived to be racist by the victim or any other person."

The definition of a racist incident is not intended to prejudge the motives of the alleged perpetrator. It is to ensure that the possibility of a racist dimension is given full consideration in the investigation of such incidents whenever the victim, or any other person reporting the incident, believes this to be the case.

Racist incidents can include criminal and non-criminal behaviour and can take various forms including verbal or written abuse, assault or threatening behaviour, criminal damage to property including arson, incitement or intimidation, nuisance, harassment, kidnapping and hostage taking.

Examples of Racial Harassment

- verbal abuse of any kind, including name calling;
- name calling designed to undermine the dignity of the employee concerned must be seen as more serious than name calling in general;
- physical assault;
- physical threat, intimidation or harassment (including attacks on possessions);
- exclusion in the union, workplace in general and working groups;
- malicious racist jokes (including jokes about other nations or particular groups);
- graffiti which is racially offensive;
- wearing of racist badges or t-shirts; and
- distribution of racist literature, including jokes, cartoons, drawings etc.

Values, Code and Relationships

NTEU is committed to an inclusive protocol which encourages good relationships, mutual understanding, the celebration of diversity, encouraging mutual respect and trust. NTEU believes that:

- every NTEU member and NMMU employees alike should be valued equally;
- NTEU members and fellow NMMU employees should respect and nurture each other's individual identity;
- the union is committed to fairness, justice and respect and this should reflect in the way they behave towards each other;
- Racism is unacceptable and will not be tolerated;
- Cultural and ethnic diversity should be valued and celebrated;
- All NTEU members should support the union in promoting race equality and countering racial harassment;
- All NTEU members should play an active role in bringing acts of racism to the attention of the branch executive committee [BEC]; and
- The union should challenge any racist views or comments which may be expressed by NTEU members against other NMMU employees.

Dealing with a Racist Incident

- All racist incidents will be considered as serious and will be dealt with accordingly;
- The union member who first encounters the incident should take immediate action to deal with the situation - proactivity is key;
- Failing to do so will could be seen as condoning the behaviour and thus discouraging fellow NTEU members and employees from reporting incidents;
- Prompt, appropriate and consistent responses from the union will encourage NTEU members to report incidents and share their concerns and worries; and
- As far as the alleged perpetrator is concerned, it is the behaviour the union disapproves of and not the union member or employee.

Effective action could include:

- investigating the incident to ascertain the facts, together with the background which led up to the incident;
- drawing the alleged perpetrator to one side and explaining clearly and calmly why the behaviour was wrong hurtful or offensive;

- seeking an assurance that the union member or employee understands why the behaviour was wrong and that it will not be repeated;
- where an assurance is forthcoming, asking the union member or employee to apologise for his/her action;
- referring the incident, where appropriate, to NMMU for their attention and advising to approach SAPS in case of serious incidents;
- disciplinary action in accordance with the NTEU's disciplinary code and procedure;
- contacting the rest of NTEU members by means of a general communique making it clear that such behaviour is unacceptable and that further disciplinary action will be taken if there is a repetition;
- in appropriate cases, considering the use of positive strategies other than sanctions and punishment which might help and encourage the union member to overcome his/her prejudices and to desist from engaging in similar behaviour in the future; and
- sustained campaigns by relevant parties encouraging opposition to racism and harassment and promotion of non-racism.

Supporting the Victim

Action taken to deal with a racist incident must include support for the victim. A caring, sensitive approach that includes reassurance will help demonstrate the union's commitment to combating racism.

Effective action could include:

- speaking separately to the victim, giving him/her support and reassurance;
- offering the victim an opportunity to talk about the incident and say how he/she feels;
- asking whether the victim has been subject to racism on previous occasions;
- recognising that the victim might rather talk about the incident at a later stage;
- explaining to the victim the action that has and/or will be taken;
- reassuring the victim of the union's commitment to combating racism;
- encouraging him/her to report incidents in the future;
- debriefing with relevant specialist; and
- assisting with explaining correct channels, internally and externally if relevant.

Effective following Up on Incident may include:

Considering whether the actions of the alleged perpetrator in order to determine whether there were any underlying reasons which may have made him/her to behave in this way;

- Monitoring the alleged perpetrator's future behaviour;
- Considering whether any other NTEU members needs to be informed;
- Identifying any particular places or times when NTEU members or NTEU employees might be vulnerable; and
- Considering whether the topic needs to be part of a weekly What's Up! to create awareness.

Recording and reporting Procedures:

- All incidents should be reported and recorded at branch level at one of the NTEU offices;
- The local branch to advise NTEU National Office of the occurrences once a term (anonymity to be protected);
- The NTEU NMMU branch Chairperson will be responsible for overseeing the reporting procedure and will monitor incidences of racial harassment and discrimination on a regular basis with the help of the NTEU union coordinators; and
- A record will be kept of action taken by the union and kept in a safe place.