

MORAL HARASSMENT

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1 INTRODUCTION

Moral harassment in the workplace has been the subject of study and concern not only for researchers in the field of human relations, but also, in the field of law, such a phenomenon creates a hostile environment, being the cause of many dismissals and disputes in the relations between employee/company, not to mention the professional frustration, shock in self-esteem, reflexes in health, family and social life of the person that suffers from this harassment.

Moral harassment in the workplace is not a new fact, but has been gaining space among researchers, not only in the law area, but also, in the administration area, actually, this is the focus of this work, in virtue of several cases and processes that become more obvious nowadays, since relationships are more open and in a certain way more humanized.

In the working relationship, it is necessary the issue to be more discussed, so that the employees can have their social rights guaranteed and they can develop their functions, being supported not only by labor laws, but also, with satisfaction, freedom, and respect.

Given the concern about social and psychological damages that moral harassment causes to the employees, several organizations both private and public ones, have already developed a conduct code to avoid embarrassment and humiliation caused by moral harassment.

There is an eminent need that society becomes aware of moral harassment, knows its causes, characteristics, effects and damages it causes to the employees. It is necessary to know how to prevent it in order to detect and combat this harm.

The more information the employees and employers have, the more prepared they will be, so, they can prevent it and avoid complications, such as an early withdrawal of the employee, strain in the relationship, professional and social demotivation and eventually lawsuit.

2 CONCEPT OF MORAL HARASSMENT

Moral Harassment is also known as mobbing (Hirigoyen -2005)¹ from the verb “to mob”, that means to mistreat, attack, besiege, the same author says that mobbing is a hostile attitude often repeated, usually, against the same person, and most of times without apparent reason or simply for trivial reasons.

¹ Marie-France Hirigoyen is Psychiatrist and Psychotherapist of family.

According to Guedes (2003), the term mobbing “is neither a single action, nor a generalized conflict. The psychological terror is a strategy; a systematic, structured, repeated and long-lasting action”.

In England, according to (Hirigoyen - 2005), the term bullying is used, which means treating someone rudely, tyrannically or someone who has pleasure in humiliating the others in order to show power or as a way to confirm his/her superior position in the social or professional scale.

According to Hirigoyen, the term bullying is wider than mobbing, since the first word is related to abusive conduct with moral aggression, teasing and humiliation; the second term is associated with the violence related to organizations and collective pursuits, which in extreme cases, can generate violence.

In Japan, according to the same author the term *ijime* (mistreat) - (Hirigoyen - 2005) is used not only at work, but also in schools.

A young person coming from a competitive school environment and having an education focused on overcoming, will find a workplace dominated by goals. In this case the moral violence is used as a mean to achieve goals, when it does not happen; the employee suffers sanctions and is ridiculed in front of colleagues.

In France, the term moral harcèlement (Hirigoyen - 2005) is used, that regards to “a more subtle kind of aggression which is more difficult to be proven and featured,” according to (Glockner - 2004) “it is the term that is more closely related to the Brazilian reality”. These similarities come from the fact that in Brazil moral harassment is more subtle and many times it goes unnoticed or it is ignored due to factors which are going to be discussed later in this work.

We observed that there are many expressions and even different meanings, because the terms used are influenced not only by organizational aspects, but mainly by cultural aspects of each country. In essence, all of them are about the same subject which is hostility, humiliation, lack of ethical conduct in respect to the dignity of each individual regardless his/her function or position he/she has in an organization or society.

Moral harassment manifests through gestures, despising attitudes, contempt, pursuit, humiliation, professional disqualification, exposing the person to a ridiculous and shameful situations in front of colleagues, creating tension, causing serious problems for the worker like professional demotivation and even social psychological disorders.

Dr. Margarida Barreto², renowned researcher defines moral harassment as being an abusive conduct against the dignity or psychological or physical integrity of a person who endangers not only his/her work, but also the entire workplace. In this sense we can understand moral harassment as an attitude that a person, usually a manager, a boss or a superior has towards his/her subordinate that does not correspond to the ethical and professional conduct by treating him/her in an inhuman manner, injuring the dignity and even his/her identity as an individual.

²Dra. Margarida Barreto is a Labor Doctor, researcher of PUC SP, and she is one of the leading specialists about Moral Harassment in Brazil.

For Doctor Margarida Barreto cited Glockener (2004 p 15) moral harassment is:

A feeling of being offended, despised, downgraded, humiliated, vexed, embarrassed and outraged by somebody. It is feeling like you are no one, worthless, useless, hurt, mortified, indignant and angry. The humiliation causes pain, sadness and suffering.

For a long time, moral harassment was treated and mistaken by stress or another problem related to the work, as conflicts and aggression between colleagues without any minor consequences.

According to Heinz Leymann³, cited Glockner says that moral harassment is:

The deliberate degradation of working conditions through unethical (abusive) communication which are characterized by repetition over a long time of hostile behavior that a superior or a colleague develops against an individual that presents, as a reaction, a picture of lasting physical, psychological and social misery.

On the website www.assediomoral.org.br, we can find the definition:

The exposure of workers to humiliating and embarrassing repetitive and extended situations during the workday and the exercise of their functions, being more common in hierarchical relations, inhuman and unethical relations of long-term, from one or more bosses directed to the subordinate, destabilizing the victim relation with the workplace in the organization.

Joining various concepts, we can understand moral harassment as an abusive conduct where the aggressor disposes words, behaviors, gestures and attitudes that offend the moral, dignity and integrity not only physical but also social, being therefore the exposure of a worker to humiliating and embarrassing situations during his/her workday and in the exercise of his/her functions.

But we need to make a distinction, as Bernardo Leite Moreira⁴ points, we can't mistake moral harassment for the natural duties of leaders regarding fulfillment of deadlines, goals and objectives, because it is understood that the pressure for competitiveness makes the bosses more demanding, making them believe that their workers can do more than they usually do, he strengthens the thought, saying that bosses can and should put pressure on their workers, so that, they can overcome themselves, but he makes clear that it is not moral harassment.

In this sense it's necessary an understanding between leadership and workers. Goals, objectives and deadlines should be discussed previously and made common to all employees, observing the capacity and function of each one, avoiding inappropriate orders and attitudes and leaving the workplace and the labor relations milder and transparent.

³ LEYMAN, Heinz: ZAPF, Dieter Mobbing and psychological terror at workplaces - violence and victims. European Journal, 5 (2) .1990.

⁴MOREIRA, Bernardo Leite, psychologist specialist of Organizational Behavior. Paper about Moral harassment - Available in http://www.golrh.com.br/artigos/abre_autor.asp?COD_autor=88 access in 2007.12.12.

2.1 Methods of moral harassment at work

Moral harassment can be classified into vertical and horizontal, the vertical one happens in relation manager/worker and the horizontal when it occurs between people of the same hierarchy, the most common is the vertical harassment, because the boss often makes use of his / her power and can influence other employees to have the same attitude towards the harassed worker.

According to Guedes⁵ (2003), we can divide moral harassment in three groups, the first one is in communication, the attacked person is withdrawn from communication, he/she is isolated from other members of the group; the second refers to the reputation of the person, where the tactics are the jokes, lies, insults, ridicule of a physical problem and other characteristics of the person; the third is the professional dignity when the person is not given a job, or the job given is not consistent with his / her function, the targets established are doubtful which can lead the victim to feel unable or blame himself / herself for failing to achieve the goal.

Hirigoyen (2005) adds to this list a fourth behavior that is verbal and physical violence, and lists the characteristics of each behavior and places these items in a more practical way as we see in Glockner (2004) citing the referred author.

Deliberate deterioration of working conditions

Removing the victim's autonomy;

No longer giving him/her useful information to perform the tasks;

Criticizing his/ her work in an unfair and exaggerated way;

Contesting his/her decisions systematically;

Acting to prevent him/her to have promotions;

Assigning tasks incompatible with his/her role and responsibilities.

Isolation and refusal to communicate

The victim is constantly interrupted;

Hierarchical superiors or colleagues don't dialogue with the victim;

Communication with his/ her is almost always written;

All contact with him/her is refused, even visual;

His / her presence is ignored and he/she is addressed only by others;

Colleagues are prohibited to talk to him/ her and he/she is not allowed to talk to anyone.

Attack against the dignity

Contemptuous insinuations are used to qualify him / her;

He/ she is scoffed;

He/she is discredited before colleagues, superiors or subordinates;

Rumors about him/ her are spread;

⁵ Text extracted from site <http://www.normaslegais.com.br/trab/1trabalhista020207.htm>. Accessed on 2007/12/12.

Psychological problems are attributed;
He/she is mocked for his/her disability or his physical appearance
The victim is mimicked or caricatured;
He/she is mocked for his/her origins or nationality;
His /her private life is criticized.

Verbal, physical or sexual violence

At this point there are certainly the most severe cases, as there is even physical violence
Threats of physical violence;
People shout at him / her;
The victim has his/her privacy invaded.

We found out that there are several methods of harassment at the workplace, but as places Glockner (2004), we can't forget that for an attitude to be classified as bullying, they should be repeated in order to obtain an advantage for the aggressor so that it can be characterized as the phenomenon of bullying in the workplace.

We must be careful not to confuse normal problems of a workplace with moral harassment, high competitiveness between the companies, even the competitiveness in the workplace creates a stress and this can create a conflict between colleagues.

This conflict is far from being framed as moral harassment, most of the time, it is momentary, it may even be helpful if used for a constructive criticism related to the work routine, or even to find the best way to carry out the work, change the procedure aiming the company's performance or decrease the time to perform a task.

2.2 Exemplifying moral harassment

For a better understanding of the phenomenon we present some examples of moral harassment presented by Heloani⁶ apud Silva that tells two stories related to moral harassment.

The first story is about an executive who has taken several specialization courses, courses abroad, has MBA, a solid professional and academic curriculum, she works in a big bank as a systems analyst. Recently divorced, she is mother of a child with cerebral palsy, and she depends only of her job to support them. Occasionally, she needs her boss to allow her to leave earlier, so she can take her child to a clinic for treatment. Her boss constantly gives her a lot of tasks that must be accomplished in a short time.

Although her requests for absence from work aren't denied, her boss doesn't miss the chance to question her absence, to humiliate and insinuate that her absences can lead to her job loss. This causes a major embarrassment, causing her to live constantly anxious and stressed due to the threats of the boss.

⁶HELOANI, Jose R.M. *Invisible Violence*. *Business Management Magazine* n°. 3 2003, apud Silva. Regina Alves da. *The entrepreneur and the Moral Harassment in the Workplace*.

Urutagua Magazine. Available in: <http://www.urutagua.ue.br//006/06rsilva.htm> access on December 10th 2007.

Another case described is about a young newly graduated boy, that for not having experience had difficulty to get a job. He started working in a beverage company. At the beginning, he worked with enthusiasm, but due to the rough treatment given by his boss, he began to feel discouraged. His boss always addressed him with phrases such as "your job is easy, even a child can do it", "it shows that you have no experience", "you tricked me with your resume", "I don't know how I could hire you". This caused some discouragement in the young employee who suffers when he goes to work and can't sleep during the night because of insomnia.

These two cases demonstrate what a malicious superior, who perhaps is afraid to be outdone professionally by a subordinate, can cause to the person under his/her command.

There are companies that set sales or production targets to their employees; if they don't reach the goals they are put in embarrassing situations and they are exposed to ridicule in front of their colleagues, in some extreme cases the company "rewards" the employee with a "trophy" and they are obliged to leave it on their tables throughout the month to let everyone know that the employee has not reached the desired goal.

3 THE SUBJECTS OF MORAL HARASSMENT - HARASSER AND HARASSED

The subjects of moral harassment both the harasser and the harassed are human beings, each one with a psychological profile. Understanding this profile is extremely important for us to comprehend the behaviors and attitudes of every and each one involved.

3.1 The harassed

The harassed is not a passive and quiet person, without an own opinion, but it is an acting person who has practical and technical knowledge, and most of time, he/she annoys the harasser who feels threatened by the competence of his/her employee.

In this case, Guedes says that "the victim of psychological terror is not a lazy or negligent employee, but on the contrary, they are people with high sense of responsibility, they are genuine and well educated. They have valuable professional and moral qualities".

And she also says "it is this something more that the harasser seeks to steal, reducing his/her self-esteem". Most of the time, the harassed person believes in other people for their good faith, and according to the same author "other people feel threatened by his/her competence and thus begin to belittle his/her work."

Several authors have sought to profile the harassed person and here are the most common ones:

- People devoted to work with high sense of responsibility and always ready to meet the requests of superiors and colleagues;
- They do not submit to authoritarianism, and do not allow to be subdued;
- They are more competent than the others;

- People with a high sense of justice;
- Honest and conscientious people with high sense of justice;
- They have some disability;
- Women in groups predominantly of men or men in groups of women;
- Older people among younger or younger among older people;
- People with religious belief or sexual orientation different from the other ones.

Most of the time the person accepts the criticism at first moment, but after, with the repetitions the person feels diminished, discouraged about the work and moves away from the group, it may even leads the person to quit the job.

3.2 The harasser

Profiling the harasser is the most difficult task, since it is part of the human nature to subjugate the weak ones, but who harasses always seeks to destabilize the victims always putting them in a humiliating situation, but the harasser is always a person who acts subtly, and doesn't demonstrate the intentions as his/her attitudes are disguised.

The profile of the harasser, according to Hirigoyen (2005) is narcissistic and highlights some features such as:

- They have an unusual sense of their own importance and judge themselves to be superior to the others;
- Power is their main weapon, and they use it without scruples;
- They explore the people in their relationships, using them while they are useful ;
- They envy people
- They do not have empathy with the others,
- They are extremely arrogant.

Through these features, the harasser is a person who will use his/her power to subdue people, threatening them with job loss; the harasser often acts in fear of his/her own job loss, when feeling threatened, he/she will take advantage of hierarchical position in order to take the threat out of his/her way.

4 PREVENTIVE ACTIONS

Moral harassment will only spread in unstructured and disorganized companies, by omission of people who observe this behavior but do nothing to help the victims and often without realizing, these people become conniving in this situation.

Companies should have an active and insightful human resources department able to detect the problem and fix it, raise awareness among employees of all levels and raise consciousness about the problem among everyone, even advising on the implications of the

problem; not only in functional terms, but also in legal terms (this issue is not the goal of this study).

4.1 What the victim of harassment can do

Victims of harassment can take action to protect themselves when they feel threatened. On the website: www.assediomoral.org site, we find the follow recommendations:

- Resist: write down all the humiliations suffered in details, name of the aggressor, colleagues who witnessed, content of the conversation and anything else you think it is necessary;
- Provide visibility: look for help from colleagues, especially those who witnessed the events or who have also been humiliated by the aggressor;
- Organize support: it is essential inside and outside of the company;
- Avoid talking to the aggressor without witnesses;
- Report the facts to the directors or other instances, such as: doctors, head of human resources of the company, the company's attorney and if it is necessary to the attorney of the labor union;
- Look for support from relatives, friends and colleagues, to recover the self-esteem, dignity, identity and citizenship.

Another important fact is that people who witnesses a scene of humiliation at work, try to overcome their fear and sympathize with their colleague, and do not forget that the fear reinforces the strength of the aggressor.

5 MORAL HARASSMENT IN BRAZIL

In Brazil, the first story about this subject was published in the newspaper Folha de São Paulo in November 2000 as a result of a research done by Dr. Margarida Oliveira Barreto apud Oliveira, conducted with 2072 employees which concluded that 870 of them had suffered humiliation at work . In this research it was found out that 80% of the interviewed people suffered widespread pain, 45% had elevated blood pressure and 60% complained of palpitations and tremors and 40% suffered from libido⁰ reduction.

In order to forbid all the bad that moral harassment causes in the individual, it became necessary to create measures to suppress it rigorously, then, public companies, mainly the city halls of some cities decided to regulate the situation. The pioneer in creating a law against the moral harassment was Iracemápolis in the countryside of São Paulo state, regulated in 2001. And following the example other cities, such as São Paulo, Campinas, Americana, and other ones.” But these municipal laws treat only moral harassment towards the public servers”, there are no specific laws for moral harassment, although some projects are being processed by our National Congress.

Countries such as Germany, Italy, France, Australia and the USA, have a specific law to criminalize moral harassment in the workplace.

In Brazil the moral harassment, according to Glockner (2004):

Moral harassment has been framed in *art. 483 letter d* of the CLT. It treats the excessive strictness or demand of services beyond the strength of the worker. Another device that can also be used is the *art. 482 b. CLT*, which authorizes just cause dismissal of colleagues, bosses, managers or directors, responsible for the tort.

In the website, the Labor Court has positioned independently of specific laws. "The theory of moral harassment is based on the right to human dignity, base of the Federative Republic of Brazil, according to Article 1, paragraph III of the Constitution," says Minister Maria Cristina Irigoyen Peduzzi, of the Supreme Labor Court. "We can also quote the right to health, specifically mental health, covered in the protection conferred by Article 6, the right to honor, according to the Article 5, paragraph X and also the Constitution," she says.

It appears that moral harassment, although most of the time it is hard to be proven, it can be punished, and the harasser suffers the legal sanctions. The most important thing is that the companies should be aware to avoid this behavior, always notifying the employees of the harm of this practice and the consequences that it can bring to both the harassers and the company.

6 CONCLUSION

Moral harassment is an old phenomenon, but it has become more evident with the keen competition among the companies, exposing the workers to pressure to increase the productivity and the sales, to achieve greater *market share*; the demands became tougher and some attitudes are taken to expose workers who do not reach the goals, to the humiliation.

It is necessary to make people aware of the subject because this is the best prevention and then attitudes need to be taken and people who witness this kind of behavior need to have the courage to notify their superiors, to communicate the human resources department of the company, and most of all to stand in solidarity with the harassed and to repel bosses and colleagues who practice this act.

The workers' rights must be respected, the respect to the person, the dignity, moral preservation, and the work relations should be based on ethics, and not to forget that companies are made of people and that each one of these people has different particular goals, but they should be motivated for the collective work, aiming the common good.

A boss must be a leader, and a leader wins respect not thorough the power, but though their ability to make every one of his/ her subordinates aware of their role within the company and the importance that each one of them represents for the company so that the goals can be achieved.

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