



“DOES ALTERNATIVE DISPUTE RESOLUTION HAVE A
ROLE WITH WORKPLACE BULLYING AND
HARASSMENT?”

by

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Abstract

The following dissertation explores how workplace bullying and harassment starts to be researched in the scientific studies, taking into consideration the theoretical and empirical contributions of researchers from several countries in the world. It was also analysed if the Alternative Dispute Resolution has in fact a role on this process. It was explored the history of bullying and harassment. this study is based on the mapping of the scenario where the first studies about this matter, the most important contributions, the understanding of the causes, the impacts of this kind of workplace violence and also on some of the tested ways to deal with this problem.

The harassment in the world of work is a point of big relevance to the worldwide population, because it can cause big damage to the companies, to the governs, to the victims' families and to the victims themselves, who in some case scan lead to suicide. Throughout a large scientific research made in national and international laws, I aim to clarify the theme to show the severity of the problem as well as the necessity of creating laws to treat properly and standardised of the problem. We are going to understand that bullying attack the major principle the legal order, the dignity of human person and do not treated just by labour law, because the problems, the consequences of acts of bullying reflect in every society, impacting the publics safes-deposit box, the health system and social well-being. To combat the bullying in the world of work it is necessary the active State participation, in the sense of creating laws, awareness policy and professional training, process of implementation and control of violence into the companies, additionally, of firm acting by the judge, prosecutor and lawyers with in-depth and conglobate study of norms that involve the problem, aiming for the justice in it is fullness, that will provide the reparation of the damage supported by the victim, properly, also to comply, the pedagogical objective of penalty, which is to educate the companies and managers to avoid the new cases of bullying.

Introduction

Numerous authors have already written about the importance of work in people's lives, Wallace (1995), for example, says that people extract much of the meaning of who they are from their professional experience. For Barreto (2000) the meaning of work is a symbol and source of all property and human dignity. Hirigoyen (2001), says that work occupies a central place in the construction of identity, is where we affirm our skills and where we realise our life projects and dreams. According to Pellegrino (1983), work is the fundamental mediating element through which we are inserted in the circuit and social exchange, and through which we become, in fact and in law, full members of human society. He also says that working is inserting oneself into the social fabric, accepting the symbolic order that constitutes it. To work is to discipline oneself, it is to give up primitive omnipotence and arrogance, it is to be able to assume the values of the culture with which we are organically articulated through work. For Dejours (2001) identity is rarely the product of ourselves, because we need its confirmation through the look of the other. Grenier-Peze (2005) recalls that in return for his contribution to the organisation, the subject expects a remuneration, not only the salary, but also a recognition.

Therefore is through work that we recognise ourselves, that we discover our potential, that we learn about others, that we mature with valorisation before peers, that we have strengthened our dignity and we have the guarantee of insertion in the social circle. This is increasingly highlighted in this so-called postmodern world, where organisations bring seductive promises and immediate satisfaction.

The world of work has been the scene of great changes in the last century, whether in the organisation scenario or in labour relations within companies. These changes impacted the way people organised the work and consequently their lives and stimulated the appearance of new sort of suffering. Enriquez (1997b, p.13) recalls that "the corpses, real or symbolic, accumulated for generations attest to the often violent reality of organisation life". Capitalism marked by an idyllic period within companies and a later marked by violence and suffering. On the contrary, since the beginning of capitalism there have been reports of suffering within work, although it can be said

that in many respects the world of work has become more humane and that the last century has witnessed effective improvements in working conditions. Despite so many changes and improvements, behind the scenes of organisations show that for many people life at work is still a source of much suffering. I am not referring to the occasional suffering resulting from sporadic conflicts that occur in work environments, nor to differences of opinion and even more so to sympathies or antipathies between colleagues. I am talking about such intense suffering that, for many people, certain situations experienced within the work environment can have consequences comparable to those suffered by people who have gone through war traumas (LEYMANN and GUSTAFSSON, 1996) and, in extreme cases, can lead to suicide.

This study has as its object bullying and harassment in the workplace and whether Alternative Dispute Resolution can be applied in these cases. The purpose of this dissertation is to reflect on the damage caused by bullying and the need to repress and eradicate it so that all workers can enjoy a healthy work environment, thus providing them with the guarantee of dignity, honour, physical and moral integrity in their workplace and for this use of means of prevention and compensation.

In addition, justice must be done, so we cannot admit that the pain caused by bullying and harassment continues to hurt the dignity of the worker in a way that his physical and mental health is harmed.

Research Methodology and Methods

The methodology chosen was the qualitative view and production, classified according to descriptive and explicit categories of this phenomenon, in such a way that the integration of multiple contributions allows a panoramic view of this topic.

Using secondary research, I collected existing data from several authors who have dominated and studied bullying and harassment in the workplace for decades and developed an essay that points out the whole history of bullying and harassment within the work environment, who the victims are, who the aggressors are, how can bullying be fought. We also saw some ways of how to solve this issue and how the company should apply it whether through Alternative Dispute Resolution making use of one of its tools such as Mediation or a simply change in the company team. Moreover, I hope that the results contribute to the better understanding of this phenomenon and that it may help people interested in the effective combat of this serious organisation issue.

CHAPTER 1

1.1. CITIZENSHIP AND ETHICS

To understand the topic of bullying and harassment it is important to talk about citizenship and ethics, in this way, we will briefly explore the concepts of these two essential elements for the development of this study.

Citizenship and ethics are fundamental elements for good living in society, determining the actions and reactions of a given society.

Ethics is focussed on the moral field, composing the character of a person which is one of the greatest and most important values that a citizen can have. It should be the goal of the whole society to develop this attribute in all its citizens, it should be part of the curriculum of all schools and all families should be made aware of the importance of developing ethics, because this would generate value for the whole nation, provide raising the level of maturity, seriousness, commitment, quality and social well-being.

Citizenship is related to the rights and duties that citizens of a given society are subject to fulfil for social welfare, ensures that people can think and express their thoughts freely, guarantee the right to come and go from public places, the right to have a repaired harm, the right to choose which religion they want to follow, which profession they want to act, among other rights.

Citizenship and ethics together enable the development of a just and egalitarian society, without prejudice, with mutual respect and in all other attributes necessary for the development of social well-being.

According to Maria da Gloria Gohn,

in liberalism, the issue of citizenship appears associated with the notion of rights. These are the natural and imprescriptible rights of man and the rights of the nation. The Declaration of Human Rights of 1789 establishes property as the supreme right, where the owner was the citizen, a man sufficiently enlightened to choose his representatives. Only the owners had the right to full freedom and full citizenship. For Locke, there is a differentiation of rights between the working class and the bourgeoisie because the working class is accustomed to ploughing and hoe, being unable to have sublime ideas. [...] The illustrated rationalism, by placing all the emphasis on reason and naming history as the evolution of the spirit and autonomy of reason, proposes to modify the social and political order acted on consciousness and instruction. The dream of transformation through an illustrated reason broadened the range of citizens, non-owners went through the constitution of the popular classes as citizens subjects to rights. (GOHN, Maria da Gloria. *Movimentos Sociais e Educacao. Colecao Questoes da Nossa Epoca. Vol5. Cortez Editora. 6a Edicao. Sao Paulo,SP 2005. P 11-13 and 16).*

Francis Imbert, explains that:

ethical engagement differs from obedience to the rules. According to Aristotle *Ethics and Nicomachean*, the stone that throws itself into the air will not be able to contract a new habit opposite to the ‘natural habitat (the fall): on the contrary, man will be able to acquire new habits. The acquisition of habits is precisely the engine of ‘moral virtue’; but none of the moral virtues naturally arises in us, however, we are naturally predisposed to acquire them on condition that we perfect them by habit. Hence, in his conclusion, *Ethics and Nicomachean* addresses the issue

of the importance of ‘laws’ (the laws codes of society) that establish the rules of education and, at the same time, preside over the occupations of citizens. We need laws because only through them are those who obey need, instead of reason and punishments more than honour, obliged to acquire these good habits. (IMBERT, Francis. A Questao da Etica no Campo Educativo. Editora Vozes, 2 edicao, Petropolis, RJ, 2002 P.14-15).

With the structured work environment, there will be an increase in seriousness, mutual help, discernment capacity, professionalism, among other attributes of each worker, which will result in a healthy and productive work environment.

Citizenship and ethics are easily observed in international behaviour because we all relate to someone else. All societies want to achieve harmony, peace and tranquillity. However, for this goal to be achieved, it is necessary to have internalised norms capable of preventing, repressing and expressing common sense in each individual, which consequently, will provide healthier individuals and lead us to amore just society formed by ethical individuals and citizens.

1.2. Horizontal effectiveness of fundamental rights

As seen, citizenship and ethics define the individual and the social environment in which they live, each individual is endowed with a unique and natural personality, hence the importance of studying citizenship and ethics to understand individual and group behaviour, see behavioural failures and enable improvement in the development of character and other essential attributes for good living, social well-being.

Along with the personality of each individual comes the right to be, to have, to go, to come, to honour, the image, among others which are encompassed in the greater principle protected by our Magma Charter, the dignity of the human person , all make up the list of stone clauses which show us the importance that should be given to such a right.

According to Article 11 of the 2002 Civil Code, the right to personality is indispensable and non-transferrable, thus, this right cannot be ruled out, as, for example, in the case of an athlete who puts himself in a risk situation, but expressly waives any future compensation resulting from any injury caused by the performance of that activity. However, in this case, compensation may be reduced given that it hears the victim's own competing fault, as provided for in articles 944 and 945 of the same legal act.

Every human being has: body, intellect, character and temperament. These objective and subjective aspects form the individual and the guarantee of the physical and psychic integrity of this individual depends on norms/laws that govern certain behaviours, otherwise we would return to prehistory where the strongest or nowadays the most powerful would do whatever he wanted.

Ronaldo Alves Andrade presents an interesting view of the concept of personality in the context of moral damage, addressing several aspects:

the person's ability to acquire rights and contract obligations "[...] our Constitution did not give the right of personality generic judgment. With generic treatment all kinds of personality rights would be expressly contemplated "[...]" personality, in a psychic vision is always innate, it is already born with man. Meanwhile, from the legal point of view, it will only exist if and when attributed by the positive legal system that differentiate from the natural system. (ANDRADE, Ronaldo Alvares. *Dano Moral a Pessoa e sua Valoracao*. Editora Juarez de Oliveira. Sao Paulo, SP. 2000. Capitulo IV).

As said, the dignity of human person encompasses the rights inherent in the individual, his personalities for this reason is the greatest principle of our Federal Constitution and must be respected, protected in every way, in this sense teaches the Universal Declaration of Human Right, promulgated in 1948 by the United Nations.

The UDHR aims to standardise the minimum standards for guaranteeing individual rights and freedoms, serving as a basis for legal evolution on the subject by solving possible conflicts independent of culture.

In Brazil, these principles and guarantees are enshrined in the 1988 Federal Constitution which enshrines Labour rights by dedicating an article with XXIV items to establishing the minimum standard of workers' rights.

These principles and guarantees should serve as “north” for the development of the other laws that make up the legislative list of Labour Law, in addition to ensuring the minimum standards necessary for workers in general to have decent working conditions, thus, meeting the greatest principle of our Magma Charter: human dignity.

Alexandre de Moraes brings an interesting concept about human dignity:

The dignity of a human person is a spiritual and moral value inherent in the person who manifests himself singularly in the conscious and responsible self-determination of his own life and who brings with him the claim to respect by other people, constituting an invulnerable minimum that every legal status must ensure, so that only exceptionally limitation can be made to the exercises of fundamental rights, but always without belittling the necessary esteem that all people deserve as human beings. (MORAES, Alexandre de. *Constituicao do Brasil interpretada e legislacao constitucional*. 5, ed. Sao paulo:Atlas 2005, p.128).

The concepts of personality, dignity, freedom complement each other in the fight against bullying and harassment and in the search for full employment.

Let's see the definition made by the lawyer Rainer Jeronimo Roweder, in his article *Moral Harassment in Justice and Forms of Prevention*, published on the website *Universe Legal*;

Despite the entire apparatus of norms and principles aimed at protecting and providing the worker with decent conditions, the world is constantly evolving. Relationships are increasingly dynamic as a result of globalisation influencing the mode of production and consequently labour relations. In this context, bullying emerges which is the result of modern society and is the product of neoliberal policy and globalisation. It manifests itself in several ways and in different environments, especially in the work environment. (ROWEDER, Rainer Jeronimo. O Assedio Moral na Justica e Formas de Prevencao Universo Juridico, Juiz de Fora Ano XI, 20 de mar de 2013. Disponivel em:

<http://uj.novaprolink.com.br/doutrina/9109/o_assedio_moral_na_justica_e_formas_de_prevencao>.

Labour Law is a social right and is one of the tools that must provide the dignity of the human person, in this sense Pedro Lenza teaches:

It is undoubtedly an important instrument to implement and ensure everyone a dignified existence as established in art.170. The State must foster a non-recessive economic policy, so that, among the principles of the economic order, the search for full employment stands out.(LENZA, Pedro Direito Constitucional Esquematizado. 14 ed.rev., atual e ampl. Sao Paulo:Saraiva,2010, pag.839).

As seen in the Federal Constitution of 1988 it brings in its midst the principles and minimum guarantees of works, however, in order for them to have their dignity respected we need constant monitoring and legislative evolution, because as exposed by jurist Rainer Jeronimo Roweder, quote above, in the globalised modern world things are in constant contact and modified, influencing labour relations.

CHAPTER 2

2.1 BULLYING: HISTORICAL

Bullying is directly related to the ethical and moral issue, issues which have already been very well discussed by some philosophers.

For Jorge L. O. Silva, Bullying;

it can be explained within a philosophical approach built centuries ago by analysing the motivations of the causative agent of harassment, identifying him as “deprived of the virtues of the citizens of noble soul”.

Margarida Barreto says the same vein that the “ethical individual is the one who respects humanity in itself in the other”.

Jorge L O. Silva also says “the manipulator of bullying is moved by various motivations ranging from envy to the desire for power and it is certain that moral virtue is due to habit and not from the nature of human being”. (assedio moral nas intituicoes de ensino

<<https://jus.com.br/artigos/12396/assedio-moral-nas-intituicoes-de-Enismo/3>>. Capitulo 6

Despite the different nomenclatures, bullying is present in several countries and cultures, presenting itself as a social problem with devastating consequences for both victim and society.

Let’s look at some nomenclatures for Bullying: Mobbing In Switzerland; Bullying in England; Hercèlement in France; Bossing in Italy; Acoso moral in Spain; Harassment in the US; Assedio

Moral in Brazil. Despite the different nomenclatures, all of them indicate a phenomenon of high devastating dangerousness.

There is no doubt that bullying can occur in any country and in any environment, however, it is in the workplace field that this phenomenon has gained greater repercussions that has been studied hard, because the work environment provides the existence of harassment by the existing hierarchy within the companies. The fact is that the work environment enables the occurrence of bullying in many ways, impacting many countries of different cultures which results in global repercussions/concerns.

Reginald Felker reports that:

Lawyers, doctors, psychologists and legislators from several countries have been calling a phenomenon that is becoming increasingly frequent: bullying, psychological terrorism, that is, a degradation of the work environment through abusive conduct of hierarchical superiors over subordinates, or these about those (vertical, descending and ascending harassment) or colleagues (horizontal harassment), making the continuity of the labour relationship extremely painful for the manual or intellectual worker. (FELKER, Reginaldo Delmer Hintz. O Dano Moral, O Assedio Moral e o Assedio Sexual nas Relacoes de Trabalho – Doutrina, Jurisprudencia e Legislacao. LTR Editora LTDA Sao Paulo, SP, junho 2006. p.171).

Lidia Pereira Gallindo, presents an overview by Marie-France Hirigoyen:

Marie-France Hirigoyen makes a historical summary in her book: “Discomfort at work- redefining bullying”.

In the 80s, Heinz Leymann, a psychologist of German origin based in

Sweden, introduced the concept of mobbing to describe severe forms of harassment within organizations.

This term, presumably first used by ethologist Konrad Lorenz, regarding the aggressive behaviour of animals that want to expel an intruder, was reproduced in the 60s by a Swedish doctor. Peter Paul Heinemann, to describe the hostile behaviour of certain children towards others within schools.

The concept spread during the 90s among researchers working with profession stress, Heinz Leymann, in 1990 calculated that 3.5% of Swedish wage earners were victims of harassment. At the time, he estimated that 15% of suicides were credit to mobbing. By mobbing, repeated and reprehensible or clearly negative actions are understood, directed against employees in an offensive way and that can lead to their isolation from the group in the workplace. (Assedio moral nas instituicoes de Ensino. Disponivel em:
<<https://jus.com.br/artigos/12396/assedio-moral-nas-instituicoes-de-Ensino/3>>capitulo 6).

Bullying is one of the best known words in the world, this word originated in the school environment, it was used to indicate moral harassment that certain children suffered at school, over time the word Bullying began to be used to indicate bullying in other environments, including aggression within the family itself, until it reached the work environment

Japan has been living with the Ijime (moral harassment) for many decades, as well as Bullying, Ijime is used to demonstrate the aggressions suffered by students, but, in addition, the Japanese also use this phenomenon to prepare new workers coercive inserting them into the company process.

Mobbing or Bullying or any other nomenclature used to define moral harassment currently indicate acts of repeated psychological aggression that by gestures or words affect the victim, characterising aggression, violence and resulting in damage, which is often irreparable, such as in cases where victims have committed suicide.

The International Labour Organization has been working to alert the problem of bullying in the work environment, its characteristics, the severity of the impacts and the precautionary measures that can or should be adopted, but not all nations are signatories to the conventions published by the ILO, in this case the convention can be used only as a source of consultation, not obliged to comply with it.

In 2000, Dra. Margarida Barreto, an occupational physician, published that her master's dissertation presented at PUC/SP, the work is called "Violence, Health and Work- A journey of Humiliation", this was the milestone of the discussion about harassment living in the workplace in Brazil.

In the following years some Brazilian municipalities edited laws to combat bullying in the workplace within public agencies, the first law passed was in Iracemapolis, in the interior of Sao Paulo, which in fact, served as the basis for the creation and approval of other laws in other municipalities.

At the same time that Dr> Margarida Barreto wrote about humiliations in the workplace, the author Marie-France Hirigoyen wrote about bullying and the two authors met to discuss the topic in 2001, from then on the International Seminar on Bullying and various research on the subject was created.

Rafael Barifouse published an interesting report in the BBC Brazil in Sao Paulo about bullying in the workplace that was based on a survey conducted by a job vacancy website "vagas.com".

The article was published on 06/15/2015. And brought us an overview of the size of the problem when it comes to bullying in the workplace. Let's see:

Of the 4,975 professionals from all regions of the country heard at the end of May, 52% said they had been victims of sexual harassment. Among those who did not go through this situation, 34% have already witnessed some episode of abuse. [...] Bullying was defined as “being the reason for jokes and jackets, offences, verbal aggression or constant screams, generating humiliation or individual or collective embarrassment”.[...] in the results , bullying was identified as the most common type of abuse, pointed out by 47.3% of the professionals who answered the survey, [...] among the most common fears among victims of harassment who have not denounced it are, losing their job (39%) and suffering reprisal (31.6%). This is not an unfounded fear, because among those who denounced it, 20.1% said they had been fired and 17.6% said they had suffered some kind of persecution [...] 74.6% of the professionals who reported the abuse said the harasser remained in the company. (Meteade dos Brasileiros ja sofreu assedio no trabalho. Disponivel em:www.g1.globo.com

As seen in this chapter, bullying in the work environment is taking up more and more space within companies.

We need to find a way to control the situation and eradicate this problem from society.

CHAPTER 3

3.1. CHARACTERISTICS: SEXUAL HARASSMENT, BULLYING AND INSTITUTIONAL HARASSMENT

The differences between the three types of harassment, especially between sexual harassment and the other two modalities are very striking.

Sexual harassment can be consummated with a single act and even if the object of harassment, obtaining sexual advantage or favouring, is not achieved by the harasser.

Although sexual harassment can be characterised even if sexual advantage or favouring is not achieved, there is no need to talk about crimes if the harasser does not intend to obtain this advantage.

Sexual harassment does not involve the institutional modality, it usually occurs from hierarchical or ascending superior to subordinate or descending. It can occur in a horizontal line, but never institutionally.

In addition, sexual harassment has legal provision, which directs the discussion and application of the penalty, while the other two modalities are treated by the study and application of various laws.

3.2. Sexual Harassment

As in the case of bullying, the sexual harassment is an affront to human rights, to the greater principle of the Federal Constitution, the dignity of the human person, causing serious damage to the health of the worker, in relation to the work environment.

According to Sonia Mascaro Nascimento, sexual harassment is:

All conduct of an unwanted sexual nature that, although repelled by the recipient, is continuously reiterated, causing embarrassment to the intimacy of the harassed. Sexual harassment is an act of embarrassing someone with gestures, words or the use of violence, prevailing relationships of trust, authority or employment with the scope of obtaining sexual advantage. (NASCIMENTO, Sonia Mascaro. Assedio Moral . 2 ed. Sao Paulo: Saraiva, 2011, p.171)

Despite all the brilliance that Sonia Mascaro Nascimento has, I disagree with her definition at one point: sexual harassment can be characterised by a single action with no need for “continuously repeated conduct:.

Let’s take a look at a simple, clear and objective definition of these two modalities of sexual harassment:

Vertical harassment: occurs when the man or woman, in a superior hierarchical position, uses his position as “boss” to embarrass someone with intimidation, pressure or other interference in order to obtain some sexual favour. This classic form of harassment is literally described in the penal code.

Horizontal harassment: occurs when there is no hierarchical distinction between the person who harasses and the one who is harassed, such as certified embarrassment between co-workers. (PEIXOTO, Doris Marize

Romariz. Programa Pro-Equidade de Genero e Raca- Assedio Moral e Sexual. Realizacao Senado Federal- Diretoria Geral, Brasilia 2011, p.19).

it is possible that sexual harassment will turn into bullying, when, for example: a an employee who is the victim of sexual harassment and who has not given in the pressure of the harasser (his boss) starts to suffer bullying to force this employee to resign.

3.3. Bullying

Bullying is an act of violence of the most wicked and devastating, causing irreparable damage or difficult reparation not only for the harassed, but also for the company.

Unlike what happens with sexual harassment, which aims at the action of the domain of the harassed, in bullying the strategic action has the stamp of destroying the harassed to keep him away from duties.

One of the first works on bullying was that of journalist Andrea Adams who wrote a book in 1992, denouncing bullying. In her work, the English author classified the psychological aggression arising from harassment as “psychoterrorism”.

Bullying stems from essential human conduct for the characterisation of civil liability and can cause material or off-balance-sheet damage.

The act of bullying harasses the greater well-being of the worker, the dignity of the human person, his right to personality, directly hurting the fundamental principles and guarantees provided for the Federal Constitution and also contrary the ILO Convention 111, which deals with discrimination in matters of employment and profession to which Brazil is the signatory.

Considering that every act harms the right of another is characterised as an illicit act, and that, according to articles 186, 187 and 927 of the Civil code, the one who commits the illicit act is obliged to repair it, we come to the common interpretation that bullying must be repaired which can occur through compensation paid directly by the harasser to the harassed.

It is noteworthy that the compensation paid by the company responsible for the damage caused to another “bullying” has two important purposes: first, it must achieve the reparative character for those who suffered the damage and have to be proportional to the damage borne and second, it needs to achieve the educational character in order to avoid new occurrence of bullying within the same company.

Unlike sexual harassment, bullying is not yet governed by a specific law that is far from becoming a criminal type. In the case of bullying, Public Prosecutor’s Lawyers and Judges use several laws from different branches of law high characterization and compensation for damage.

In bullying, it is essential that human conduct is repetitive and intentional, generating material or off-balance-sheet damage.

In Brazil, the first discussion on the subject was developed by Dra. Margarida Barreto-Occupational Physician.

For her, bullying:

It is the exposure of workers in embarrassing, repetitive and prolonged situations during the working day and in the exercises of their functions, being more common in authoritarian and asymmetrical hierarchical relationships in which negative conduct predominates, inhumane long-term relationships of one or more subordinates, destabilising the victim’s relationship with the work environment and the company forcing to give up employment.

It is characterised by the deliberate degradation of working

conditions[...] constituting a subjective experience that causes practical and emotional losses for the worker and the company. The chosen victim is isolated from the group[...] harassed, ridiculed, inferior, discredited before peers. These, for fear of unemployment and the shame of also being humiliated associated with the constant stimulus to competitiveness break affective ties with the victim [...] (BARRETO, M. Uma Jornada de humilhacoes. Sao Paulo: Fapesp;PUC, 2000. Disponivel em <<http://www.assediomoral.org/spip.php?article1>>

In her work Discomfort at work- Redefining bullying, presents the redefinition of bullying and is concerned with showing the difference between the acts that configure harassment and acts that do not constitute harassment.

It is important to remember that in today's capitalist and globalised world, companies are increasingly fighting for space in the market for power, for money and these struggles have no borders, which before was dispute within a single neighbourhood or city has now expanded by talking global proportions in certain types of trades.

It is obvious that globalisation has its positive side for the world, for people as a whole, but when we analyse the subject of bullying, we realise that all this expansion and fight for space, power, money, greatly harmed the physical and mental health of workers in general, contributed greatly to the occurrence of high cases of stress and bullying within a work environment, both are harmful to the health of workers, but are not confused in essence.

This is because the stress comes from a work overload, reduction of jobs in the face of automations, lack of resources to execute a certain ethics or any other bad working condition, damaging the excessive occurrence. Unlike the harassment that is already born in order to harm, shake, humiliate, destroy. For this reason, there is no need to talk about equality between stress and harassment and in addition to being of paramount importance to understand the difference for the correct application of correction and/or repair action.

Stress only harms the worker by excess work, poor conditions or lack of resource while bullying harms by itself, because it aims to harm, destroy the victim, is already born with the objective of harming.

Dra. Barreto's doctoral thesis is undoubtedly one of the best studies on the subject, he use of her concept as a parameter to define bullying:

Harassment is a subtle form of violence that involves and encompasses multiple damages, both material and moral goods, in the context of labour relations. What is verified in the harassment is the repetition of the act that intentionally violates the rights of the other, reaching his biological integrity and causing mental and physical disorders. It comprises a set of signs in which a siege is established on the other without giving it a truce. Its intentionality is to exercise dominion, break the will of the other, imposing an end to the conflict either through dismissal or subjection. (Assedio moral: a violencia sutil- Analise epidemiologica e psicossocial do trabalho no Brasil. Tese de Doutorado defendida na PUC Sao Paulo. Sao Paulo, 2005, p.49).

For Dra. Margarida Barreto, bullying is different from moral damage, first because in harassment we usually have hierarchical power; second because it requires repetition of the act: in addition, harassment can occur so discreetly, by gestures, looks that it becomes almost imperceptible.

French scholar Marie-France Hirigoyen corroborates the thesis of Dra. Margarida Barreto:

Bullying at work is any abusive conduct(gesture, word, behaviour, attitude) that attacks their repetition or systematisation against the dignity or psychological or physical integrity of a person, threatening their job or degrading the work climate. (HIRIGOYEN, Marie-France, Assedio moral: a violencia perversa no cotidiano. Rio de Janeiro, Bertrand Brasil, 2001, p.83).

The Ministry of Labour and Employment defines bullying as:

They are cruel and inhuman acts that characterise a violent and unethical attitude in labour relations practised by one or more bosses against their subordinates. It is exposure of workers to embarrassing and humiliating situations during the exercise of their function.

That's what we call moral violence. These acts aims to humiliate, declassify and emotionally destabilise the victim's relationship with the organization and the work environment, which endangers the victim's own health, life and employment. Moral violence causes emotional disorders, affects human dignity and identity of the person, alters values, causes psychological (mental) damage, negatively interferes with health, quality of life and can even lead to death. (A844 asseditio moral e sexual no trabalho-Brasilia: MTE, ASCOM, 2009, p.13)

In October 2016 the International Labour Organization published a reference work for discussion on violence against women and men in the corporate/at work world, which brings the following concept of bullying in the workplace:

Violence in the workplace is threat to the dignity, safety, health and well-being of all. It has an impact not only on workers and companies, but also on their families, communities, economies and society as a whole. In fact, violence in the world of work attacks the central effort of the international labour organization to promote the right of all human beings to pursue both their well-being, material and their spiritual development in conditions of freedom and dignity of economic security and equal opportunity. (Violence in the world of work is a threat to the dignity, security, health and well-being of everyone. It has an impact not only on workers and employers,

but also on their families, communities, economies and society as a whole. Indeed, violence in the world of work strikes at the heart of the efforts of the International Labour Organization (ILO) to promote the right of all human beings “to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”. Psychological violence, also referred to as “emotional violence”, spans verbal and nonverbal abuse, psychological and sexual harassment, bullying, mobbing and threats (Forastieri, 2012, page 114). Psychological violence includes acts such as manipulating a person’s reputation, isolating the person, withholding information, assigning tasks that do not match capabilities or giving impossible goals and deadlines [...] An ILO definition refers to psychological violence as the “intentional use of power” which harms the “physical, mental, spiritual, moral or social states or development” of an individual. (Forastieri, 2012, page 114) (Meeting of Experts on Violence against Women and Men in the World of Work – Geneva: Organização Internacional do Trabalho, 2016. Disponível em: <http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms_522932.pdf>.)

Psychological violence also called “emotional violence”, includes verbal and non-verbal abuse, psychological abuse, sexual harassment, bullying, attacks and threats. (Forastieri, 2012, p.114).

Psychological violence includes attacks such as manipulating a person’s reputation, isolating a person, retaining information by assigning tasks incompatible with the capacity or setting impossible goals and deadlines. The International Labour Organization defines psychological violence as the “use of intentional power” that harms the state “physical, mental, spiritual, moral, social or the development of an individual”. (Forastireri, 2012, p.114).

Analysing the above concepts and others that were not mentioned here, by several authors studied, we perceive some points in common for the characterisation of bullying, namely: humiliation; power over the harassed; repetition of the act; contempt; isolation, among others points, which leads us to the understanding that harassment is a means of destruction by humiliating in the workplace.

In the same sense, Amatra’s Legal Magazine-17th region; brings clarification on the subject:

Form of humiliation, contempt or inaction carried out in a workplace in which a hierarchical superior, or not, repeatedly does against another co-worker, with the aim of humiliating and destroying his self-esteem, leading him to take extreme actions, such as resigning or even leading him to try commit suicidal. (Revista Juridica da Amatra/ ES no.1-Vol, 1-2004- publicacao trimestral Revista Juridica da Associacao dos Magistrados do Espirito Santo, p.151).

Psychiatrist and psychological Marie-France Hirigoyen, classifies the attitudes that lead to harassment:

Purposeful deterioration of working conditions:

- Withdraw autonomy from the victim;
- Do not transmit to him the information useful for carrying out tasks;
- Systematically contest all his decisions;
- Criticise his work unfairly or exaggeratedly;
- Deprive him of access to work tools: telephone, fax, computer, etc.
- Remove the work that normally belongs to him;
- Permanently give him new tasks;
- Purposefully and systematically assign him tasks superior to his skills;
- Press him not to assert his rights (vacation, schedules, prizes);

- Act in fashion to prevent him from obtaining promotion;
- Assign the victim, against his will, dangerous jobs;
- Assign the victim tasks incompatible with his health;
- Cause damage to his workplace;
- Deliberately give him instructions impossible to perform;
- Do not take into account medical recommendations indicated by the occupational physician;
- Induce the victim to error;
- Isolation and refusal of communication;
- The victim is constantly interrupted; hierarchical superiors or colleagues do not dialogue with victim;
- Communication with him is only writing;
- They refuse all contact with her, even visual;
- She is separated from others;
- They ignore her presence, addressing only to others;
- They prohibit colleagues from talking to her;
- They do not let her talk to anyone;

- The management refuses any request for an interview.

Attack on dignity:

- They use contemptuous insinuations to qualify her;
- They make gestures of contempt in the face of her (sighs, contemptuous looks, raise their shoulders, etc.);
- She is discredited before her colleagues, superiors or subordinates;
- They spread rumours about her;
- They attribute psychological problems to her (they say she's mental ill);
- They mock their physical disabilities or their physic aspect: they are intimidated and caricatured;
- They criticise their private life;
- They mock their origin or nationality;
- They imply their religious beliefs or political convictions;
- They attribute humiliating tasks to them;
- They are insulted with obscene or degrading terms.

Verbal, physical or sexual violence:

- Threats of physical violence;
- Physically attack her, even if lightly, she is pushed, close the doors in her face;
- Talk to her screaming;
- Invade her private life with phone calls or letters;
- Follow her on the street, is inspected in front of the her home;
- Do damage to your car;
- She is sexually harassed (gestures and proposals);
- They do not take into account their health problems.

(HIRIGOYEN, Marie-France. Mal-estar no trabalho: redefinindo o assedio moral, Rio de Janeiro: Bertrant Brasil, 2005, p.108-109.)

Bullying, obviously, is not the only one, but it is one of the causes that infringe fundamental rights such as “intimacy, honour and image”, according to the recommendations of the Federal Constitution of 1988 in its article 5th, item X. Consequently, we can interpret that bullying is very close, if it does not match, slander and injury as facts that generate moral damage.

Evoking the Civil Code once again, article 186, we verify that bullying notoriously fits into this contest, because it is an act that occurs by voluntary action or omission, as defined in that article, which says: “one who, by voluntary action or omission, negligence or recklessness violates rights and causes harm to others even”. Thus, we can say that bullying is an illicit and therefore a fact that generates moral damage, which must be combatted.

Now, if bullying is a strategic action in order to humiliate, destroy someone and usually committed by a person who uses hierarchical power, it means that to combat harassment it will be necessary to work on the orientation, development, supervision and punishment of people.

Marie clearly classifies the harasser's profile:

The great wicked are also narcissistic and, as much, empty beings who feed on the energy and sap of the other.

The wicked narcissist depends on others to live; he feels powerless in the face of loneliness, so he clings to the other person like a true leech. This species is driven by envy and its goal is to steal the lives of its victims.

As a megalomaniacal subject, the wicked has a great sense of his own importance, is absorbed by fantasies of unlimited success and power.

Believes to be special and unique, thinks that everything is due to it; has

An excessive need to be admired and acts like a vampire [...]. Empty

And dispossessed of subjectivity, the paths are irresponsible beings,

so they hide, throwing their mistakes and limitations on others. After all, everything that happens bad is always the fault of others.

(HIROGOYEN, Marie-France, *Mal-estar no trabalho: Redefinindo o Assedio moral*. Rio de Janeiro, Bertrant, Brasil, 2005, p.143).

It is clear that it is essential to include companies in this topic, which need to develop their employees, especially their managers, through instruction, guidance and proper punishment when you are challenged, all this, with active participation and supervision of the State.

3.4. Institutional harassment

Some scholars on the subject classify “institutional harassment as an instrument of business management” (HIRIGOYEN, 2010, p.112-113), used to achieve a business goal, which is to: increase the productivity and profitability of companies.

The primordial difference between bullying and institutional harassment is its purpose, because in bullying the aim of the harasser is to destroy, humiliate, isolate, etc., the harassed while in the institutional harassment, the intention is to produce more and consequently profit more.

In institutional harassment unlike bullying, there is no persecution of the harassed in order to destroy or harm an individual in some other way, nor is there the persecution of a boss or co-worker, in this modality the persecution modal seeks two well-defined objectives, greater productivity and greater profit, which consequently culminates in the degradation of the physical and/or mental health of the worker. The characterisation of this type of harassment is not easy, because the power to direct the business and disciplinary activities of workers is not always clear, giving room for the abuses committed to be hidden by motivational discourses and maintenance of business financial health, especially in periods of economic crisis.

Marie-France Hirigoyen teaches that:

It is difficult to distinguish abusive attitudes from the prerogatives of the hierarchy. The very notion of subordination refers to a relationship of inequality that some administrators who are not sure of themselves or soaked in power are able to take advantage of, abusing and feeling a certain pleasure in submitting the other. (HIRIGOYEN, Marie-France. *Mal-estar no trabalho: redefinindo o assedio moral*. 5, ed. Rio de Janeiro: Bertrand Brasil:2010, p.113).

One of the essential items for the characterisation of the employment relationship is subordination, which is present in all employment contracts, and which must be observed within the limits of the law, otherwise we are faced with the abuse of power, which is often used by companies that commit institutional harassment.

Institutional harassment is characterised by the simple organisational practice of power abuse, making the work environment unhealthy, causing anxiety, frustration, stress in workers. Because it is an harmful behaviour, there is no need to prove the damage suffered by the worker.

A marked difference between the two modalities of harassment (moral and institutional) is that in bullying the aggressor concentrates the attacks on a person or on a reduced group of workers, in order to destroy them, humiliate them, isolate them, etc., while in institutional harassment the foundation of aggression is in the organisational structure of the company, in its internal policies, in the constant search for greater productivity, greater profit, reaching the society of its employees.

Let's see what Simony Jara Russo says about business goal policy:

It is necessary to know that the goal policy is not only to charge employee results, there is a whole job behind it, for example, before the seller works on the sale of the product, production and supply need to be structured, marketing must be well positioned. The product must already be practically accepted with society, before the charge of achieving sales. (RUSSO, Simony Jara. Politics de metas em pequenas empresas. Administradores.com 2 agosto 2009 disponivel em:

<http://www.administradores.com.br/artigos/marketing/politica-de-metas-em-pequenas-empresas/32421/>

CHAPTER 4

4.1. BULLYING IN THE WORKPLACE

We are currently experiencing a great global crisis that develops in the work environment related to bullying.

Often the situation of harassing is unknown or underestimated in the workplace, while at other times it is stimulated, accepted and or disregarded as if nothing were happening. This situation is due to behaviour that can be individual or collective, in groups, a behaviour that subjugates a predetermined person or a group of people and that can occur for several reasons, the most common being: discrimination, envy, jealousy, rivalry, fear of being attacked, institutional norms, among others.

Bullying occurs in several companies and in different cultures, the predominant difference is addressing the issue between countries is basically the name. However, the subject is one and in all cultures bullying can have serious consequences for the worker, we believe in their quality of life, in terms of their health, which would certainly imply losses for companies as well as for society.

To understand the concept of bullying in the work environment , I first sought in the dictionaries the meaning of the verb harassing , namely,: the act of surrounding a certain territorial space to exercise dominion. It seems notorious to us that the meaning of the verb harassing characterises a persecution.

Taking this concept to the work environment we come to the conclusion that bullying is nothing more than a persecution imposed on a certain person within this environment. This persecution that the majority doctrine classifies as psychological terrorism in the workplace.

However, there is another part of the doctrine that classifies bullying as molestation or even intimidation. Nevertheless, regardless of the designations given to bullying, the object of the studies is one and with serious results.

Bullying cleanliness is developed by ill-treatment and humiliation that has been practised since the beginning of the labour relationship and currently accompanies the globalised market in a more intense way, given that globalisation provided the flowering of the practice of bullying.

Among the studies on bullying I read, I made an interpretation of the study by LEYMANN: it is a moral aggression that occurs in subtle way, in some cases in a disguised way by a person or group of people who intentionally intend to destabilise, shake, destroy the chosen victim.

This conceptualisation is summarised on the exposure of workers to situations of full embarrassment and humiliation which develop periodically and prolongedly right-handed from their work environment and during the exercise of their function.

This situation psychologically shakes the victim in such a way that the negative attitude to the unethical of the causative agent of bullying, by modifying the work environment leads the victim to give up employment.

Many authors try to define bullying.

For Marcelo Rodrigues Prata:

The bullying in work is characterised by any of hostile attitude, individual or collective, directed against the worker by his hierarchical superior (or client on whom he depends on economically), by a colleague of the same level, subordinate or by a related third party with the employer that causes a degradation of the working atmosphere capable of offending their dignity or causing them physical or psychological as well as inducing it to practice attitudes contrary to ethics itself that may exclude or harm the individual progress career.

(RATA, Marcelo Rodrigues. Anatomia do Assédio Moral no Trabalho: uma abordagem transdisciplinar. São Paulo: LTr, 2008. p.)

These definitions lead us to the conclusion that bullying seen from a simplified perspective is nothing more than: the pressure exerted by one or more people on another person, where the latter ends up occupying an unprotected and excluded position in relation to the group's shelf within its work environment, which, consequently, constitutes a risk to health and safety at work.

It is worth remembering that, despite all our effort to make it clear that misconduct due to the size of superiors and even colleagues in the workplace can characterise it, because there may be situations of competitiveness in which the conflict generated leads to warm discussions, however, such discussions will always be focused on content and never on personal values.

Thus, when the conflict generated is restricted to the field of content not reaching the personal values of those involved, even if a great level of stress is developed in one or both parties, there are injuries, punctual aggressions, functional impositions, among other forms. We will be facing a situation of conflict and not bullying.

So the problem should be solved from a point of view other than bullying.

Finally, we cannot fail to mention that bullying for being a repetitive and intentional act on the part of the agent is an essential component of bullying, without which not to talk about bullying, since the agent's intentionality would be removed and thus harassment would be mischaracterised.

4.2. Types of bullying in the workplace:

It is peaceful in the current doctrine that vertical harassment is the type of harassment that requires greater attention to labour law, because this type refers to domain exercised by the superior over the subordinate, which obviously can happen more easily within a work environment.

Currently, companies sometimes act in an ommissive or even encouraging way in the face of a situation of horizontal harassment or against superiors, because they want to stimulate competitiveness and consequently make greater profit. However, this position is adopted by companies that directly and negatively influences relationships and we do not send labour.

According to Jorge L. O. Silva horizontal bullying for adherence occurs:

Seeing that some people glimpse in an adhesion to the harasser, the possibility of raising positive points at work or the opportunity to be 'solidary' to the boss. When the adherence is verified, the routine of the harassed is unbearable, and the damage is usually greater, both with regard to the psychic character and with regard to the asset context patrimonial. The horizontal itself consists of the practice of bullying directly by co-workers without a concrete driver on the part of the leadership. In this case, the company will appear as co-responsible for the damage caused by bullying.

(PRATA, Marcelo Rodrigues. Anatomia do Assédio Moral no Trabalho: uma abordagem transdisciplinar. São Paulo: LTr, 2008. p. 44.)

Jorge L. O. Silva also classifies ascending bullying as the third type where the subordinate holds relevant knowledge related to the work process and uses it as instrument to lead a system of psychological terror, destabilising the leadership. (JORGE L. O. Silva, 2005, p.4).

There is also the mixed types of bullying, which is classified by scholars of the subject as being the one in which the victim, at once, suffers the pressure of the harasser to vertical and horizontal.

The important thing for characterising bullying is not the hierarchical level of the harasser, but the conduct adopted: the practice of humiliating situations in the work environmental repeatedly.

In short, we can say that there currently four types of bullying for labour law, which are:

4.3. Vertical

In descending bullying, violence from the top to the subordinate (from the chief to the employee), the state of subordination existing in the labour relationship provides the occurrence of this type of conduct, if it is not crucial that the superior has the power of direction under the harassment subordinate, it is enough that there is hierarchical division in the organisational structure and that the harasser is above the harassed in this structure.

Alkimin describes this modality as:

[...] The holders of the power (employer or hierarchical superior) aiming at an organisation of productive and profitable work end up focussing on the abuse of power, adopting utilitarian and manipulative postures through pressure management (where do I say varied and prolonged schedules function diversification, fulfilment at all the cost of goals, etc.).Notably the hierarchical superior, who makes use of a relationship of domination, demands and authoritarianism for insecurity and fear of losing the position of power, destabilising the work environment by intimidation, insecurity and generalised fear, affecting the employee's psyche and consequently his mental and physical. Thus, the holders of power use perverse manoeuvres if they are silent, aiming to exclude from the environment the one that represents a threat to themselves or to the organisation of work itself [...] (ALKIMIN, Maria Aparecida. Assédio moral na relação de trabalho. 2 ed. rev. e atual. Curitiba: Juruá, 2008. p. 44-45)

This modality is increasingly common in today's world and is aggravated by the presence of an economic crisis followed by a high unemployment rate, such as the scenario experienced in Brazil.

This is because workers are afraid of losing their jobs and being able to relocate to the market at the speed necessary to prevent themselves and/or their families from being exposed to financial needs, so, as a consequence, many workers end up subjecting themselves to harassment and harassers are often aware of a socio-economic problem as well as the needs of the harassed and take advantage of this scenario to commit the act of harassment.

Companies, in turn, often accept this type of driving/management, collaborating with the abuses committed by managers or simply pretending that they do not know what is happening, because they understand that the result achieve goals or in some cases they can force an unwanted employee to resign, relieving termination compensation on the part of the company, moreover, on the other hand, they do not suffer sufficient adequate consequences to make them aware that management model is harmful to the whole society.

Another hypothesis is that the boss can commit harassment for pure abuse of power, revenge or to show the power he possesses, or not to lose control of the team, or for any other reason.

In any case, the harasser can act directly against the harassed or use one or more team members, who out of fear, willingness to follow the boss opinion manipulated, start attacking the harassed victim.

4.4. Horizontal

This modality is practised among colleagues of the same level, with no difference in hierarchical level between the harassed and the harasser.

The most common reasons are: sexual discrimination; religious intolerance; disagreement of political opinion; competition for promotion, etc.

With the excess of competition for a promotion, the other reasons are old known to most of the population that has attended a school environment, because this type of harassment among children and teenagers is very common in this environment.

The fact in the in the workplace this type of harassment has a greater wight, without to underestimate the importance and value, which certainly has the study of school bullying and professionals from various areas who study this type of harassment.

Furthermore, when we talk about the work environment, we are talking about a fathers, mothers of families, children who are family storage and depend on that jo to support their children,

siblings, parents with minimal dignity and all this added to the other problem of adulthood, which ends up causing damage to the harassed, to the family, to the government, to the whole society.

Marie-France Hirigoyen says:

This kind of harassment is very reminiscent of the figure bullying. At first, this institute, widely used in England, was created to characterise the hostile and humiliating behaviour of one child or group of children in relation to the other or others. And it is known that going among children is very common for this type of behaviour. (HIRIGOYEN, Marie-France. *Mal-estar no trabalho: redefinindo o Assedio moral*. Rio de Janeiro: Bertrand Brasil, 2002. p.79).

4.5. Upward

This kind of bullying is practised by the subordinate in relation to his boss, however, it is difficult to occur, because both the directive and disciplinary power and the precariousness of the employment relationship contribute to this type of harassment not happening.

Although it is more difficult for this type of harassment to occur it also exists and happens in the workplace, such as, for example, we can imagine that a certain employee (an intern or a secretary) who has access to information about his superior, tries to benefit from the information he has asking or requiring certain privileges from his superior, in other words, harassing hierarchical upper onset with the threat of disclosing confidential information.

Another example would be the intentional or unintentional union of a group of employees to withdraw/exclude a hierarchical superior who does not please employees in general or who was recently promoted or who came from another company because of a merger, the reasons are “N” and may be the most varied.

Marie-France Hirigoyen describes well this situation:

It is the complicity on an entire group to get rid of a hierarchical superior who was imposed on him and who is not accepted. This is what often happens when merging or buying one industrial group for another. An agreement is made related to the management to mix executives from different companies and the distribution of positions is made solely by political or strategic criteria without any consultation with employees. (HIRIGOYEN, Marie-France. *Mal-estar no trabalho: redefinindo o assédio moral*. Rio de Janeiro: Bertrand Brasil, 2002. p 116).

4.6. Mixed

The “mixed” modality requires the presence of the vertical harasser, the horizontal harasser and the harassed, that is, the harassed will suffer pressure from peers/colleagues of work and the hierarchical superior at the same time.

It is common for a certain worker who suffers moral harassment from his hierarchical superior, over time to endure bullying by certain co-workers.

This is because these peers of the harassed is afraid of suffering pressure from the hierarchical superior, so the colleague begins to follow the victim in harassment against that particular employee or simply because these peers of the harassed want to occupy a position close to that of the hierarchical superior and to do so act in a similar way and accompany in acts of bullying.

A striking feature of this modality is the strength of its aggressiveness, the impact on the victim of the speed of the result, because the harassed is attacked by their hierarchical superior and peers at the same time, having to withstand the acts of harassment and their reflexes at all times and without having any escape route or chance of recovery, which culminates in the fall of the harassed much faster than the other modalities of harassment.

4.7. Characterisation

Although bullying is a very present topic in the workplace, there is still no standard definition on the subject, a single and/or guiding rule to treat the various conflicts involving this subject equally. We have several definitions of bullying: doctrine, state/municipal laws and jurisprudence.

Professor Sonia Mascaro Nascimento makes a good reflection on the characterisation of harassment:

Harassment, sexual harassment, intimacy injury, image injury and honour injury
At work can be considered kinds of a genus called harassment in the workplace.

They imply different behaviours on the part of the subject who practises the embarrassing act [...]. However, all measures of embarrassment at work have a single purpose: to cause harm to morality and dignity inherent to the worker's person and, ultimately, to force the victim to resign. (NASCIMENTO, Sonia Mascaro. Assédio moral. São Paulo: Saraiva, 2009. p. 1).

Analysing the study by Professor Sonia Mascaro, I conclude that bullying in the workplace is only a kind of embarrassment, which can be confused, will misinterpret, wrongly, hence the importance of studying and conceptualising the standardised subject the actions resulting from harassment

To conceptualise bullying, we have to consider all the studies on the subject of the various areas concerned and not only the studies carried out in the legal field to try exhaust the subject in a conglobated way and thus arrive at the best definition of the theme.

It is clear that the characterisation of bullying is necessary, the fulfilment of some specific requirements, without this will be facing a moral aggression, but that it is not configured as bullying.

To characterise bullying, it is necessary to meet some minimum requirements: abusive conduct; repetition of conduct; the intention of humiliating, destroying the victim of harassment.

The aggressions arising from harassment harm the victim's image before their co-workers, in addition, psychologically shake the victim, leaving them in a state of frustration, which causes a decrease in job satisfaction in the work environment.

Let's look at Maria Aparecida Alkimin vision about the characterisation of harassment:

We cannot mention or describe a typical conduct/action to characterise bullying because it can be performed through any improper and unbearable conduct that manifests itself through behaviours, words, acts, writings capable of offending personality and dignity with damage to the physical and psychological integrity of the employee, creating humiliating working conditions and degrading the working environment, in addition to endangering employment. (ALKIMIN, Maria Aparecida. *Assédio moral na relação de trabalho*. 2 ed. rev. e atual. Curitiba: Juruá, 2008. p. 49).

As said earlier, bullying is one of the forms of aggression against a person, however, unlike other forms of aggression, in bullying violence can occur silently, in a apparently calm and quiet way, with subtle but constant actions, which lead the victim to despair the limit of stress, frustration, depression, suicide.

4.8. Consequences of bullying in the workplace

Bullying has consequences at various levels:

1. Society bears the high costs arising from sipped professional diseases as a result of harassment.

Most of the time these high costs result from the following factors: premature pensions generated by the worker's inability to continue performing his duties; the increase in the unemployment rate

that generates costs such as the payment of unemployment insurance, in addition to harming the maintenance of the economy; medical costs and possible hospitalisation, among others.

2. Organisations also suffer consequences to the extent that they support the low income presented by the victim of harassment; with the costs generated by the need to respond to lawsuits or simply to keep the victim away from their activities for a certain period.

With regard to lawsuit, the company may suffer from the costs for an indirect review supported by serious misconduct of the employer.

3. Finally, we have the consequences suffered by the victim of bullying, who according to studies conducted by several authors, begins to present one or more of the following symptoms: excessive tiredness, migraines, sleep disorders, digestive disorders, low esteem, back pain, insecurity, generalised pain, fear, panic, deep depression to the point of violence being able to get to suicide.

In addition to the damage caused to the victim itself, we also have the damage caused to the family, which often suffers from pressure in the family environment, the need for psychological support, the need for financial support, for medical treatment or even the need for monitoring in medical views.

I will once again use Dra. Maria Aparecida Alkimin:

The victim unjustly affected in his dignity and personality as a man and worker endures significant losses, starting to live in the tense and hostile work environment is a constant state of psychological discomfort, capable of generating psychosomatic disorders, reflecting on demotivation, stress, isolation and emotional damage of all kinds, compromising its personal, professional, family and social life.

[...] Bullying generates psychological suffering that translates into discomfort in the work environment and humiliation before co-workers, manifesting the harassed, feeling and emotion for being offended, despised, lowered, excluded, vexed, whose feelings are presented as fear, anguish, hurt, revolt, sadness, anger, indignation, uselessness, personal and professional devaluation that leads to depression with total loss of identity and one's own values at risk of suicide. (ALKIMIN, Maria Aparecida. Assédio moral na relação de trabalho. 2 ed. rev. e atual. Curitiba: Juruá, 2008. p. 83)

On this last topic, moreover, undoubtedly, the most important for labour law, we have numerous studies, which even present the detailed rates of damage caused to victims.

Thus, let's make use of a study conducted by the occupational physician Margarida Barreto, which follows below:

Among the types and incidences of acts of the aggressor revealed, there was a predominance of confusing and inaccurate instructions (65%); blocking the work and reference of imaginary errors (61%); pretending that the other is unstable or does not exist (55%); and request urgent work to subsequently throw them in the garbage or leave them in the drawer useless (49%). Other times, it makes the worker perform tasks below his professional capacity such as serving coffee, cleaning the bathroom (44%); as well as not greeting (38%); imposing unjustified hours and forcing the worker to resign (35%); prevent them from having lunch or talking to a colleague, spreading rumours that the worker is sick and with a mental or family issue (30%).

Another common practice is the removal of the material necessary for the execution of the work such as fax, computer, telephone, isolating and separating the worker from living with colleagues. (BARRETO, Margarida M. S. Assédio moral: ato deliberado de humilhação ou uma "política da empresa" para livrar-se de trabalhadores indesejados. Revista Ser Médico. Ed. 20. jul/ago/set 2002. Disponível em: <<http://www.cremesp.org.br/?siteAcao=Revista&id=40&Coluna=nao>>).

The same article presents the difference between acts of bullying against men and women, as well as their consequences:

Resentments, desire to cry, isolation, anguish, anxiety, sleep disorders and insomnia, frequent dreams with the aggressor, memory disorders, digestive disorders and nausea, decreased libido, headache, generalised pain, palpitations, hypertension, tremors and fear when sighting the aggressor, alcohol intake to forget aggression, repetitive thoughts, among others. For men, the feeling of failure is accentuated and thoughts become confused and repetitive. Isolate themselves and, out of shame, avoid commenting on what happened.

Drug use increases, especially alcohol. The feeling of uselessness stands out, verbalised in expressions such as “object”, “a no one”, “a garbage”, “a zero”, “ a failed one”. There is a predominance of depressive characteristics, arterial hypertension, generalised pain, dyspnoea, isolation, irritability and susceptibility. Everyone at some point had suicidal thoughts and 18.3% attempted suicide, revealing male pain as desperate and devastating. (BARRETO, Margarida M. S. Assédio moral: ato deliberado de humilhação ou uma "política da empresa" para livrar-se de trabalhadores indesejados. Revista Ser Médico. Ed. 20. jul/ago/set 2002. Disponível em: <<http://www.cremesp.org.br/?siteAcao=Revista&id=40&Coluna=nao>>).

The problems arising from harassment can develop in the victim the BURNOUT SYNDROME, a very serious occupational disease, resulting from extreme stress supported in the workplace, which can cause obesity, deep depression, heart problems, memory loss, among others.

CHAPTER 5

5.1. THE REASERCH DONE IN THE WORLD

5.2. Europe

5.3.Scandinavia

As mentioned, in the early 1980s the German psychologist, Heinz Leymann, based in Sweden began his research on bullying. The term originally proposed by Leymann was ‘mobbing’ and was removed from research, Konrad Lorenz, who coined the term to describe the attacks of small groups of animals threatening a larger animal (LEYMANN, 2007). Next, the Swedish doctor Peter used this terminology to describe the very destructive behaviour of groups of young children about (usually) a single child (LEYMANN,2006) and was later disseminated in the research conducted by the Norwegian researcher specialising in harassment at school, Dan Olweus.

The first analyses of this phenomenon only benefitted from Dan Olweus research, who has long studied the issue of bullying or violence in schools. This researcher, describing this phenomenon among children in schools, was the first to characterise that the power relationship between aggressor and assaulted was characterised by unbalanced forces. (EINARSEN and SKOGSTAD, 1996).

Leymaan died in 1999, but Scandinavia remains a major barn of research on this subject and its researchers are major authorities in this area of research, influencing the other countries of Europe, in addition to the three Scandinavian countries, Finland also appears as one of the pioneer countries in research on harassment, the first congress on harassment took place in 1988 and the first article in 1989 in this country. The Norwegian researcher Stale Einarsen is currently one of the largest authorities in this area, having published numerous works and coordinated a congress in 2004 on this topic.

This leadership position also translates into ways to combat this organisational evil. Since 1989 the swiss committee on occupational health and safety has distributed pedagogical materials on this phenomenon (LEYMANN, 1996). In these countries, Vartia (2004) notes that the attitude towards the subject has changed: bullying at work has come to be seen as a serious problem for health and a danger to be combatted.

5.4.France

If the studies done in Scandinavia described violence at work and began to name the importance of this debate and mobilise the authorities, it was with the French psychiatrist Marie-France Hirigoyen that the subject of bullying gained notoriety. In her 1999 book “Harcèlement moral, la violence perverse au quotidien”, she sheds light on this type of daily violence, describing the perverse relationship that can sometimes lead the victim to a depressive and perhaps suicidal spiral (HIRIGOYEN, 1998) and challenging everyone who fights against the trivialisation of this theme. According to its official website, since its launch, its book has been translated into 24 countries, burning the debate on this subject. For this author is the encounter of the desire for power with perversity that violence and persecution are born.

In this first book, her vision often leads us to analyse this phenomenon only as a consequence of the violence of a pair: “aggressor and victim”.

Hirigoyen’s second book, inspired by the reports received after her first book, dealt specifically with the harassment that happens within companies. For Hirigoyen, this psychological war at work brings together two phenomena: abuse of power, which is quickly unmasked and is not necessarily accepted by the employer and the manipulation perversely, which settles more insidiously and which, however, causes much greater devastation. (HIRIGOYEN, 2001).

On the other hand, the French sociologist Jean-Pierre le Goff is one of the greatest critics of the term bullying because according to the author, it could lead to the understanding of this phenomenon as something of a pair and not as a reflection of current working conditions. Power struggles and personal conflicts have always existed, but today they seem to have redoubled in

intensity. For this author, if we forget what makes this phenomenon socially possible, we can cause a climate of generalised suspicion within the community. He completes by saying that what is called bullying reveals the psychology of social reporting and shows the symptoms of the crisis of power and institutions that less and less assume their roles. (LE GOFF. 2000).

For Le Goff (2000), Hirigoyen's work sometimes leaves the reader in a dubious position, sometimes she lets her understand that she sees the situation of bullying as something of a pair and sometimes she names the responsibility of companies to curb this violence.

A survey by Ipsos (2000) institute conducted with a sample of 471 workers for Rebondir magazine showed that 30% of French people had already experienced bullying and 37% had witnessed it. In this country, this phenomenon affects: executive (35%), intermediate-level professionals (29%), and workers (32%). It affects practically the same proportion men (31%) and women (29%) and is present in both public (29%) and private companies (30%).

5.5. England

The great challenge of the subject in English speaking countries is the non-preponderance of a single denomination, while in England the term is called bullying, in the United States the most commonly used is "mobbing".

As has already been said, in England the topic was first addressed by journalist Andrea Adams, who made several reports to the BBC. After her death, the foundation that bears her name, the first non-governmental organisation concerned exclusively with the issue of bullying, continues to fight and clarify the population.

In these countries, there is great involvement of unions in researching the incidence of this phenomenon, see, for example, the numerous surveys sponsored by unions such as Unison, 1996 and 1999. Another union the actively participates in the fight against bullying situations at work in the United Kingdom is MSF (Manufacturing, Science and Finance Union), which represents professionals from many manufacturing companies and other sectors such as engineering,

electronics, automotive, steel, chemistry, pharmaceuticals, the tobacco industry, the food and beverage industry. It is the largest private union in the United Kingdom and is the largest union in the world representing employees of the insurance sector with approximately 60,000 associates of this branch of activity. (SHEENAN, BARKER, RAYNER, 1999).

The union together with the Andrea Adams foundation, according to Sheehan et. al (1999), was the first organisation to attract media attention to the problem of bullying in companies. They launched a joint campaign in 1994 warning about this type of violence and many of their associates contacted the union to tell their stories. Sheehan, Barker, Rayner (1999) explain the this situation also funds research on this subject, in 1995 they financed a survey that interviewed 1000 workers. According to this survey, 78% of these respondents had witnessed a situation of harassment and 51% had been victims of harassment.

We noticed that the United Kingdom is one of the most engaged countries in research in this subject.

5.6. Ireland

For the researchers Sheehan, Barker and Rayner (1999), attempts to contain cases of bullying in Ireland are still at the beginning. They say that a research and treatment unit for bullying cases has been created at Trinity College in Dublin, which is known as the Anti-Bullying Center.

5.7. Switzerland

the Swiss Secretary of the Economy published in 2003 a very detailed study on the problem of bullying in Switzerland and found that two-thirds of the people who, according to Leymann's LIOF questionnaire, would be considered victims of harassment were not actually considered victims of harassment. Although they did not consider themselves victims, according to this same report, these people suffered from health problems arising from these work situations.

Other results of this study were that there are no differences in the percentage of harassed men and women, unlike what Marie-France Hirigoyen (1998) found and this study also found no difference

activity sectors (SECO, 2003, p. 7). However, the study pointed out that foreigners report days times more tension than non-foreigners, these observations are quite interesting especially if we consider them in the light of the growing xenophobic feeling in Europe. In addition, cases of harassment were clearly more frequent in past jobs than in current employment situations.(SECO, 2003, p.9).

5.8. Other European countries

Research on bullying in Europe is at an advanced stage, although not all countries began researching this topic in the 1980s, for example, in Germany there is no empirical study before 1994 (NIEDL, 1996) and only in 1999 did the subject gain notoriety in Italy (GILIOLI, 2004), there is great synergy between the studies done in Europe in recent years, several studies were concerned with comparing the results of the various regions and cultures, incidences and methodologies used. The report by the European Foundation for the Improvement of Living and Working Conditions (DI MARTINO, HOEL and COOPER, 2003), analysed the issue of violence and compared the results of research on bullying in the various countries of Europe.

CHAPTER 6

6.1.COMBAT and PREVENTION MECHANISMS

6.2.About prevention

High social and individual costs clearly show that prevention is an easier and cheaper way than combatting.

6.3.Information/Training

For many authors, a fundamental step in the prevention of bullying is the dissemination of information on the subject. Many companies, however, have not yet realised the seriousness of this issue or have not taken any action. A Salin (2004) survey of 385 managers in Finland showed that 80% of them had not received any information on how to deal with harassment at work and more than 50% thought that the company was unable to deal with a situation of harassment if it occurred. According to this research, these managers clearly expressed the need to receive more training on how to deal with harassment situations.

In Djurkovic, McCormack and Casimir's (2005) research with the victims of harassment, they, most of the time, used only the strategy of "avoiding" the aggressor, while none of the victims studied tried to seek help from the organisation. According to these authors, this may be an indication of lack of confidence in leaders or other areas to solve the problem. Which reinforces the need to train managers to deal with this type of problem within organisations.

According to Viitasara (HOGH AND VIITASARA, 2005) to carry out effective prevention, management should focus on three levels:

1. Primary prevention: this type of prevention should be done by training people so that they know how to deal with incidents of violence and how to avoid them, reducing the risk of violence occurring and seeking to ensure that the environment is safe for everyone and that possible victims "strengthen" to be able to deal with this situation.

2. Secondary prevention: in this case, the authors refer to the actions that the company can take so that as few people as possible are involved in an incident. In this sense, it is necessary to ensure that only those involved in the situation of harassment (and the interveners) get involved with history and prevent gossip and rumours from circulating, hindering the intervention, the lives of the victims and worsening the organisation climate.
3. Tertiary prevention: it is done so that every victim of a traumatic situation receives support and assistance, which increases their ability to deal with potential risks in the future.

Among the preventive measures that the European Foundation for the Improvement of Living and Working Conditions (Seco, 2003) cites as suggested by the European Parliament are:

- Distributing brochures on bullying to inform people of their rights and the dangers they may face at work.
- Publish articles in internal newspapers and magazines of the company or even the internet.
- Present videos about bullying.
- Organise exhibitions and debates on bullying.
- Addressing the topic at company meetings.

6.4.Changes in the company environment

Generating an effective prevention program implies formulating and implementing programs that promote change in traditional business culture (if it is identified that organisational culture encourages such practises) and that can change certain organisational practises based on authoritarianism, paternalism or the decomplication of leaderships. Coyne et. al (2003) argue that is essential for companies to develop strategies of struggle appropriate to their own reality and to the people who work there.

For Guimaraes and Rimoli (2006), it is necessary to approach harassment from a systemic, global and dynamic view, establishing preventive plan for both information and training and the implementation of appropriate actions protocols. These authors explain that the action protocols

would allow guiding the approach of the following aspects.: 1) creation of an organisational culture that minimises and avoids harassment; 2) implement styles of conflict management and participatory leadership; 3) provide potential victims with formal communication tools within the company; 4) have indicators that circumscribe situations of bullying just as it is done with occupational accidents.

The attempt to solve this pathology depends on the personal situation of the individual's home, the early recognition of signs and the forms of work organisation. In this sense, Heloani (2004), reminds us that hyper competitiveness stimulates the instrumentalization of the other. Preventive measures should focus on improving the quality of life within companies, ensuring and defending the dignity of people within the organisational environment.

For Resch and Schubinski (1996), the following actions can be done to prevent the stress present in the organisational environment from encouraging situations of bullying, they arise: 1) changes in the organisational of work: that companies have well-defined functions with high control and decision making power, thus reducing the possibility that stress falls on an expiatory goat; 2) changes in the social position of the individual: so that in case of disagreement with the group's opinions, people with divergent opinions can discuss constructively and are not excluded from the group; 3) improvement of the department's moral standards: the authors suggest activities with all the company's employees to discuss the causes and ethical consequences of bullying actions.

Many researchers have other suggestions on how to deal with this problem, for example, for Sheehan (1999), it is essential to plan work environments where cooperation is stimulated. Another researcher mentions the need to redesign corporate health functions and programs (ADAMS and BRAY, 1992). In Hoel and Giga's (2006) opinion, an option to prevent bullying situations would be through the change in the company's culture, but themselves admit that this would be long and difficult and that it would require great commitment on the part of management.

Luna (2003) suggests some actions to stimulate norms and values against harassment in the company's culture:

- ❖ Everyone's knowledge of what harassment is.
- ❖ Research on harassment issues.

- ❖ Effective distribution of standards and values at all levels.
- ❖ Ensure that employees know the standards and respect them.
- ❖ Improve management responsibility and competence when addressing conflicts.
- ❖ Include workers and their representatives in risk assessment and bullying prevention.
- ❖ Have a clear guidelines with positive social actions that include:
 - Ethical commitment on the part of management and workers to form an environment free of harassment.
 - Explain the types of actions that are acceptable and those that are not.
 - Establish the consequences arising from non-compliance with the rules and values of the organisation and its sanctions.
 - Indicate where and how victims can complain without dams.
 - Explain the procedures for opening a formal complaint.
 - Data of the people/organisations that can help the victims.
 - Confidentiality guarantee.

6.5 Role of organisational actors

The actions mentioned above are the responsibility of several organisational actors. Some actors have a key role in preventing harassment, for example, managers are very important actors. For Sina (2002), it is not bureaucracy that can make an institution a promising workplace for harassment, it is people who occupy leadership positions who need to promote dialogue, respect, honesty and truth. Aquino, Reed II e Lim (2004) found that although morality is a mechanism of self-regulation that inhibits lies and other unethical behaviours, the effects of self-regulation may be less effective in some conditions, such as if the organisation is perceived as unfair or if it is perceived as encouraging injustices. These authors say that perhaps no other mechanism is as powerful as leaders “do what they say”, that is, act as models of policies that endorse and not only as “watchmen”.

The European Foundation for the Improvement of Living and Working Conditions (Seco, 2003), suggests, for example, working on the social behaviour and skills of managers through training courses and professional development. For this foundation, it is necessary to foster prevention, mutual respect and tolerance. In addition, it is necessary to inspect the relationship between

foreigners and citizens of the country, investigate the training of executives and control the impacts of restructuring.

Gates (2004) advocates that preventive measures include clear principles and specific policies so that employees know who to turn to in the event of conflicts. For Djurkovic, McCormack and Casimir (2005), media attention is fundamental for people to realise the seriousness of this evil and know how to deal with it, but this alone is not enough. According to these authors, management needs to show its commitment through precise definitions and clear policies and procedures on how to act in the case of a situation of bullying. They remember that in many situations the aggressor is the hierarchical superior, therefore, it is necessary to leave open the option of reposting to an authority external to the company.

It is necessary to think about the roles of each actor for prevention, one must not forget the psychological and medical roles of work, in addition to the administrators for the prevention of harassment. Thus, it is necessary to understand that the three dimensions (individual, organisational and society) have their role in prevention. Society can participate in the prevention of this organisational evil through the dissemination of information on bullying and the participation of unions. Organisations need to take care of their cultures, they need to implement training and monitor work environments to ensure that competition does not become deadly. Therefore, the engagement of company leaders is fundamental. Organisations also need to ensure that communication channels are open so that, if harassment occurs, it can be identified and solved before the problem has more serious results. Finally, individuals within companies also have their role in prevention, we have already shown how isolation facilitates the path of harassment; therefore, strengthening ties inside and outside companies, talking to people if you fell victim of harassment and breaking the circle of isolation can ensure that harassment does not become something destructive for the person's career and life.

6.6. Combat

Even if companies adopt all the preventive measures we mention, it still cannot be guaranteed that bullying does not occur within organisations. The effective combat passes through the legal, trade union, organisational and individual sphere. It is necessary to discuss and implement measures to

combat harassment actions according to the stage of harassment, that is, whether it is at the early stage or at the end of conflict. For Leymann (2006), the measures that must be taken depend on the phase in which the conflict is located, in the initial step it is necessary to have preventive measures, after the harassment installed, the process of management interventions must begin, through vocational rehabilitation and until the last step that would be to let the 'law' act. So, for example, Fox and Stallworth (2006) research showed that when the problem is still at the beginning a simple apologise can solve the problem, but when the case is already in dispute very little can be done.

6.7. Legislation

The legislation should be the last alternative to be undertaken by the victims, because it implies enormous wear and tear and does not always guarantee that the victim will win. Even so, we need legislation at the disposal of victims, Leclerc (2005) says that the adoption of a law is important because it reinforces the message that harassment is reprehensible and unacceptable conduct. I will present below the countries that have already conquered legislation dealing with bullying and those that are still fighting for the approval of specific legislation.

6.8. Countries that already have legal provisions

The authors realised that the approval of legal provisions was an important milestone in the process of struggle and awareness about bullying in several countries. Among the countries or provinces that have specific legislation Sweden (1993), Netherlands (1994), France (2002), Norway (1977), Finland (2002), Quebec (2004), Belgium (2002), Ireland (1998) and Australia stand out and how much those that have bills include Portugal, Switzerland Uruguay and Brazil. (LIPPEL, 2005; LEITE, 2006; DARCANCHY, 2006; HUBBERT and VANVELDHOVEN, 2001; TARCITANO and GUIMARAES, 2004; DI MARTINO, HOEL and COOPER, 2003).

Tarcitano and Guimaraes (2004), explain that the pioneering legislation on bullying is from Norway, approved in 1977. According to these authors, in 2002 France included in its labour code (art. 122-49) a specific legislative model to combat bullying activities. According to this device,

harassment can lead to the degradation of working conditions, attack the rights and dignity of workers, alter their mental and mental health and can compromise their professional future.

The researchers clarify that French legislation punishes those convicted of bullying with one year in prison and a fine of five thousand euros. According to these researchers, French legislation protects those who denounce situations of harassment, that is, victims and witnesses, the legislation elucidates that:

...no employee may be punished, dismissed or discriminated against, directly or indirectly, especially in terms of salary, professional training, reclassification, transfer or removal, qualification, professional promotion, contract change, for having suffered or insurgent against bullying, witnessed or reported these situations. (TARCITANO and GUIMARAES, 2004).

The Belgian legislation used in cases of harassment is the one aimed at combatting violence at work, including bullying in this context. According to Tarcitano and Guimaraes's work, the legislation of this country defines as moral harassment all kinds of abusive and repeated conduct, of any origin, that manifests itself through words, behaviour, acts, writings or gestures aimed at attacking the personality, dignity, physical or psychological integrity of the worker or endangering his employment or even creating a degrading one. Tarcitano and Guimaraes explain that in addition to requiring companies to have preventive measures and to act diligently in the event of any case of bullying, the legislation of this country also requires companies to have a counsellor to deal with problems related to social risk. For Di Martino, Hoel and Cooper (2003), Belgian laws defines it as an obligation for the employer to operationalise preventive measures to reduce the risk of violence within the work environment. Among the combat measures mentioned are: physically organise the organisational environment. Establish assistance for the victim, have a counsellor on prevention, quickly and impartially investigate cases of violence, reign and give information, which should be the responsibility of managers at all levels. To protect the worker from any reprimand, his employment contract cannot be broken during an investigation unless it is proven that this termination was independent of labour violence. This works show that, contrary to what is common, in the case of Belgian legislation on violence at work it is the aggressor who has to justify himself and prove his innocence.

6.9. Organisations

If bullying, as we have seen throughout work, is born in the workplace, companies play a key role in combatting it. Unfortunately, we see that not all companies are engaged. For example, in Resch and Schubinki (RESCH and SCHUBINSKI, 1996) with 15 German companies, only seven of these had openly discussed the topic with their employees through articles in their internal newspapers or debates with managers and who had appointed contact persons if someone felt sieged. Two of the sample companies had conducted internal training on bullying and five of the companies in the sample did not think it was necessary to take any kind of attitude to curb bullying.

Although the victims, as Luna (2003) noted, customise the problem, treating it as if were exclusively a personal aspect between them and the aggressors, it is necessary to remember that this problem has developed within an organisation and that is allowing it occur. For this author, it is necessary to remember that inefficiency in the organisation of work created a favourable climate for the appearance and development of this phenomenon.

For Crawford (1999), the company's ability to fight harassment depends on its culture. For field, if organisations deal firmly and effectively with harassment situations, employees will have much less risk of being victims of harassment. Liepfooghe and Olafsson (1999) argues that organisations need to cultivate a social representation shared by all its members, in which tolerable and intolerable behaviours are clearly outlined. As Rayner (1999) rightly noted, if so many studies show that victims tend not to report the cases because the aggressors would never be punished or if, as some other studies point out, organisations know that the aggressors had already done this before, then it is necessary to look at the entire organisation and not just at a problem that should be dealt with on a case-by-case, although dealing with isolated cases is very important to end the impression that this attitude is tolerated by the company.

Leclerc (2005) proposes four routes of intervention within companies; 1) the training route: educating people about this evil and explaining how they can defend themselves; 2) the informal way through mediation and support for victims; 3) the administrative and/or legal means: that is, where the organisation of work officially intervenes to prevent a situation of harassment from continuing; 4) the life of the word or collective action: the latter, according to this author, privileges

the critical analysis of the organisational factors that cause bullying and proposes the collective accountability of the problems, but this path remains very little developed.

To Hoel (2004), harassment could be one of the measured dimensions of the organisational environment and a fact of corporate social responsibility. For Heloani (2003), the creation and application of codes of ethics is certainly an important achievement, but it is not enough. In the opinion of this researcher, in addition to the codes of ethics, mechanisms could be created to give the assaulted employee the right to denounce the aggression in writing and confidentiality. For this author, the greater difficulty in relation to this topic in the country is precisely due to its “invisibility” and the high degree of subjectivity involved. The proof of the relationship between consequence and cause (aggression), indispensable in the criminal sphere, is not always apparent, because as he says “such humiliations are mainly perpetrated as ‘gloves’, that is, without leaving the aggressor’s fingerprints.” (HELOANI, 2003, p. 61).

Resch and Schubinski (1996) suggest installing a committee to receive complaints, they make three recommendations for the committee to be more effective: 1) the people who are part of this committee have to be from different departments, so each victim can have a contact person who is “neutral”, that is, outside their department; 2) people have to receive special training on harassment and bullying and how to receive complaints. Harassment, according to these authors, has been widespread in the media and people automatically assume that they know what harassment and bullying is, but reality shows that it is difficult to differentiate acts of harassment from conflicts that often happen within the workplace, so people need to be well trained; 3) people should act not only as points to listen to situations of harassment, but help ensure that the situation does not get even worse. Resch and Schubinski (1996) admit, however, that sometimes the committees do not solve the situation and it is necessary to have people inside the organisation or outside, with the competence to mediate this type of situation and with formal power to do so.

6.10. How should the organisation deal with the aggressor?

Glendinning (2001) argues that if the harassment situation continues, the aggressor should be transferred to a position where there is less opportunity to harass others or even be fired. According to Sheehan (1999), the entire organisation needs to be aware of the problem of bullying and they must confront the aggressor according to their behaviour and the aggressor has to have the chance to change their behaviour. According to this author, the aggressor has to receive the opportunity to understand the nature of the problem in question, understand the legal and economic risks of the actions. In addition, the author argues that the management style contributes to situations of harassment and states that people need to treat each other better and that the organisation has better moral standards.

6.11. How can the organisation help the victims?

for Grenier-Peze (2001), it is necessary to use the cooperation of several actors: the occupational physician, clinicians, labour inspectors, psychoanalysts to fight harassment. These practises contribute to the rupture of the isolation of the subject, allowing them to find a new pact of work, therapeutic and centred on himself, to rebuild his social place. For Guimaraes and Rimoli (2006), the harassed need urgent treatment, therefore, psychological, lawyers, doctors, social workers should intervene in a coordinated and interdisciplinary manner. For them, the concomitant psychological and legal actions will enable the strengthening of the person's self-esteem and identity and the recovery of the perception of their competence.

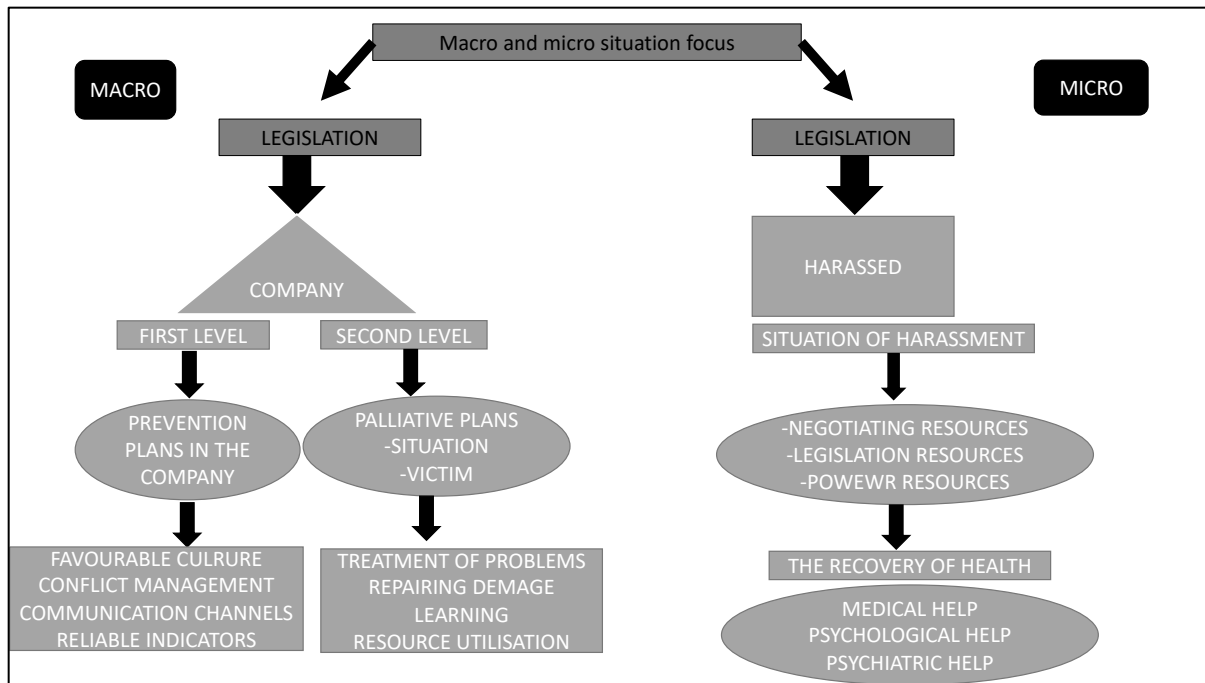
The European Foundation for the Improvement of Living and Working Conditions (SECO, 2003), argues that it is necessary to investigate situations with the focus of not blaming and insisting on their resolution through mutual understanding and respect for the other. They note that in the most extreme cases it will be necessary to go to justice, but that this should be exceptional. According to the Randstand Report, combat actions should give the victim the opportunity to reintegrate into the world of work and resume the execution of their work. The strategies to confront bullying will be different at home if and will depend on factors related to people, groups and the organisational environment where the situation is presented. To take appropriate combat measures, it is necessary to have legal, psychosocial, family, therapeutic and economic support resources that help the harassed once he mobilises to defend themselves from this situation. Coping with the situation should try to locate the victims and try to neutralise the situation of harassment. when

implementing the intervention process, it is essential to take into account the perceptions and interpretations of the environment as well as the victim's difficulty in dealing with these stressful events.

Coping with the situation should try to locate the victims and try to neutralise the situation of harassment. when implementing the intervention process, it is essential to take into account the perceptions and interpretations of the environment as well as the victim's difficulty in dealing with these stressful events. Baron Duque, Munduate Jaca and Bianco Barea (2003) prepared the scheme in figure 1 containing the approaches that should be made, in their opinion, for an effective combat.

According to these authors, the company must intervene in the first and second levels, that is, implementing prevention plans (first level) or palliative actions (second levels), if harassment situations are identified. In the micro (the individual approach) the harassed should choose the most appropriate strategy, whether it is to use negotiation resources with the aggressor, legislation or power (talking to superiors), depending on how the situation has advanced. In any situation, according to the authors, the victim should seek help to ensure that his physical and mental health is shaken.

Figure 1. Two focusses: macro and micro to cope with harassment



Source Baron Duque, Munduate Jaca and Bianco Barea, 2003, n 84, p.55, my translation

Thus, for these authors, coping with harassment should be appropriate to the seriousness of the harassment situation.

Finally, Leclerc (2005) argues that compensating the victim, condemning or displacing the aggressors and allowing the assaulted person to change work and benefitting from compensation are essential measures. However, says this researcher, these are solutions of last resort, necessarily powerless in acting on the root of the problems.

6.12. Individuals

Silence is not only an attitude of witnesses, victims also often end up choosing this path. Leclerc (2005) explains that, for fear of worsening the situation and being even more stigmatised, victims choose silence and change in attitude, as if they were the only conceivable ways of survival.

Mikkelsen's (2004) research points out that victims deal with aggression in different ways: 1) some try to work harder to achieve the standards of the manager; 2) others control their negative feelings, hoping that with this the situation stops; 3) some seek the support of associations, colleagues or family members; 4) some try to avoid the harasser and/or any conflict situation; 5) some choose the alternative of confronting the harasser; 6) some blame themselves; 7) others make a formal complaint with supervisors; 8) others choose to leave (sick leave). According to this researcher, the results of her research show that in none of the strategies tried above did the victims succeed in ending the harassment situation and this researcher confirms the results of other research that the option "confronting the harasser" is not only unsuccessful, but also often leads to increased harassment. Andrea Adams Foundation's (2006) clearly says that confronting with the aggressor is a very dangerous tactic to be done by the victim alone.

Niedl (1996) identified two types of strategies used to deal with harassment called "passive" being to avoid talking about the problem with other people hoping that the situation will improve, adopt a forgiving behaviour with a destructive dimension of the "me", such as leaving on leave. There are also the so-called "active" strategies: try to solve the problem constructively, talk to the superior or get out of employment (NIEDL, 1996). The results of this researcher show that 54% of the female victims chose the rupture as a way out of harassment situation, but only 5% tried to change their position at work. Thus, what the victims reported to this researcher was that even if this position is possible, it leaves in the opinion of the interviews "a bitter taste of injustice". Without success, those who choose the "escape" are destined for resignation, look for another job, retire (in advance), take a career break or develop some disease.

If the chosen exit is the mediation of the parties, Harvey and Keashley (2005) argues that mediation is much more likely to succeed if it is attempted at the beginning of the process, in the literature review conducted by these authors, the victims suffered additional abuse when deciding to report the aggression. These authors argue that it is very difficult for mediation to succeed when the situation has already advanced a lot, when it is emotionally very charged, with great intensity. In these cases, researchers argue that the best thing to do is to end the opportunity for aggression, for example, by separating the parts (change of department). Indeed, several studies have shown that changing working groups or even departmental seems to be one of the solutions used by successful

victims and that openly confronting the aggressor tends to worsen the problem. (ZAPF and GROSS, 2001;RAYNER, 1999; AQUINIO, 2000).

I found a title literature on the strategies that people who have succeeded have to deal with a situation of bullying. According to Zapf, Knorz and Kulla's (1996) research, the victims who were successful, that is, whom were able to get rid of this situation with minimal consequences, followed the following trajectory: 1) they clearly defined that they did not want to enter the harasser's game; 2) they had personal stability, that is, they sought a period of regeneration (for example, they took leave or sought specialised help). 3) they achieved objective changes through intervention (victims and harasser were separated). According to these authors , 12% of the sample were successful.

For Zapf and Gross (2001), successful victims do not use the same weapons as aggressors as tools to deal with harassment, do not use "negative" behaviour (absenteeism) and were better at recognising and avoiding behaviours that could be used by the harasser. For these researchers, only 6% of the victims could be considered successful victims.

According to Hogh and Dofradottir's (2001) research, victims who used humour as a strategy to deal with the situation of harassment were more successful, so humour (seeing the funny side of the situation, laughing at the situation) can be a good strategy in situations of not so severe conflicts. This is corroborated by Keashley, Trott and McLean's research (HOGH and DOFRADOTTIR, 2001), who found out that making jokes when confronting the harasser tended to take the situation to a more favourable position.

Finally, I want to remind you that isolation is the worst solution, it does not end with the situation of harassment and can worsen the situation, because it makes the victim more fragile and "at the mercy" of the aggressor. To survive a situation of harassment it is essential to seek help from people who can support the victim. Thus, family, friends and colleagues should be involved to break the circle of loneliness.

Conclusion

During this dissertation we can observe that it is necessary to study bullying across its spectrum, it is a serious problem within organisations where the effects are devastating and felt by the victims, society and organisations. We can observe that the more time passes, the worse the effects and the more difficult it is to repair, so it is imperative to take action, rethink the management system and the company's own culture, if it is convenient with this practice.

I tried to show throughout this work that bullying does not occur only against women; victims are not very sensitive employees; that bullying exists in the organisation environment and can be part of the organisational world of any company; it does not affect only the victims and the cost of this type of case is very high.

Regarding the fight against this organisational disease, we believe that the people in charge of developing organisational policies should avoid focusing solely on the prevention of bullying, whether individual or interpersonal. This is fundamental to the extent that we show that the issue of power is an important organisational aspect related to interpersonal relationships, exclusively, could cause organisations to stop reflecting on their practises, their principles, which would make the well-being of employees.

To fight this problem effectively, it is necessary to set in motion many fronts: rethink organisational culture, rethink our attitude towards colleagues, take care of education and stimulate citizenship, to ensure that people know how to identify and talk about these problems that are not silent out of fear or hopelessness. Thus, we attribute great responsibility to the management of companies, which must implement social responsibility policies that do not abuse or restrict the possibilities of employees.

We could also see that mediation is an effective tool in combating bullying and harassment only when it is applied at the beginning of the discovery of bullying and harassment, because when already at an advanced level, mediation will not be the best option for the victim, since they will be greatly affected by abuse and will in no way want to face a mediation with the harasser.

The repair of bullying must contain two basic characteristics: first to compensate the victim of the damage, bring balance, reduce pain and second to correct the offender, educate the company, inhibit new harassment actions.

Thus, I conclude that bullying is one of the most violent aggressions that the worker can suffer, compromising the legal and social order and the principle of human dignity, causing damage not only to the victim, but also to society and the company itself. We can undoubtedly say that the reflections of bullying directly influence the development of society, causing violence and socio-economic instability.

Reflections

Studying a master's degree is not easy at all, especially in a language other than your native language. Working on this dissertation in the middle of the pandemic was very challenging, where everything changes every week and so many uncertainties where it requires time, accessibility and a quiet and anxiety-free mental condition to do a job with a certain quality, but with all this whirlwind of things happening around me, I feel very proud to be able to finish this work with great satisfaction.

Despite all the difficulties faced in carrying out this work, I can say that I have learned a lot how important it is in the workplace to value the well-being and safety of its employees. Bullying and harassment is a very complex subject that deserves a lot of dedication and knowledge about how not having these sort of issues within the work environment, but more importantly is knowing how to deal with this kind of conflict and how to solve it.

Moreover, I can say that after everything I researched and read about bullying and harassment to develop this dissertation, I am very aware of the importance of creating vision, values and mission within a company and in the clearest possible way and also investing in training for employees from all areas of the company to combat bullying and harassment.

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