

Workplace Harassment in Higher Education in Taiwan, ROC: Review and Recommendations

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Abstract

Hostile conduct in the workplace is characterized in many forms of harmful acts. Workplace harassment of academics in particular as premeditated hostile conduct remain being common, while the victims may be unaware of the legal recourses to serve as deterrents for workplace offences of a non-violent nature. The purpose of this work is to synthesize earlier works on bullying and mobbing while emphasizing the occurrence of this forms of hostile conduct in higher education environments. It is recommended that potential legal remedies ought to be formulated to address individual cases of hostile conduct from individual or multiple aggressors.

Keywords: Workplace harassment; Academics bullying; Mobbing

Introduction

The social problem of workplace harassment as a result of the abuse of power represents a threat to employees in various types of enterprises, where the work environment ought to be without fear or intimidation. This problem has attracted a great deal of attention in recent decades. Hostile abusive behavior is characterized in many forms of harmful acts of perpetrators that are not limited to physical contact, commonly known as bullying, which are inappropriate workplace practices that undermine a collective effort to achieve the organisation's objectives. This includes behavior that is intimidating, offensive, degrading or humiliates an employee [1]. What has been revealed as a group form of abusive behavior that has been labelled as mobbing as a form of social elimination, which tends to be more common in universities than other types of institutions where job security is high, there are few tangible measures of successful job performance, and employees face conflicts between loyalty to an institution and their commitment to other goals [2]. Mobbing is as an act of systematic and indiscriminate collective hostility against a specific target for elimination from a workplace organisation through non-violent yet malicious and aggressive means through humiliation, devaluation, discrediting and degradation that is often initiated by individuals occupying positions of power or influence [3]. Tactics that are applied against a single individual include spreading rumors, intimidation, humiliation, discrediting and isolation [4]. This type of hostile conduct in the workplace is instigated by group of perpetrators who attack a single of multiple targeted victims while acting under the auspices of an organisational domain from the perpetrators' authority is derived.

Hostile behavior in the workplace has also been examined as bullying as a form of harassment, by which a wide range of different types of negative acts in the form of individual behaviors that threaten or intimidate one of more individuals or undermine their reputation or performance. This is essentially defined as a form of mistreatment of a targeted individual with the intention of sabotaging their performance [4]. In all such cases, the targeted individuals are repeatedly subject to and experience negative actions and aggressive conduct. The distinguishing factor between them is how mobbing entails the involvement of an organisation, while this is lacking in bullying [3]. The various forms of workplace harassment lack the stated legal definitions for sexual harassment and are therefore distinguished by how affected individuals may have a legal recourse [5], in comparison with sexual harassment that is more thoroughly clarified [6]. It therefore had not

been identified as workplace behavior and could have been ignored, misinterpreted or deliberately instigated by the administration or management of an organisation. One of the consequences of this type of conduct is the victims have not considered themselves to be capable of defending themselves, including through legal action [5].

Non-sexual or non-physical harassment in the workplace can otherwise be as demeaning, insidious, and as destructive as sexual harassment and therefore should never be tolerated, [7] as both are in fact different forms of workplace harassment that have severe consequences for the target [8]. Workplace harassment is also distinguished from sexual harassment and other forms of physical workplace aggression by its interpersonal nature and is characterized by frequent and abusive acts of power in this understudied [9] form of organisational behavior, which may take the form of either covert or overt aggression, depending on whether the target is aware of the aggressors' identity and their malicious intentions toward them [10], as well as direct or indirect [11].

Actions that substantiate non-physical psychological aggression take place in many different forms, [12] such as gossip about negative characterizations regarding an employee's personality, personal life or job performance, and spreading rumours of false information and malicious lies with the intention of attacking a targeted individual's personal or academic credibility, and thus constitute active threats to one's professional status. The specific purpose of mobbing is to cast the targeted individuals into a negative light to ultimately remove them from the organisation, or at least neutralise their influence within it [3]. Others examples of abusive behavior constituting academic harassment include: blocking of appointments, blocking of promotions, blacklisting, being criticised harshly and attacked verbally in private or public, being put down in front of others, lied to or deceived, subject to false accusations, attempts made to turn others against the target [13,14], demeaning someone by setting them up to fail, exclusion,

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unfair treatment, threatening someone's job security without valid reasons, and deliberately undermining a subordinate with constant criticism [15].

These types of hostile conduct can occur vertically, whereby supervisors or administrators abuse or misuse authority by staging harassment against a subordinate in the workplace hierarchy, when superiors act in a hostile manner by using their authority to intimidate subordinates, or horizontally when it is instigated by one or more employees at the same level in the organisation who enlist others to join in the mobbing [3] of a targeted individual after the process has begun. Bullying of academics in particular can otherwise be instigated by administrators, colleagues or students [16]. This premeditated hostile conduct is also undertaken with little risk for the consequences of their actions [9], while the victims may not complain for fear of the possibility of retaliation, just as in cases of sexual harassment [17] being able to cope with this type of work stressor, or be unaware of the legal recourses that may be available in their jurisdiction.

Literature Review

All forms of workplace harassment have been found to have harmful effects on both individuals and the organisations where they are employed [3]. While legislation has been enacted for overt forms of offences perpetrated against individual employees, including legislation for the prosecution of sexual harassment, there remains a legislative gap in Taiwan, ROC to serve as deterrents for workplace offences of a non-violent nature, regardless of the harmful effects that result from hostile non-violent or non-sexual conduct, which may lead to damaging a target's physical and psychological health through workplace harassment [18]. These consequences have been addressed through anti-bullying legislation in several European countries [4], as well as in Canada and Australia. The purpose of this work is to examine how individual or collective acts of hostility have been directed against targeted individuals in higher education in Taiwan, ROC, and the extent to which individuals employed in higher education have experienced abusive behaviors in the workplace. In view of the evidence, existing legislation remains deficient in addressing workplace hostility in comparison with other jurisdictions worldwide.

Research on workplace harassment

Early work on mobbing and bullying as two related yet distinct terms referring to specific ways in which eliminative impulses manifest themselves in the workplace [19], began in the 1960s and 1970s, before further studies demonstrated how these types of hostile conduct manifested themselves in workplaces as collective or individual acts of aggression. Research has indicated that hostile conduct in the workplace transcends geographic boundaries and is prevalent in different types of workplaces. New findings have begun to indicate that workplace harassment in academic settings parallels those in other types of workplaces and in different countries worldwide.

Pioneering research by Heinz Leymann established the foundation for further study of mobbing. There has since been a worldwide interest in this subject that has led to a considerable amount of theoretical and research literature. Konrad Lorenz first introduced the term "mobbing" to describe organisational behavior in a 1968 study on aggression. These were followed by further studies on mobbing by Peter-Paul Heinemann in 1972 and Dan Olweus in 1973. Brodsky C [20] published a landmark work on defining harassment in the workplace. Heinz Leymann later introduced pioneering work on workplace mobbing to describe abusive workplace behavior in various works (1986, 1990, 1993, 1996). These

led to worldwide interest in this inadequately understood phenomenon relating to offences against the preservation of basic human dignity. Leymann outlined a process for the elimination of a target in the workplace with the sanction of the administration or management. Dieter Zapf and others [13,21,22] followed Leymann's earlier research on mobbing with the term bullying to describe new research on workplace abuse. Leymann's work was followed by Davenport, Schwartz, and Elliott in the first work on workplace mobbing in the U.S. in 1998, which was followed by Helge Hoel, Charlotte Rayner and Cary L. Cooper comprehensively reviewing and analysing the literature by that time [23]. Also, during this time and thereafter, Kenneth Westhues also followed Leymann's research in its qualitative application in the specific sphere of academic workplaces [3,24] through presenting various case studies.

Research on workplace bullying in view of individual acts of workplace harassment has been separate from that of mobbing. Andrea Adams initiated further research in this subject in *Bullying at Work: How to Confront and Overcome It*. Charlotte Rayner [25,26] published findings on the incidence of workplace bullying as a form of harassment calculated at offending, socially excluding, or negatively affecting the tasks of a targeted individual repeatedly and regularly as part of an escalating process [3]. There have been studies on the nature of workplace bullying and victimization in Norway by Einarsen and Matthiesen [27] and in Ireland (O'Moore, Seigne, McGuire and Smith). The studies conducted in Norway have also examined stress and health consequences (Einarsen and Rakne), bullying and the quality of the work environment (Einarsen, Raknes and Matthiesen), and prevalence and risk groups (Einarsen and Skogstad). Bullying has also been found to be a cause of stress in the workplace (Varti), and a 1999 study by Sheehan [28] and Barker [29] addressed coping with it. Richman, Rospenda, Nawyn, and Flaherty [30] and Richman, Shinsako, Rospenda, Flaherty, Freels presented evidence of how abusive experiences in the workplace may lead to self-destructive behavior following negative circumstances found in a hostile work environment. Einarsen [13] and Mikkelsen have defined different types of bullying. Robert A. Baron and Joel H. Neuman have addressed workplace abuse as forms of aggression in different studies (1996, 1997, 1998, 2003, 2005). Bjorkqvist, Österman, and Hjelt-Bäck published the first examination of workplace harassment in higher education [31]. Loreleigh Keashly [32,33] introduced the concept of emotional abuse in the workplace in different studies undertaken independently and with others [3,13,26,32,34,35]. Keashly's study in cooperation with Joel H. Neuman on bullying in higher education in particular synthesizes the literature on bullying in the academic sphere and offers an analysis, which complements the earlier studies by Westhues. Other studies [9,25,31] have examined instances of workplace bullying in higher education in the contexts of particular institutions, while Lewis [36] has examined bullying among higher education academic community in Wales. A detailed examination of academic bullying is also examined in faculty incivility [37]. The most recent work by Duffy and Sperry [3] provides the most comprehensive study of workplace mobbing and bullying in general, and also provides insights on how victims can recover from its effects.

A range of research on workplace mobbing burgeoned in the 2000s, indicating that this has been a worldwide problem. In addition to the 2003 study comprising of a collection of studies drawn from many parts of Europe, Australia, South Africa and the U.S. [13] studies have appeared concerning subjects in the Netherlands (Vanderherckhove and Commers) Australia (Sheehan, Shallcross, Sheehan and Ramsay), Croatia (Adoric and Kvartuc), Canada (Ferris) and mobbing among healthcare workers in Taiwan [38] and in Turkey (Yildirim and and

Timuchin). The focus on specifically academic mobbing that was introduced by Westhues were followed by other studies in Spain (López-Cabarcos and Vásquez-Rodríguez) and in Turkey (Tigrel and Kokalan) [39].

Research in the prevalence of workplace bullying is continuing in the United States, where Gary and Ruth Namie have founded the Workplace Bullying Institute and have published, *The Bully at Work: What You Can Do to Stop the Hurt and Reclaim Your Dignity on the Job* (2000, 2009 2nd Edn) Their research and activism has continued to raise awareness worldwide about workplace bullying [3], which has received substantial attention from academic researchers, legislators, as well as the media [40], such as the online news documentary, "Workplace on the Edge," David Yamada's "Minding the Workplace," an international community blog for harassed academics, "Workplace Bullying in Higher Education," and "The Mobbing Portal," a guide to research sources on workplace mobbing. These sources indicate how this phenomenon of non-physical interpersonal abuse in the academic sphere is also an international problem that is not limited to national or cultural differences. A potential exception is that the Confucian tradition in Asian countries for respect for hierarchy and loyalty to superiors may influence employees to be predisposed to accepting bullying behaviors when directed by superiors against subordinates [41]. It could be inferred that such cases at Taiwanese institutions of higher education have not been reported or investigated through the media or through litigation, as has been the case in the U.K [42]. Moreover, these organisations do not institute preventive measures against workplace harassment or condone them through tacit approval or practice. Academic settings thus require further attention for research on workplace aggression [32].

Workplace harassment in academic settings

Academic settings, which ought to provide a respectful environment for scholarship, teaching and service are subject to bullying [43], where different types of hostile conduct in different types of workplaces are paralleled. The causes may be different. Abusive behaviors most frequently cited in academic settings have involved threats to professional status and isolating and obstructing the target's ability to obtain important objectives. In view of the critical importance placed in this type of setting on one's accomplishments, intellectual rigour, and reputation, this is to be expected. If perpetrators intend to cause harm to someone in this context, their actions will be designed to undermine their professional standing of their colleagues, as well as their authority, and competence, or impede access to important resources in an indirect manner under the veneer of academic discourse and collegiality, while the consequent damage to individuals, groups and organisations will be the same as in non-academic settings. A difference in the academic setting is that affected individuals will tend to reduce their productivity as a result of decreased job satisfaction, or resort to dishonest practices, such as grade inflation, in order to improve student evaluations [32]. When there is an emphasis placed on student evaluations, students can also thereby wield unhealthy power over a faculty member and likewise subject them to bullying [16]. The increasing use of adjunct professors, who often do not possess the influence and the protection that can come with tenure, may also contribute to academic bullying [44] from students or department administrations. Another possible cause is the value of conformity in academic settings, which may empower bullies to retaliate against a target who does not comply with group mentality [45].

Aggression in the academic environment may also ensue when norms are perceived to be violated, especially from the higher echelons

toward the lower ones, while the perpetrators shield themselves from retaliation, particularly when they consider themselves to be less powerful than their targets. This aggression may tend to ensue from frustration felt by the perpetrators when norm violations deprive them of attaining a goal [46], such as continued job security. Indirect and passive aggression will be projected against the perceived sources of their frustration, especially when cost-cutting measures are implemented or when there is a lack of control over the circumstances [32]. Zero sum thinking among perpetrators in an environment where resources are considered to be limited, or even in matters of prestige such as individual publication successes, could thus lead to aggression against victims who are perceived as being threats, and are typically above average performers [4]. Underperforming perpetrators could also project their inadequacies against targets possessing greater competence for acquiring a greater share of the limited resources in the workplace environment, while also concealing their own weaknesses and deficiencies. This process can begin with there merely being one party who considers themselves to be threatened by a colleague, and then initiates the mobbing process to drive the target out of the workplace [4].

There is also not any expense for perpetrators to harass their targets in the interest of undermining them and distracting them from their endeavours. In view of these factors, lower achievers may attack more achievement-oriented and conscientious colleagues with records of success who are considered to be threats, fearing their superior competence and consequently treat them as outsiders when they are perceived as setting themselves apart from a group in some way, and consequently are isolated as "alien" elements who differ from possessing the common qualities of a group. Meanwhile, witnesses are silenced into inaction for fear of likewise being subject to being targeted [47].

This situation will result in mobbing perpetrators making destructive attempts to degrade individuals as well as their work that are perceived to threaten their vested interests, and therefore act collectively to isolate a target in order to eliminate them from a position or acting out of personal considerations, such as personal dislike or attempting to exercise revenge due to personal or professional jealousy or former disagreements [48]. Bullying may thus be employed as a strategy to punish and eliminate overachieving colleagues who are considered to be threats in very competitive work environments, especially during institutional restructuring when dismissals are actual threats to individuals' continued employment, which could lead to harsher competition, and thereby increase the risk that superiors may rely on any means deemed necessary to eliminate competitors [49]. Mobbing as a bullying action likewise begins when one person who considers themselves to be threatened by a colleague will draw others to drive the target out of an organisation, while these perpetrators act collectively to compensate for their own shortcomings [39].

Personal attacks against specified targets may also be particularly aligned with racism against foreign faculty members. Kenneth Westhues identified five conditions that increase vulnerability to mobbing in academia. These are:

1. Being foreign-born or having the characteristics of a foreign upbringing.
2. Being different from most colleagues, such as due to their credentials.
3. Belonging to a discipline with achievements measured through ambiguous standards.
4. Working under a dean or administrator who possesses a powerful impulse to punish.

5. Being in an academic unit where there is an actual or apparent financial limitation [16].

Higher education may provide a particularly rich environment for bullying since university administrations are decentralized, which thereby makes institutions of higher education especially vulnerable to instances of bullying, since perpetrators are afforded opportunities to run roughshod over colleagues in isolated microclimates such as laboratories and small departments [50]. Some faculty members may choose to abuse the little power they have, such as blocking a junior colleague's promotion, or anyone they consider to be a threat [44]. When the upper levels of administration do not intervene in such bullying situations, this further reduces the risk of such perpetrators being disciplined as a consequence and being called to account for their actions [8]. Moreover, university administrations have often ignored due process and their own policies and procedures in order to exclude or dismiss professors for no valid academic reason, regardless of how such hostile conduct is unprofessional, unethical and at times illegal [24]. In addition, both workplace bullying and mobbing likewise occurs within the established policies of an organization [4], such as through establishing subjective and unclear performance evaluation criteria that may exclude certain parties within the organisation or be liable to be misinterpreted with prejudice against intended targets, which reinforces earlier findings concerning how higher education settings remain highly likely to become ideal environments for mobbing cultures [4].

In the particular case of academic settings, perpetrators of mobbing may use a committee structure as an instrument for involving others in the mobbing process through a formal use of power, with committee decisions camouflaging and insulating an individual bully or single instigator acting against a target who is perceived to be different or appears to be a threat to the perpetrators' positions [37]. The perpetrators thus have a meeting to discuss what they can do about a target, in which a target's real or imagined transgressions will compose a grievous offence that will require action to be taken against them [51]. As in other types of workplaces, envy of the target's qualities or seeking to gain benefits that the perpetrators do not possess is thus one of the causes of this type of bullying, which results in the perpetrators intending to remove this higher achieving internal competitor from a work environment [8]. The perpetrators in this type of hostile situation will also abuse their authority with the intention of humiliating a colleague who is treated differently in front of others, while the witnesses may be afraid of becoming the next target of bullying, and consequently may join in to protect themselves from also becoming a target, or take part as a means of entertaining themselves in what has termed "vulturing," [5] or may find witnessing bullying as a form of morbid amusement [52] and thereby inadvertently enable bullying as these forms of abuses of power are not prevented by either superior or peers. The same use of inappropriate power against a less powerful victim may be applied in bullying situations when it is undertaken by a perpetrator occupying a formal faculty position, such as a temporary administrative position that is shifted between colleagues [9]. Underlying these possible scenarios is the fact that aggressive members of an organisation rarely operate without enlisting the support of accomplices [53], infecting other employees with what Namie and Namie have described as being a "workplace virus [54]." This will thereby constitute causes for a mobbing situation that encompasses both active and passive participation from aggressors acting collectively and witnesses who do not intervene directly.

Another mobbing tactic has been termed "puppet master" bullying. In these cases, the main aggressor enlists others to launch an attack by proxy against a targeted victim while placing the responsibility for the

instigated action on another party, which may be more common than other forms of mobbing [55]. The aggressor in such instances may be a peer of the victim who had induced an individual in a superior position of authority to take this form of action, while themselves remaining invisible behind this type of "human shield," and thereby be absolved of facing the consequences of any retaliatory action that the victim may attempt in the interest of self-defence against unjustifiable aggression. This could be particularly significant if the mobbing actions may be construed as being genuinely illegal, depending on the jurisdiction in which the mobbing type behavior takes place, such as spreading rumours about the victim or insulting them in a public setting.

Bullying of subordinates may also be symptomatic of economic conditions at the university rather than departmental level, as has already been demonstrated in higher education in the United Kingdom, where operating conditions at universities have emphasized the creation of a business model and profitability. Trade unions and academic staff in higher education have subsequently argued that this has led to the creation of an environment where bullying has become synonymous with "tough managerial styles [42]." The sources of hierarchical workplace harassment may have thus become evident at the highest levels of university administrations, which intentionally impose requirements that are intended to be impossible to fulfill in the interest of cost-cutting, just as superiors assign tasks to subordinates that are designed to set them to fail in the discharge of their assigned duties, or imposing unrealistic demands, are guilty of bullying behavior. In the case of a university in central Taiwan, the thresholds for evaluations and promotions are intentionally set to be no-win situations, in which the victims of these policies are blamed for not meeting the minimum threshold requirement. This bullying is formally institutionalized through university policies, rather than initiated by individuals acting in an inappropriate manner in isolated cases.

Discussion

Preventive measures in response to workplace harassment

The prevalent view among victims of workplace mobbing and bullying is that recourse was very often lacking after they had been harassed. Surveys in the U.S. have shown that Human Resources departments, acting as representatives of an organisation's interests and its managers did not provide any assistance for such victims, or even made things worse, as managers retaliated against victims [3]. An organisation not offering protection to the victim is therefore a cause for not reporting instances of bullying, along with the employees' perception of whether the organisation will take action to address bullying behavior [56].

This lends support to Leymann's five-phase model for workplace mobbing, in which the management or administration initially ignores or tacitly condones mobbing through aggressive passivity, followed by renewed victimization when the management or administration join the mobbing while blaming the victim for being the cause of their difficulties without questioning the truthfulness of gossip or complaints from very often a few colleagues [57]. The victim of mobbing thereafter becomes a "marked individual" [58] who becomes falsely accused of being a malcontent causing difficulty. Since the higher levels of administration will support the perpetrators in a dispute with a subordinate, and the viewpoints from several testimonies will outweigh the one of the individual under attack [59], the victim of aggression will suffer the consequences of this labeling.

Preventing mobbing in workplaces can therefore be instituted with the support of the top management in conjunction with human

resource management to provide organisational support for victims of workplace harassment, while HR primarily represents the interests of the organisation, rather than its employees who could be considered a threat to its interests [3]. In view of the fact that workplace harassment mainly arises from someone of greater power acting on someone of lesser power, empowering the target of abuse with being able to remedy the situation is unlikely [13]. Written policies will help prevent workplace harassment by providing mechanisms for addressing such instances [60], but there remains the willingness of the administration to institute such policies. However, this may appear unlikely in institutions that are motivated primarily by economic concerns, without concern for the well-being of the employees who may be encouraged to leave their present employment in the interest of reducing staff. Such economic circumstances could also lead to aggression in the workplace, including covert verbal, passive and indirect acts of aggression aimed to inflict harm against a target that constitute different forms of workplace harassment. Precedents for this situation have resulted from present practices in Taiwanese higher education, including the institution of pay cuts or freezes and increased use of part-time employees [61]. Organisations ought to otherwise examine their role in how different forms of workplace harassment may be prevented if they consider their employees' well-being to be a priority.

When policies concerning workplace abuse are absent in an organisation, another potential solution for preventing workplace harassment is legislation to establish protection for potential victims as well as serve the cause of prevention, just as legislation regarding sexual harassment exists to serve this purpose, although sexual harassment represents one of five types of workplace harassment as defined by Brodsky [20] as acts that "repeatedly and persistently aim to torment, wear down, or frustrate a person, as well as all repeated behaviors that ultimately would provoke, frighten, intimidate or bring discomfort to the recipient [62]." Duncan [36] has cited sexual harassment, racial harassment, sex discrimination, unfair promotion opportunities or reduced promotion opportunities as different types of workplace harassment [36]. There have thus been efforts in different countries worldwide to address workplace mobbing and bullying [3]. Increased concern about workplace harassment has led a broad range of legislative prevention strategies around the world. Legislation in Sweden, France, Belgium and the Canadian province of Quebec in particular focuses on placing responsibility for preventing mobbing as being the responsibility of the employer [63] with there being variations of similar conditions in different areas of jurisdiction.

The first legislative measures specifically addressing workplace mobbing and bullying was enacted in Sweden in 1993 in the Swedish Work Environment Act. The Netherlands introduced the Working Conditions Act in 1994, which protects employees from psychological workplace aggression. Several countries had since followed thereafter. France introduced legislation against mobbing in 2002, which is referred to as moral harassment. Belgium likewise introduced legislation against moral harassment in 2002 [3]. Legislation was also enacted in Finland in 2002 and in South Australia 2005 that was aimed at preventing different forms of workplace harassment, bullying and mobbing, which are undertaken with the intentions of ostracizing, isolating, undermining and eliminating targets from a workplace environment. The Protection from Harassment Act in England in 1997 made the alleged intent of the target's perception of another's behavior significant, which was supplemented to include workplace bullying in 2006 when the House of Lords ruled that "employers could be held liable for any harassment caused by workers [16]."

In Canada, Quebec, whose legislation has been in force since 2004, was the first province to regulate prevention of psychological harassment, which is defined as follows: "Any vexatious behavior in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. A single serious incident of such behavior that has a lasting harmful effect on an employee may also constitute psychological harassment." Legislation governing such harassment was followed by Saskatchewan in April 2007. Sections 2(1) and 2(3) of the Saskatchewan Occupational Health and Safety Act provide that: "harassment means any inappropriate conduct, comment, display, action or gesture by a person that adversely affects the worker's psychological or physical wellbeing and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and that constitutes a threat to the health of the worker. To constitute harassment repeated conduct, comments, displays, actions or gestures must be established; or a single serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker must be established." However, a weakness of this proposed legislation is it lacks the institution of standardized procedures for processing complaints or resolving workplace bullying instances [63]. In December 2009, Ontario introduced provisions on violence and harassment to the Occupational Health and Safety Act, which came into force in June 2010 [64].

In the U.S., what is informally known as the "Healthy Workplace Bill" drafted by Professor David Yamada of the Workplace Bullying and Trauma Institute is a form of model legislation that cites provisions for legal claims to damages by targets of severe workplace bullying, and provides a legal incentives for employers to respond to workplace harassment by taking responsible and preventive measures against actions that contribute to constituting a hostile work environment [3]. This bill has since been introduced for enactment in the legislatures of twenty-nine states in the U.S. since 2003 while workplace bullying has remained the most neglected aspect of addressing serious mistreatment in the workplace under American employment law [65].

Legislation in Taiwan, ROC with regard to addressing or prosecuting hostile conduct in the workplace remains very limited, and therefore retarded in light of initiatives that have been taken in various other jurisdictions where targets of hostile conduct have recourse under existing law. The potential for legal intervention in certain types of workplace harassment may theoretically be executed through the "moral conduct law," specifically Article 310 on public insults and Article 312 on spreading rumors, which encompass two forms of types of workplace harassment. Victims and their legal representatives ought to be aware of these solutions in view of presently existing law, and how they may be interpreted to protect them against instances of abusive conduct in the workplace. In view of the commonplace incidents of workplace harassment, this issue must not be overlooked in comparison with the attention that has been devoted to it in several different countries.

Until legislative measures may be promulgated to address these abuses in the interest of protecting the victims in a jurisdiction where it remains lacking in comparison to elsewhere, there remains the application of the media as an instrument for raising awareness about them [5]. Like legislation, the media is outside of the control of the organisation. However, there are risks involved in exposing a specific institution to public view. The media audience may not sympathies with the viewpoint of harassed targets [66]. An employer may also interpret

consulting the media negatively and may become vindictive toward a whistle-blower attempting to raise the alarm [67] about workplace harassment within an organisation.

Conclusion

The purpose of the law in society is to protect individuals from other individuals from any form of harm, including the types of psychological harm that may ensue as a result of workplace harassment as well as threats to one's continued means of earning a livelihood. Inappropriate hostile behavior emanating from those in positions of responsibility whether equal or subordinate to others can be interpreted as psychological assaults on subordinates. Such assaults also create an intimidating, hostile or offensive workplace atmosphere that interferes with employees' abilities to discharge their functions. Hence, the perpetrators of hostile behavior, such as bullying or mobbing in the workplace, must necessarily be called to account for their actions, and the immeasurable insidious effects of bullying and mobbing thus remain to be dealt with through constructive measures aimed at prevention, especially since they occur all too frequently in higher education [68]. While fairness, decency and civility in the workplace cannot be legislated, it could be necessary to apply the law to structure workplace relations when just results in the workplace are lacking and there is evidence of harmful or abusive conduct [69] and thereby help ensure legal protection as well as contributing to ensuring that faculty members at Taiwanese universities could be treated with fairness and respect by employers as well as colleagues. There are otherwise potential legal solutions to be applied when existing law is violated when other means of resolving problems are not feasible.

In view of the types of abuses that have been perpetrated in Taiwanese universities, there ought to be public awareness regarding this problem in the interest of promoting change for instituting healthy workplace environments. Victims of workplace harassment ought to be made aware of the extent to which the "moral conduct law" in the Taiwanese criminal code may be applied in instances of harassment in the workplace until further legislation may be enacted in Taiwan, ROC that would follow what has been promulgated in other jurisdictions to provide legal protection against bullying and mobbing in the workplace. Examining this problem in the context of higher education demonstrates how this is necessary in view how these types of abuses remain have been common but have not been sufficiently addressed by both university administrations, who may be the source of or contribute to workplace harassment, or by Taiwanese legislators who could theoretically follow the examples of anti-bullying legislation in other countries worldwide. While redress may be found by victims of workplace harassment to a limited extent if institutional integrity is maintained through administrative means, applying potential legal remedies remains subject to the awareness of how unacceptable abuses in the workplace may have to be addressed in individual cases of hostile conduct from individual or multiple aggressors. Until individual universities institute policies to prevent manifestations of inappropriate acts of hostility in higher education workplaces with appropriate sanctions to be imposed in the event of such conduct to help ensure accountability for hostility in the workplace, potential legal recourses may remain the only viable solution for targets of harassment to follow in the interest of having the right to defend themselves against acts of bullying and mobbing. It remains to be seen whether Taiwanese legislators will follow the examples of other countries, and likewise take action against various forms of non-physical workplace harassment.

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