

MOBBING IS A TYPE OF VIOLENCE AT WORK

The face of workplace violence continues to change in our troubled world, with a range of aggressive acts inflicted on workers by diverse perpetrators. While a uniform definition of what constitutes workplace violence remains elusive, most commentators include homicide, assault, threats, mobbing and bullying on the job as forms of violence at work. Even the definition of a “workplace” is elusive as an increasing number of people earn their living in mobile sites and home-based offices, and via telework. While homicide on the job has historically been identified as the most severe form of workplace aggression, this perception is shifting as in the opening decade of the twentyfirst century workers across the globe have been exposed to an increasing risk of becoming the victims of acts of terror. Brutal and often random terrorist attacks have cut a swathe of death and destruction in many countries in both the developed and developing world, including in workplaces.

The variety of behaviours which may be covered under the general rubric of violence at work is so large, the borderline with acceptable behaviours is often so vague, and the perception in different contexts and cultures of what constitutes violence is so diverse, that defining the workplace violence phenomenon is a significant challenge. In practice, violence in the workplace may include a wide range of behaviours, often continuing or overlapping: homicide, bullying, rape, mobbing, robbery, victimizing, wounding, intimidation, battering, threats, physical attacks, ostracism, kicking, leaving offensive messages, biting, aggressive posturing, punching, rude gestures, spitting, interfering with work tools and equipment, scratching, hostile behaviour, squeezing, pinching and related actions, swearing, shouting, stalking, name-calling, harassment, including sexual and racial abuse, innuendo, deliberate silence.

Attention has traditionally been focused on physical violence, and the typical profile of violence at work which has emerged has been largely one of isolated, major incidents of the kind referred to at the start of this chapter. In more recent years, however, new evidence has been emerging of the impact and harm caused by non-physical violence, often referred to as psychological violence. “Psychological” violence can include diverse aggressive tactics, all of which have the potential to cause significant emotional injury among those victimized. It is often considered to include bullying, mobbing, coercion, verbal abuse and sexual harassment. Many of these forms of workplace violence are repeated by the perpetrators and while one-off events may be relatively minor, the cumulative impact on the recipients results in very serious consequences (often with a greater impact than that from physical violence), for example following repeated acts of sexual harassment, bullying or mobbing.

In recent years, another form of systematic collective violence has been reported to be on the increase in countries such as Australia, Austria, Denmark, Germany, Sweden, the United Kingdom and the United States. In Europe this collective violence has often been referred to as «mobbing». Even in countries with their own terms (such as harcèlement moral in France, acoso or maltrato psicológico in Spain, coacção moral

in Portugal or molestie psicologiche in Italy), mobbing is becoming increasingly recognized.

Mobbing typically involves a group of workers ganging up on a target employee and subjecting that person to psychological harassment. Mobbing includes behaviours such as making continuous negative remarks about a person or criticizing them constantly; isolating a person by leaving them without social contacts; gossiping or spreading false information about a person; or ridiculing a person constantly. The impact upon a person of what might appear on the surface to be minor single actions of this type can be devastating. It has been estimated, for instance, that about 10–15 per cent of the total number of suicides in Sweden each year have this type of background (1). The original conceptual distinction between bullying (primarily referring to situations of individual harassment) and mobbing (primarily covering situations of collective harassment) is now giving way to a conceptual assimilation of these two terms. Most researchers now make no distinction between bullying and mobbing with regard to the number of perpetrators or targets involved. One may argue that, even if a distinction was accepted, the psychological processes – and the considerable impact on the recipient involved – appear to be the same.

The original conceptual distinction between bullying (primarily referring to situations of individual harassment) and mobbing (primarily covering situations of collective harassment) is now giving way to a conceptual assimilation of these two terms. Most researchers now make no distinction between bullying and mobbing with regard to the number of perpetrators or targets involved. One may argue that, even if a distinction was accepted, the psychological processes – and the considerable impact on the recipient involved – appear to be the same.

The new profile of violence at work that emerges is one which gives equal emphasis to inappropriate physical and psychological behaviour, and full recognition to the significance of non-physical workplace violence. It is also a profile that recognizes that violence at work is not limited to a specified workplace, like an office, factory or retail establishment. There is a risk of violence during commuting and in non-traditional workplaces such as homes, satellite centres and mobile locations that are being used increasingly as a result of the spread of new information technologies.

In Germany, during 2001, the Thüringen Higher Labour Court (Landesarbeitsgericht Thüringen) issued two important decisions on mobbing. In the first case, the Tribunal stated that mobbing had not only affected the personal dignity of the bank employee concerned, but also the health and safety of the victim to the extent that it had penal relevance. The Tribunal confirmed a previous decision against the illicit «humiliation» (Degradierung) of the worker concerned and threatened a fine of DM50, 000 if the mobbing did not stop. In the second case, the judge confirmed the dismissal of a bullying manager of a supermarket as legitimate since he had insulted and «broken» a worker to the point of attempting suicide.

In Spain, a decision of the Social Court of Madrid (Juzgado de lo Social de Madrid) established that, in the case of mobbing, the victim has to produce evidence of the alleged facts, but not direct proof that these constitute mobbing. Thus while tort law has still not been consolidated, the pattern of court decisions across countries is clear. As a result, common-law decisions support the general trend within statutes and organizational policies to prohibit all forms of workplace violence.

Given the rising levels of awareness and increased reporting, it is not surprising that increasing concern is now being expressed by workers, trade unions, employers,

public bodies and experts on a broad international front about the extent of violence at work. This concern is being matched by calls for action to prevent such violence and/or, when it occurs, to deal with it in a way which alleviates the enormous social, economic and allied costs to the victims, their families, employers and the community at large. However, questions remain as to the nature and direction of the action that should be taken, and the identity of those who should be held responsible for the implementation of preventive interventions.

With consensus emerging on a broad definition of violence at work that includes both physical and psychological elements, there would also seem to be widespread awareness that this form of violence is: • a major although still under-recognized problem; • not limited to individual instances of mass homicide, but extends to a much wider range of apparently minor but often devastating behaviours; • an extremely costly burden for the worker, the enterprise and the community; • not just an episodic, individual problem but a structural, strategic problem rooted in wider social, economic, organizational, gender role and cultural factors; • detrimental to the functionality of the workplace, and any action taken against such violence is an integral part of the organizational development of a sound enterprise; and • a problem which has to be tackled, and tackled now. In responding to the problem of workplace violence, it is now realized to an increasing degree that violence in any form can no longer be accepted as a normal part of any job, even where it would seem to be an occupational hazard, such as in law enforcement.

Reference:

1. Leymann, 1990, p. 122. Used by permission from Springer Publishing Company, Inc., New York, 10012. See also Einarsen and Mikkelsen, 2003a, pp. 127–144.
2. On the spreading of telework, and associated risks of violence, see Di Martino, 2001. See also idem, 2005.
3. Cisneros, V., «Mobbing in Spanish public administrations» report. Courtesy of Iñaki Piñuel to the authors, 18 Sep. 2004.
4. Bukowska, S.; Schnepf, E. 2001. Mentoring Project: Centre for Counselling on Sexual Harassment and Mobbing. Vienna, University of Vienna (see: [univie. ac. at/women/engl/index. htm](http://univie.ac.at/women/engl/index.htm), accessed 2 Jan. 2006).

Дуравкіна Н. І. Мобінг як вид насилля на роботі.

У тезах-доповіді надано визначення насильства на роботі, видів насильства та в тому числі мобінгу. Перераховані причини таких дій. Проведено аналіз правового регулювання захисту від мобінгу та видів стягнень за такі дії в країнах Європи та США.