



NTEU at NMMU



Hostile Work Environment?

Sometimes terminology is used in our culture that gets adopted and used, but it isn't being used correctly. "Hostile Work Environment" is one of those terms you hear, but it may or may not be true to the legal definition.

That's right, when it comes to this term; we have laws about hostile work environments and with the law comes a legal definition. It's good to know the difference, because depending on what you are really talking about, your potential actions could be very different.

A hostile work environment is created by a boss or co-worker whose actions, communication, or behavior makes doing your job impossible. This means that the behavior altered the terms, conditions, and/or reasonable expectations of a comfortable work environment... and must be discriminatory in nature. (Discriminatory would be about age, religion, gender, or race.) The behavior must last over time and must be severe.

As you can see this is a very specific set of behaviors that protect our right to work. There can be legal ramifications because someone has made working and prospering at work impossible, if this issue is not handled properly by the employer.

Since we are clear about the true, legal meaning of "Hostile Work Environment," let's look at what's taking place when your work situation may or may not be aligned to this technical term, but it's bad nonetheless. What can you do in either situation?

Take action swiftly and do not allow the situation to continue.



POLYGRAPH TESTING Provided by the (CCMA)

WHAT IS POLYGRAPH TEST

It is a test used to verify a person's truthfulness and is often called a 'Lie Detector Test.'

IS THERE ANY LAW CONTROLLING USE OF POLYGRAPH IN SOUTH AFRICA

Polygraph testing is a fairly new concept in South Africa, especially in disputes relating to employment relationships. There is no legislation at this point to control the use of the test or to protect the employee's right against the abuse of the test.

CAN ONE BE COMPELLED TO UNDERGO A POLYGRAPH TEST

It is against the Constitution of South Africa to compel a person to undergo a polygraph examination, unless she or he consents to it. The consent must be in writing.

The individual should be informed that—

- the examinations are voluntary;
- only questions discussed prior to the examination will be used;
- he/she has a right to have an interpreter, if necessary;
- should he/she prefer, another person may be present during the examination,
- provided that person does not interfere in any way with the proceedings;

WHEN IS THE EMPLOYER PERMITTED TO USE POLYGRAPH

Generally, employers are permitted to use the polygraph to investigate specific incidents where—

- Employees had access to the property which is the subject of the investigation;
- There is a reasonable suspicion that the employee was involved in the incident;
- There has been economic loss or injury to the employer's business like theft of company property;
- The employer is combating dishonesty in positions of trust;
- The employer is combating serious alcohol, illegal drugs or narcotics abuse and fraudulent behaviour within the company;
- The employer is combating deliberate falsification of documents and lies regarding true identity of the people involved.

WHO GETS THE POLYGRAPH TEST RESULTS

Polygraph results cannot be released to any person but to an authorised person. Generally it is the person who has undergone the polygraph test (examinee), or anyone specifically designated in writing by the examinee, firm, corporation or government agency that requested the examination.

WHAT IS THE STATUS OF POLYGRAPH TEST AT CCMA

Polygraphists have been accepted as expert witnesses whose evidence needs to be tested for reliability. The duty of the commissioner is to determine the admissibility and reliability of the evidence. Polygraph test may not be interpreted as implying guilt but may be regarded as an aggravating factor especially where there is other evidence of misconduct. In other words, polygraph test results, on their own, are not a basis for a finding of guilt. It can be used only in support of other evidence.

JOB EVALUATIONS 2015

The closing date for the submission of applications for job evaluations was 6 July 2015 and the sifting process has been completed.

Job evaluations sessions proper commenced on 4 August and it would appear that it is going to be a bumper two month period to consider all applications. We remind our members that the aim of evaluation is to evaluate the post and not the person appointed to the post.

Once the evaluations have been completed, employees who are dissatisfied with the outcomes will have the opportunity to apply for a review of the evaluation. Details of the process are as follows:

SECTION 5: PROCEDURE FOR REVIEW OF OUTCOME OF THE EVALUATION

Application to have the outcome of a job evaluation reviewed must be sent to the Director: ER and Operations: HR and must be carried out as follows:

- 5.1 The application for review must have the full support of the line manager and Dean/Director of the post.
- 5.2 The request for a review must contain detailed reasons why it is necessary for a review.
- 5.3 If the review is deemed to be justified by the Director: ER and Operations: HR, a review re-evaluation will be scheduled. The outcome of any revision evaluation is considered to be final. The review committee must comprise a majority of members not in the original committee.
- 5.4 With regard to HR positions, the same procedure as stated above must be followed, except the applications must be sent to the Vice Chancellor.
- 5.5 **An application for a review must reach the office of the Director: ER and Operations: HR within 21 (twenty one) working days of the date when the official result of job evaluation is received by the incumbent.**

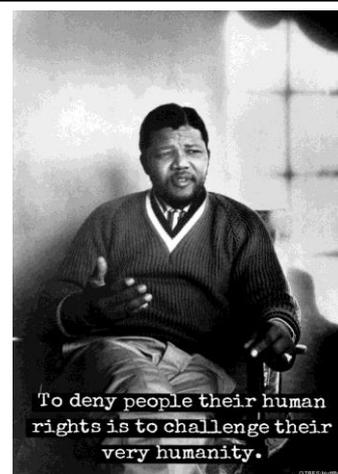
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BEC ANNUAL VISIT TO GEORGE CAMPUS

The NTEU NMMU Branch Executive will be visiting George Campus on 3 and 4 September 2015. The visit has become an annual event on the union calendar.

Our colleagues on George Campus are encouraged to attend the social interaction and one-on-one appointments are welcomed and can be arranged. Elise Labuschagne can be contacted for details of the arrangements.

See you soon!



24 Sept – Heritage Day

(Afrikaans: *Erfenisdag*) is a South African public holiday celebrated on 24 September. On this day, South Africans across the spectrum are encouraged to celebrate their culture and the diversity of their beliefs and traditions, in the wider context of a nation that belongs to all its people.

25 Sept is NOT a NMMU holiday