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**THE PROBLEMS OF MOBBING  
MANAGEMENT IN THE WORLD  
ECONOMY**

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## Abstract

This study is connected with our daily life and it makes this theme so actual and important. Researchers have shown that human relationship is very significant in our life because we are social creatures. First of all, readers will be able to get information about what is mobbing and will be familiar with cases about it. By reading this work person can be aware of what is going on around him (her). It will help this person to understand how to avoid, how to act if mobbing occurs around him (her) (In both situations if this situation is about this person or about his (her) colleague). This study can also help a person to get information about how to manage such kind of situations if he (she) is a manager. Here is also mentioned the experience of other countries. The reader can also get some basic knowledge about psychology, especially psychology at work. So enjoy it!

## Contents

Acknowledgements.....	2
Abstract.....	3
Contents.....	4
INTRODUCTION.....	5
CHAPTER I - All about mobbing .....	7
1.1 What is mobbing? .....	7
1.2 What is the differences between mobbing and working conflicts? .....	7
1.3 Classification of mobbing and Varieties of mobbing.....	8
1.4 Mobbing tools .....	<b>Ошибка! Залкада не определена.</b>
1.5 Manifestations of mobbing .....	12
1.6 Causes of mobbing .....	15
1.7 The identity of the victim of mobbing .....	15
1.8 How does mobbing develop? .....	17
1.9 The consequences of mobbing.....	19
1.10 How to deal with mobbing and how to prevent this behaviour?.....	22
CHAPTER II - International Mobbing Regulation.....	27
2.1 Opinions about mobbing in the World Economy.....	27
2.2 International Labour Organization (ILO).....	31
2.3 Regulation of the European Union .....	32
2.4 The main position of the social partners of Europe .....	34
2.5 Experience of the countries - participants of European Union .....	36
2.6 Regulation of mobbing in judicial acts .....	36
2.7 Application of existing judicial acts and judicial practice .....	39
2.8 The role of social partners in the prevention and resolution of mobbing.....	41
CONCLUSION.....	44
REFERENCES.....	46

## INTRODUCTION

Over many centuries people always have been trying to find out meaning of life and eventually it is proven that happiness is the meaning of their life. People always try to achieve something, to get what they want, try to help others etc. in order to be or to feel happy. The main thing is needed to be happy is health - to be healthy mentally and physically. Generally, many believe that to be healthy physically is all they want and it will be enough to continue their life happily but it is not like this. Mental health is more important. In order to be healthy physically, firstly, person should be healthy mentally. Without it they cannot feel themselves healthy. to be healthy means - to feel well. In order to be able to feel well, to be energetic, to have interest to improve himself (herself) first of all, person should have strong soul and psychology. The second thing which people need in order to be happy is good relationships because as we mentioned we are social creatures and we need other people. If person has bad relationship with people, it can damage person's health tremendously. That is why mobbing should be taken into consideration.

In this study we will get information about what is mobbing, what is the differences between mobbing and working conflicts, classification of mobbing, varieties of mobbing, mobbing tools, the consequences of mobbing, who can become a victim of mobbing, how does mobbing develop, how to deal with mobbing, how to prevent this behavior, world experience in this sphere and so on.

Work is the inseparable part of people's life and workplace is the place that people spend a lot of time there, so that is why healthy psychological environment should be provided here by the manager(s). But sometimes it cannot be prevented and even this can become psychological persecution.

This cloth resembles the Tiki-Taka style game, which is more characteristic of Barcelona and in general Spanish football. This game is actually to remove the opponents of Barcelona from the game. There is a team on the pitch, but Barcelona is playing so that their presence is not so different. The fact is that Barcelona is playing

at a pace speed and tactics that the opponent cannot answer. Barcelona defeats his opponent by competing with his style of play that he does not want to play. Just as in psychological violence.

A characteristic feature of management relations is their asymmetry; such relations promote origin of social interests and form the communicative mechanism of social progress. On the asymmetric relations between the leaders and subordinates, the administrative vertical is built. But, if in addition to the vertical authorities, the asymmetry is present even when the power is horizontal, it can become the mobbing reason.<sup>1</sup>

In order to kill someone it is enough to kill this person morally and mentally. So it is more dangerous than we can imagine. That is why it should be researched and should be found ways that can help to prevent such kind of situation.

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<sup>1</sup> CREATION OF INNOVATIVE TECHNOLOGIES AS A MEAN OF REMOVING MOBBING IN ASYMMETRIC MANAGEMENT (Authors: Aida Guliyeva, Ulviyya Rzayeva)

# CHAPTER I

## ALL ABOUT MOBBING

### **1.1 What is mobbing?**

Coming to a new collective, everyone risks not fitting into his (her) current life according to certain rules, thus provoking a negative attitude to his (her) colleagues and superiors. It's good if this person manages immediately to understand his (her) mistakes and to correct them, but if the confrontation that has started for various reasons goes too far, the new worker may fall to prey of general dislike, contempt, ridicule, and small and large dirty tricks. This phenomenon in psychology is called "mobbing".

### **Where did this term - mobbing come from?**

In the animal world, a herd of herbivores sometimes attacks a predator (a phenomenon described by the biologist Konrad Lorenz), this phenomenon is also called mobbing.

Psychologist and medical scientist, Dr. Hantz Leiman for the first time conducted a study of this phenomenon in workplaces in Sweden in the early 1980s. He called this behavior mobbing and described it as "psychological terror," which includes "the systematically repeated hostile and unethical attitude of one or more people directed against another person, mostly one." Leiman defined 45 behavioral variations typical of mobbing: concealment of necessary information, social isolation, slander, incessant criticism, dissemination of unsubstantiated rumors, ridicule.

### **1.2 What is the differences between mobbing and working conflicts?**

Mobbing and working conflicts should not be confused. First of all, we need to understand exactly what distinguishes mobbing from ordinary squabbles, not infrequent in any collective. For example, when the boss is chastising for sloppiness, because you forgot to forward documents to someone, and then you get messages from his secretary, which reminded you of this assignment several times, then this is

not an act of harassment, but a reaction to your carelessness. This is a fair reaction to the disorderly work and this reaction is short-lived and does not last long.

But if you come to work, for example, you regularly hear a phrase from your colleagues: " Oh, you are here, finally you could reach to the office. We thought, accident happened and finally we could meet up!" Or if you find out that important files on your computer are deleted, documents are mixed, and on the table there are fragments of your favorite cup, etc., in this case, most likely, you are a victim of mobbing. In some collectives, such an abominable phenomenon can arise in relations between individuals. For example, the boss taps one of the subordinates, showing seemingly unreasonable dislike.

### **1.3 Classification of mobbing and Varieties of mobbing.**

Traditionally, two types of mobbing are distinguished:

- 1) vertical - "bossing" - when psychological terror against the employee comes from the boss;
- 2) horizontal - when psychological terror comes from colleagues. In the Anglo-Saxon dialect, this concept is referred to as bullying (bullying means tyrannize, mock, pester). It is noted that the bossing aimed at one of the employees is accompanied by the creation of groupings in the organization, the connection to psychological pressure on the employee and other members of the organization

The practice of some countries shows that, in addition to vertical and horizontal mobbing, there is institutional mobbing, which refers to the moral persecution of workers using institutions such as personnel certification, qualification exams, service disputes and so on.

In psychology, there are two types of called pressure: white and black. Although it is clear that the essence of mobbing does not depend on what it is "color" - it under any conditions remains a sign of unhealthy, and often simply sadistic tendencies of certain people.

"White" (latent) mobbing shows up in secret. The pressure, as a rule, is hidden, and the employees diligently disavow from any unseemly acts. They emphasize that a

person who feels like a victim is simply too touchy and hypochondriac. By the way, this behavior is very insidious, as it forces the underdog under constant pressure to constantly doubt his (her) professional and personal qualities and to try to establish relations with his (her) colleagues in vain.

"Black" mobbing is an open conflict. Mobert at the same time gives the victim to understand that she (he) did not please something, and directly informs that this employee does not belong in the team. This is supported by the rest.

#### **1.4 Mobbing tools.**

Mobbing and bullying are manifested in a certain set of tools of persecution. More often than not, this is a boycott, as a result of which an employee becomes simply invisible to his (her) colleagues: nobody talks to him (her), shares news, is not invited to corporate parties, and in every possible way ignores his (her) presence.

Often the victim is used unjustified nit-picking. This behavior is especially characteristic of the boss in relation to the victim-subordinate. Newcomers often use such weapons as misinformation. For example, if an experienced employee who has been instructed to take patronage over a newcomer will feel that a newcomer can be obvious competitor in the future, then he can deliberately distort some information and cause as a result the discontent of the authorities with the professional level of the newly adopted, up to his (her) dismissal. Victims of mobbing can spoil both personal things, and those for which it bears material responsibility, and in some cases even apply health-threatening methods (laxative in tea or a trip - yes little on what the person has enough imagination!).

A study conducted by representatives of various sciences showed that the phenomenon of mobbing takes place in organizations of both the public and private sectors of the economy. Moral persecution of an employee or a group of employees can be deployed in any collective of employed citizens, including the organization as a whole. As a rule, the victims of mobbing are either newcomers who have not yet joined the team.

K.Kh.Rekosh notes a number of his significant characteristics: a) duration of mobbing - from one to five years; b) 30-50% of employees become victims of mobbing; c) the prevalence rate of mobbing in education is twice higher than in other spheres of activity; d) in 90% of cases, the head begins the moral persecution. It is noted that such harassment is often experienced by well-working women at the age of 45 years and older, when 10-15 years remain until their retirement. The initiator of the mobbing can set itself different goals, for example: to increase one's authority, to remove the competitor, to gain some privileges, etc.

Mobbing is often directed against representatives of racial, ethnic, religious and sexual minorities; Persons with signs of physical or psychological defects and deviations; on those who are not like everyone else and can not stand up for themselves. In addition, moral persecution can arise on the basis of gender relations (related to gender differences). For example: the general director had to reduce staffing. Those candidates for dismissal, who did not agree to leave the organization of their own volition, were transferred to a specially created (temporary) unit. They were forced to perform a tedious, unnecessary work. At the same time, the management regularly found all kinds of violations and expressed dissatisfaction with their work. The psychological atmosphere was hot. None of the candidates for dismissal could not hold out at work for more than two months. Persecution can be unconscious; conscious; controlled. The most aggressive is considered to be managed mobbing, in which aggressive actions are taken by a group of attackers in order to carry out unspoken management (administration) settings. Currently, the following forms of mobbing are known: 1) verbal aggression (provocative questions, false allegations, based on the evaluation of the character, the private life of the employee, doubts about the level of his professionalism and competence, emotional attacks and threats, distrust of the arguments he (she) gives, groundless accusations in anything, etc.); 2) verbal aggression, accompanied by rude gestures; 3) constant discussion with the employee in order to demonstrate his (her) official status and superiority (brutal and haughty interruption of the subordinate, the expression of disagreement before

the worker has time to express his (her) own opinion, state the point of view, give an argument, the perception of only what can be done or used against the employee, 4) ignoring objective and reasoned arguments, etc.); 5) actions expressing hostile attitudes towards the individual (boycotting by fellow servicemen, placing an employee at the workplace of various foreign objects, hanging out anonymous caricatures, etc.); 6) outbursts of anger, accompanied by rude statements, degrading the personality of the employee, provoking him (her) to commit errors or to respond improperly; 7) demonstrative refusal to continue discussing the problem together with the employee or in his (her) presence; 8) special reduction of the terms of the employee's fulfillment of commissions or deliberate slowness in making decisions concerning his (her) tasks; 9) deliberate failure to provide the employee with complete and reliable information necessary for the performance of the assigned task; 10) boycott by officials, by not giving assignments and instructions to the employee periodically; 11) an unjustified change in the wage of an employee without explanation of the reasons; 12) moving the workplace with the purpose of moral oppression of the employee; 13) deliberate distribution of false information and rumors about the employee; 14) illegitimate collegial examination of the employee's behavior; 15) examination of fabricated complaints and reports, which for objective reasons cannot lead to imposition of disciplinary punishment on the employee; 16) actions directed against the employee and qualified as sexual harassment. It was the latter factor that caused the survival of a large number of people who applied to professionals for psychological help from the collective. You can stop the persecution that has already begun, only in three ways: either publicly you can beat this person , or report something that can defame him (her) to the chief (preferably if this can cause his (her) dismissal), or commit a feat, from which the whole team will immediately be impressed (and may be grateful to you). All other methods help not everyone and not always. As organizational and managerial tools of prevention of mobbing in service collectives, the following are distinguished: the formation of a healthy organizational culture in the organization; maintaining a healthy social and

psychological climate in service-based collectives; development of management skills of senior management; creating conditions that provide feedback from employees; rational and clear division of labor between departments, excluding the possibility of duplicated or overlapping tasks of different divisions; clear formulation of the official duties of each employee with a designation of the boundaries of their personal responsibility; formation of a transparent mechanism for making managerial decisions, rationalization and openness of information flows in the organization; formation of the system of personnel promotion and career development opportunities; formation of an intolerant attitude to the gossip raiders and amateurs of intrigues at work; the exclusion of intimate or kinship ties between subordinates and management; To eliminate mobbing and its negative consequences, a set of measures should be used, including the following groups of methods: methods of prevention (creation of favorable conditions in the organization, support for social and labor relations in the team, individual prevention mobbing by the workers and leaders of the organization, the institutionalization of the mobbing problem); methods of intervention (increase of personnel competence, legal intervention, provision of psychological assistance, assistance in dismissal). By itself, mobbing can be found in absolutely any collectives, you can only be insured against it by performing a banal popular recommendation "be like everyone and do not break away from the collective". In general, the collective is a terrible force, and it is unacceptable to forget about it while working in it. The spectrum of differences and reasons for baiting may be different, but the scale of the spread of this phenomenon in the workforce is striking.

### **1.5 Manifestations of mobbing.**

- Boycott
- Nibbling
- Mocking
- Disinformation
- Reporting

- Causing health damage
- Minor theft or damage to personal belongings

### **Mobbing in organizations and institutions: mobbing in the workplace**

Work for a person can be a source of satisfaction, self-esteem, social contacts, intellectual and emotional growth, caused by the result and process of work, as well as the social contacts that accompany it.

But the same work can mean alienation, oppression, constant struggle for existence for a person, it can cause frustration, painful conditions and even somatic and mental illnesses. The synonym for this is mobbing in its various manifestations (bossing, bullying).

### **General organizational reasons for the emergence of mobbing in enterprises and institutions.**

One of the main factors triggering the mechanism of mobbing is the internal tension of the collective, which has been hidden until now. This internal tension arises for various reasons associated with the organization of labor.

- ambiguity of the strategy and purpose of the organization / institution
- Unequal requirements of the chief for different employees
- constant change ("shuffling") of types of work and professional workload between employees (specialists)
- Leveling in payment
- rejection of dissidents
- The connivance of the leaders of the organization in prevention of fans of intrigues and behind-the-scenes games
- irrational device of information flows
- vague boundaries of responsibilities and duties
- lack of a system of personnel promotion and career opportunities
- the prevalence of intimate or kinship ties between management and individual subordinates

And as soon as someone from the staff provokes some kind of aggression in their address - this one-time aggression, fueled by the accumulated general tension, can develop into emotional harassment.

Psychic pressure (bossing) on the part of the head of the organization / institution (or subdivision of this organization / institution) in relation to this employee acts as the launching mechanism for horizontal mobbing in this unit

### **Basic personal reasons for bossing**

1. Bossing as a life style. The head, in order to satisfy his (her) ambitions, sacrifices not only valuable employees, but also the interests of the institution. The game with subordinates as with pawns is one of the most ancient, immoral and, unfortunately, the most fascinating. For such a boss to rule, to bring discord, to push the interests of employees is a matter of life.

2. Bossing as a compensation for their own complexities. Lack of confidence, pathological suspicion, which makes the boss see all "enemies", the habit of asserting itself at the expense of subordinates. In this case, the pressure on his (her) part becomes an occasion for horizontal mobbing.

3. Incompetence in the management sphere, in particular, an uncoordinated mechanism of communication with employees, lack of a well-developed conflict resolution mechanism, lack of skills in setting professional tasks and correctly assessing their implementation

Mobbing and bossing are manifestations of professional destruction. Professional-destructive activity characterizes the orientation towards obtaining a result that is harmful from the point of view of society. This is the case when a person is guided by distorted (destructive) professional values. Accordingly, he (she) sets destructive, socially unacceptable goals and uses destructive means to achieve them. He (she) is driven by destructive orientation, examples of which can be egocentrism, money-grubbing, non-conformism, centering on momentary benefits, etc.

## **1.6 Causes of mobbing.**

Mobbing can be caused by fierce competition. As a rule, in such a case, the victim is not even particularly disliked, it just happens to be a hindrance to a desired position or salary at some point. It is also important to know that mobbing at work is most often aimed at people with a certain character trait. As the researchers drew attention, its victims, as a rule, are whingers, weak and complex personalities, and to stand out against the general background (the so-called white crows), morose and unsociable or weird loners. All of them are capable of causing irritation and a desire to subjugate and humiliate colleagues and superiors.

### **Mobbing is a sign of idleness.**

In teams with improperly organized and distributed duties of employees, mobbing is also very common. At work, where people are simply rushing from doing nothing and looking for any opportunity to kill time, the phenomenon named turns out to be something that can take them, stir up and make existence meaningful. In such conditions, any workaholic can be an outcast. "Do you need more than anything? What do you want to gain by doing it?" - these are the arguments of general discontent. By the way, collectives are especially susceptible to this phenomenon, in which it is impossible to advance in a career if you are not the boss's favorite.

## **1.7 The identity of the victim of mobbing.**

The most common cause of mobbing is the individuality of the victim.

Any shortcoming or dignity can turn into a target of aggressors if this quality is not present in most people in the team.

To provoke an aggressive team to the mob, sometimes quite a bit:

- show off, ask questions,
- Demonstrate self-doubt, weakness,
- complaining, resenting,
- to gossip,
- become a "pet", "best", "role model",

- receive a special award, bonus, letter of commendation or other gratitude for work,
- To be lazy when everyone is working or working, when everyone is lazy,
- be punctual when it is "accepted" to be late or be late, when it is customary to be punctual,
- ignore corporate parties and so on, in general, stand out from the crowd, be "too much unlike everyone else."
- Even more often, but not always, the victims are weak, soft, trouble-free, kind, self-conscious, moody, solitary people, and also inexperienced, young, new employees.
- Less often, but often, a strong personality, an innovator, a reformer, an activist, a workaholic, a creator, a person, is a victim of mobbing, higher in terms of culture, intelligence, professionalism than the bulk of the collective. Often this is the head.
- If the active and purposeful boss was entrusted to the "swamp" collective, where everyone has been sitting in their seats for years and only creating the appearance of activity, he (she) immediately turns into an "enemy of the people". In this case, you either have to go down to the general level or pull the team up to your level.
- Apparently, still, to sacrifice yourself, trying to make a better team that does not want to develop, which is comfortable in the established "swamp", can be noble, but often ineffectual and harmful to health.
- Mobbing can be consciously used by superiors when it is required to reduce the number of personnel. "Survive" those employees who can not be fired for, but necessary. This practice is often observed in times of financial crises (fired for the sake of economy) or simply when there are no objective reasons for dismissing the "objectionable".
- New employees need to be particularly careful, as some employers have begun to use "little tricks", or rather, brutally deceive newcomers. A person is taken for a probationary period (from a month to six months) for an incomplete salary and is psychologically terrorized in every possible way (usually unreasonably accused of incompetence). After the expiration of the probationary period, the employee must be informed: "Sorry, you did not come to us!" And dismissed (sometimes even

"forgetting" to pay for the labor of a person). Immediately the same work is accepted by another employee on the same conditions and so on a circle.

### **Who can become a victim of mobbing?**

People who are under psychological pressure need to be told to get rid of, to force to quit. Mobbing in a team can manifest itself to newcomers, something dangerous for old-timers, and competent experienced workers, forcing their colleagues to suffer an inferiority complex. The bosses' favorites will be jealous of envy, and the bosses of low rank will try to "squeeze out" to put in their place more "convenient" and accommodating. Quite often mugging is subject to impudent, overconfident and arrogant employees (the victim is not always an angel) because of a general dislike for their personality or people who rejected the proposed friendship, and sometimes the cause is sexual harassment from the bosses (usually this applies already to bullying). more, since, by and large, on the site of the victim of mobbing can be any. And, by the way, unlike hazing in the army or bullying a classmate at school, when they usually pursue the goal of conquering the victim and making her weak-willed, mobbing applies to whom they want.

### **1.8 How does mobbing develop?**

Regardless of where the mobbing is developing (at school or in the office), it goes through several phases. And the basis for the emergence of this psychological phenomenon is, as a rule, an unhealthy climate in the team, which is fueled by high emotional tension. It cannot last for long, therefore members of the collective unconsciously look for the "guilty", who always turns out to be someone who causes general annoyance (we have already spoken about the victim's personality above). To the address of the chosen "scapegoat" mockery and mockery begins to pour. Over time, this is not enough, and employees or classmates, enthusiastic about the persecution, are already trying to humiliate the victim, forming a vacuum around her (his) in the form of lack of communication and support, which, of course, cannot fail

to affect the performance of work duties. The latter, in turn, causes discontent of the authorities, especially if it is not much interested in the lives of its subordinates. As a result, this victim of mobbing has to leave the collective.

### **"White" crows**

In the next group of risk is people who differ in some way from others. It can be an overestimated or underestimated self-esteem, strangeness in behaviour, unusual hobbies and even physical qualities. So often such people can be the object of mobbing because they do not believe in themselves or on the contrary consider themselves steeper than all.

### **Beginner in the team**

Being a newcomer to the team is difficult. Especially if a newcomer comes to a managerial position. Configure all subordinates against themselves will not be a problem while achieving the opposite effect is much more difficult.

### **Boredom**

A person can become a victim of a psychological press because of elementary boredom. If the team simply became bored and had a desire to have fun, it is possible that in such a situation there will be a mobbing. It is worth saying that it is easier for an adult to overcome psychological terror. With teenagers and children, everything is much more complicated. Weight, height, the presence of freckles, wearing glasses - all these things can cause collective harassment and bullying.

Mobbing can be subjected to any member of the team, regardless of which stage of the career ladder it is in, in which sphere it works and what kind of person it is. But mobbing is still not causeless.

The "black sheep", which should be hurriedly "pecked" by the whole flock, is most often a person different from all the others, either for worse or for better. Hence the reasons for mobbing:

- envy (most often they envy talent, intelligence, experience, beauty, youth),
- fear "he is better than me, so I will be fired", "he will set me up"
- lack of professionalism,

- the desire to humiliate,
- the desire to subordinate,
- high level of competition in the team and others.

The inadequate professionalism of the victim, incompatibility of the position is perhaps the most understandable and objective reason for the employee's non-acceptance of the team, but still not a reason to humiliate and mock him in every way.

### **1.9 The consequences of mobbing**

Possible consequences for objects (victims) of mobbing are manifested in the form of nervous breakdown, mental trauma, somatic diseases on the basis of long-term stress, reducing self-esteem, an inferiority complex. The object of the bossing (victim) every minute is waiting for a dirty trick, arrests, attacks: on the part of the immediate superior or on the part of colleagues actively involved in "horizontal" mobbing. Its result can be not only neurosis, but also heart attack, stroke and even suicide (suicide).

There is a direct and indirect (not direct) influence of mobbing on a person.

According to foreign research conducted by IV Gulis, the direct influence of mobbing is manifested in two forms of his (her) behavior:

- active - anger, rage, irritation
- passive - anxiety and depressed mood

Particularly, researchers identify mobbing disorders in the cognitive sphere that arise in the object(victim), manifested in a decrease in concentration of attention.

The indirect influence of mobbing on his (her) victim is associated with the deterioration of her (his) mental (psychological) and psychosomatic state.

The worsening of the psychological state is manifested in a decrease in self-esteem, satisfaction with life, the emergence of depression, and a decrease in emotional tone.

At the psychosomatic level, the negative impact of mobbing is manifested in the deterioration of health, including mental health, the aggravation of mental illness and the occurrence of bodily diseases affecting various vital organs.

"Although mobbing and bossing may seem quite harmless compared to rape or other manifestations of physical violence, the effect they make on the victim, especially if it lasts long enough, is so destructive that some people are thinking about putting an end to life suicide "- Noah Davanport, professor at Iowa State University.

Mobbing prevents children and adolescents from forming normal social abilities. Children who have been poisoned at school may have problems with social interaction their whole life.

In extreme form, the victim, driven to despair, can arrange a reprisal for the torturers. There are indications that the mass execution in Munich in 2016 was arranged due to mobbing in the school.

Mobbing adversely affects not only the object (the victim), but also the initiators of the mobbing. Because of the negative social and psychological situation that has arisen in the collective, the problems of this subdivision of an organization (or institution) are not solved, but are aggravated. As a consequence, not only the victim of mobbing, but also its initiators (persecutors) can be a stressful, depressive state, deteriorating health (and you need to expend a lot of mental and physical energy for the attack).

Mobbing came under the attention of scientists for a long time. Today, a number of studies have been conducted, the results of which allow saying exactly what mobbing can lead to. The victim of psychological terror very quickly becomes unstable in his (her) psychological behaviour. To get out of this situation, a person begins to prove to everyone around that he (she) is strong, wealthy. This causes an additional wave of aggression on the part of the collective. As a result, the victim's pressure gets into social isolation. His (her) self-esteem falls, there are various fears that lead to physical ailments: a cold, headache, problems with sleep and appetite. The consequence of mobbing can be a decrease in mental performance and level of mindfulness. This affects the workflow. A person can not cope with his official duties and therefore has to leave the job of his own free will or be fired. From a psychological point of view, mobbing is a time bomb. In skilful hands, he can

become a real weapon and become the cause of a person's suicide. But not only the victim suffers from terror. His (her) condition affects the condition of his (her) loved ones. Family and friends suffer. In addition, this harms the company, as the efficiency of such an employee decreases at times. Women experience very much, losing confidence in their abilities and not wanting to live and do everyday things. How to prevent and overcome mobbing? Every manager should think about the possible consequences of mobbing in the workplace. If the collective is harassed, labour productivity is reduced. : in Europe, for example, it was estimated that 10% of people who were subjected to pressure at work, completed their lives by suicide.

People who were unfairly treated, harassed and humiliated at work, in 76% of cases suffer from severe stress and his last:

- 71% suffer from insomnia,
- 49% of nightmares,
- 60% of paranoia,
- 55% of headaches,
- 41% of the feeling of isolation,
- from doubts, shame and guilt - 38%.

The saddest indicator is that 10% of suicides occur on the basis of mobbing (according to estimates of psychiatrists' observations of patients who are prone to suicide).

These data are obtained as a result of research in Western Europe. As for the rest of the Eurasian countries, including Russia and the CIS countries, studies of this kind have not yet been conducted, but sociologists and psychologists suggest that about 20% of the working population suffers from mobbing at work.

The consequences of mobbing can be, without exaggeration, horrific. Particularly cruel actions aimed at the victim fall under the category of criminally punishable, that is, they become a crime. Sometimes the victim becomes a criminal. It happens when an offended and scraped member of the collective begins to cruelly take revenge on everyone.

## **1.10 How to deal with mobbing and how to prevent this behavior?**

Mobbing is primarily a problem of leadership, its responsibility and a slip in the organization of work. But the employee, to whom the team or the boss sent their anger, it is worth asking "Why did I become a victim? Do I need to change or do I need to change my team? ". First of all, you need to analyze your behaviour and situation.

Depending on the situation, the frequency of attacks and the danger to health and life, you should choose different ways to protect yourself from mobbing. Among them:

1. Change for the better, if the reason for the attacks of colleagues - objective shortcomings.

For example, if the reason for lack of qualification is to increase it, accordingly, and professionalism.

Errors that need to be corrected if they are observed:

- bad habits (frequent cigarette breaks, snacks during working hours, loud laughter, telephone conversations about personal, late, etc.)
- Insecurity, weakness of the spirit (sadists and aggressors less often attack strong personalities capable of rebuffing),
- gossip, denunciations, deception,
- laziness, shifting work to others,
- lack of tact, obsession, rudeness,
- arrogance,
- Irresponsibility, negligence,
- Inaccuracy.

2. Do not react to attacks. Not getting a charge of pleasure from the fact that the victim feels bad, the aggressors will retreat. Even if the attacks are not empty insults, but, in fact, criticism (which may even be of use), one should not pretend that it is emotionally offensive, even better - to learn how to pass it quietly by the ears.

3. Identify and discredit the instigator of mobbing. Without a leader, the "bandit formation" will disintegrate.
4. Inform the authorities of the mobbing and its consequences, ask for action.
5. Find support among other colleagues, people or people who can protect, create an opposition.
6. Call the police in case of crime by the aggressors of the law.
7. To sue in court, if serious moral and/or physical harm was caused, material damage.
8. To leave. To leave work in a situation where the aggressors are only waiting for this, it seems a defeat, but it is better to leave the "battlefield" than "perish," especially since work is a place where people work and do not struggle. Work should be in joy!

People suffering from mobbing are so much that their physical and mental health is undermined, especially if there is a threat to life, without a doubt, you need to quit! In a healthy team, there is no place for mobbing! The management, caring about its employees, about maintaining the team spirit and favourable psychological atmosphere in the team, does not know this problem. In the event that a mobbing threat still arises, the leader dismisses either the "victim" (if the collective began to pursue it not just to torment, but for objectively negative reasons), or the instigator of mobbing.

**What should I do to avoid to be subjected to mobbing?** In order to avoid a possible conflict in a new place of work, you should immediately execute a set of certain rules:

**Do not brag.** - Successes and obvious merits of one of the employees can greatly irritate the team. Envy, as you know, can push people to the most unpleasant actions, so do not wake it up: do not boast of a rich fan, luxuriously spent the vacation, a car received as a gift, etc. Try to quickly adapt the laws by which this collective lives. In any community that exists long enough, the emergence of a kind of corporate charter is inevitable, to which all its members are subordinate. A person who ignores him

(her) (joint partying, ban on make-up at the workplace, treats in honour of his (her) birthday or other family celebrations, etc.), risks causing a negative attitude of colleagues and even the boss.

### **Worthy behaviour is a way to avoid mobbing.**

The above rules can be supplemented with a few more points that will prevent mobbing: In an organization, it is very important for a newcomer to immediately identify his (her) informal leader in order to enlist his (her) support. The statements should be followed: do not humiliate colleagues and do not gossip about them. Do not react and do not take offence at caustic remarks. Be friendly and affable to everyone, but do not curry favour and do not humiliate yourself. Do not allow yourself to be humiliated, because in any team they do not like the unrequited and the weak. Try to talk frankly with your abuser, but it is important to be at the same time calm and not to go on insults. The question asked in the forehead: " Did I do anything that you did not like?" will let mobber understand that you have sorted out the situation and are not going to be silent.

### **How correctly to behave the victim of mobbing**

We discussed mobbing, what is it - the manifestation of collective psychology, which can lead to very serious consequences. Therefore, if the simple way to avoid bullying - dismissal - is unacceptable, and the victim really appreciates his (her) place of work, he (she) needs to do his (her) best to make the role mentioned short-lived: The current situation should first of all be considered a training opportunity for revealing its weaknesses and strengthening character traits, helping to withstand stress. The victim should try to give no heed to attacks if they are harmless enough, and this can bring results. Mobber, having discovered that he could not hurt the victim, would abandon his (her) attempts. It is always possible to assemble a team of like-minded people who can adequately resist the tyrant. Find a patron who can protect from attacks. Apply to a psychologist.

And most importantly, you need to learn to laugh at yourself and over the mobber, who at any moment can take the place of the victim (and no one knows how he will cope with this situation!).

### **How to prevent this behavior?**

Emotional violence at work is a phenomenon that affects not only the victim but the whole team. After all, they can no longer give themselves in full force to their duties - the interests and attention of people now turn out to be directed at something else. Therefore, managers should pay special attention to creating a normal working atmosphere among subordinates, ensuring that the conflicts that arise are resolved quickly and fairly. Only this approach will not allow employees to their bitter experience to find out how cruel the mobbing is, what it is.

Mobbing, albeit spontaneous, but still a controlled phenomenon. A competent and wise leader will not allow "office hazing" in his organization for anything, he will find a way to prevent this negative phenomenon and eliminate the problem at the root, if it still appeared.

Unfortunately, because of ignorance of what mobbing is and how severe its consequences can be, this phenomenon is observed not only in work collectives. Mobbing is not uncommon in schools, universities, the army, the family - in any community, association, a group of people.

Most often, newcomers can face being humiliated, suppress and they should "survive" the established work collective, but it happens that in disgrace is a long-time person in this team, an experienced specialist and even a leader.

What can a manager do to prevent the occurrence of such a situation in his (her) company ? From nature, women are endowed with flexibility and wisdom. Such qualities will improve the situation in the team. You can try to establish feedback with employees. Surely, there will be someone who will happily chat with the management and talk about everything that has been boiling and painful. It is important to show that you do not tolerate gossip and intrigue against anyone. But if you did not succeed in preventing mobbing, you will have to fight it. What advice can

be given to the victim of mobbing? Firstly, as practice shows, a seldom victim of psychological terror is a pleasant and charming man. Goodwill towards your team is the guarantee of harmonious relations. Secondly, if you come to a new collective, you do not need to immediately attract excessive attention to yourself and behave defiantly. Maintain a formal and polite style of communication, without imposing any one's point of view on anyone. Thirdly, do not go down to gossip and intrigues against someone. This can result in the mob against you. In the women's team, this rule acts like nowhere. Try to keep your dignity without controversy. Fourth, conscientiously carry out their work. In the event of a conflict, the leadership will be on your side, so as not to lose a valuable employee. And, of course, try not to fall into hysterics and depression. There are people who need you and who appreciate you. Everything can be changed: go to another school, find a new job. But to return the spent nerves and peace is no longer possible.

## CHAPTER II.

### INTERNATIONAL MOBBING REGULATION

#### 2.1 Opinions about mobbing in the World Economy

"Mobbing can continue to exist as long as it is allowed."

According to the study of working conditions in European countries, the "European Fund for the Improvement of Living and Working Conditions" (Eurofound), on average, 4-5% of workers in the European Union are subjected to psychological violence - mobbing - in the workplace.<sup>2</sup>

The consequences of mobbing on the activities of an employee and organization may be reflected very seriously.

At the enterprise level, mobbing causes delays in work, large and frequent staff changes, reduced efficiency and productivity at work, a complete lack of initiative in the enterprise, and a poor reputation of the organization as a whole. Bad reputation, in turn, does not allow the company to attract talented and competent employees, and as a result, leads to a decrease in profits.

The reasons for the mobbing may be the personality traits of an individual, for example, lack of empathy and tolerance among colleagues, as well as the manifestation of individualism, which the collective encourages the employer. In addition, mobbing can also cause the strategic goal of the company's management - to "get rid" of individual employees. According to the research, the reason may also be the employer's desire to "replace" older employees whose skills do not meet the requirements of the employer, or workers whose work is not stable due to circumstances in the family, for example, women with children. These groups of workers are subject to protection, and it is not so easy for an employer to fire such

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<sup>2</sup> Fifth European Working Conditions survey – 2010. Have you been subjected to bullying or harassment at work in the past year? Доступен: [http://www.eurofound.europa.eu/surveys/smt/ewcs/ewcs2010\\_13\\_06.htm](http://www.eurofound.europa.eu/surveys/smt/ewcs/ewcs2010_13_06.htm). Skat.ar?: Violence at work in the European Union 23-06-2009. Доступен: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/publication/wcms\\_108536.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_108536.pdf).

employees, so some managers apply the strategy of creating "hacking" labour relations after the employee is elected.<sup>3</sup>

The term comes from the English "mob" - the crowd and in the animal world is a situation where animals gather around a particular individual in order to attack and expel her.

In turn, bullying refers to harassment and violence "one against one" or "one against the group."

Sometimes one person can be violent towards another, but given the fact that the leader or colleagues provoke or long provide silent support, or ignore the manifestation of violence, or do not condemn or forgive, we can say that the "action of the crowd" is directed against the victim - Thus, it is mobbing, not bullying.<sup>4</sup>

Having studied various literary sources, it can be concluded that at present both terms mean the same thing.<sup>5</sup> At the same time, different member states of the European Union decided to apply only one of the terms in practice. To study the psychological violence in the workplace, the term "bullying" is used in the legal system of Anglo-Saxon countries, while in the countries of Central Europe it is more often found in the term "mobbing".<sup>6</sup> Heinz Leymann was one of the first to investigate the influence and causes of internal psychological harassment in the workplace.

He defined it as a mobbing and explained how psychological terror, which includes systematic hostile and unethical communication from one or more persons and focused mainly on one person. Leiman has revealed more 45 typical expressions of mobbing, including non-submission of information, slander, dissemination of gossip, constant criticism, ridicule and screaming.

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<sup>3</sup> Increasing focus on workplace 'mobbing'. Доступен: <http://www.eurofound.europa.eu/eiro/2004/02/feature/it0402104f.htm>.

<sup>4</sup> Increasing focus on workplace 'mobbing'.

<sup>5</sup> Vittorio Di Martino. Preventing violence and harassment in the workplace. Доступен: <http://www.eurofound.europa.eu/pubdocs/2002/109/en/1/ef02109en.pdf>. p.14

<sup>6</sup> Mobbing. Доступен на домашней странице EUROFOND: <http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/mobbing.htm>

According to Leyman's theory, mobbing from the temporary conflicts of colleagues is distinguished by the repetition, frequency and duration of the offences. Thus, the distinction is directed to the frequency and duration (for example, every day for a long period), rather than to the very fact of using mobbing in the workplace.

Leiman even estimated that mobbing occurs when appropriate measures against employees are made at least once a week for six months. Depending on the form of actions that mobbing consists of, the author singled out five main types of actions:

(1) the impact on the communication skills of the employee (for example, if the employee receives constant criticism of his (her) work, personal life, written or verbal threats);

(2) impact on the sphere of employee social relations (for example, if an employee is isolated from the rest of the team or ignored);

(3) influence on the reputation of the employee (for example, through gossip, the humiliation of the employee);

(4) the impact on the professional life of the employee (for example, giving meaningless assignments, or vice versa - too complex tasks without giving work assignments at all);

(5) the impact on the mental health of the worker (for example, physically or verbally, threatening an employee, attacking or providing dangerous work for health). Researcher M.Irigoyen (Marie-France Hirigoyen) defined mobbing as any action that touches words, gestures, glances, or verbally that repeatedly or systematically attacks

a person, her (his) honour, personal physical or mental integrity, and behaviour that threatens work or worsens the atmosphere at work.

Mobbing (moral persecution) from other types of psychological violence is distinguished by the fact that mobbing does not include psychological violence from third parties, such as clients or business partners. Mobbing is also distinguished from tyrannical control (unworthy offensive behaviour), which is directed against all subordinates, while mobbing is directed against a particular person.

Researcher C. Seidl (Christoph Seydl) proposes the following definition: mobbing is an individual and informal antisocial process in which one or more persons are systematically victims of unlawful adverse actions in their organization.

Researcher S. Hartill (mulling) denotes repetitive offensive behavior using vindictive, cruel, evil or humiliating attempts to harm a person or a group of workers.

EUROFOND, at the same time, using both the terms "bulings" and "mobbing", mobbing characterized a systematic psychological pressure and humiliation by one or more parties in order to damage the reputation of a person, his (her) honor, dignity and integrity of the person and lead to the abandonment of the place of work.

Besides,

EUROFOND is based on the widely recognized Norwegian researcher S. Einarsen (Stale Einarsen), a definition that characterizes mobbing as a form of harassment, harassment, social isolation of a person or a negative impact on a person's work assignments.

From the above, it can be concluded that there is no single universally recognized definition, but the notation used in the doctrine includes the following elements of mobbing:

- Negative, offensive activities against a person;
  - Systematic action, repeatability;
  - The superiority of the abuser, which extends, for example, the occupation of leadership positions, the involvement of other colleagues and incitement;
  - The fact that other colleagues and management accept and support such events.
- Accordingly, mobbing can be implemented (1) by employees against an individual employee; (2) an employee against a subordinate (for example, a boss against a subordinate); (3) employees against a superior employee (for example, employees against the chief or project coordinator) .

As the EUROFOND emphasizes, unequal positions of the leader and the victim are important in determining the mobbing. Thus, a one-time conflict or a protracted conflict between the two colleagues (if other colleagues do not participate in the action or do not act, ignore or take mobbing) cannot be considered a mobbing and should be considered as a separate attitude of persons in the workplace.

## **2.2 International Labour Organization (ILO)**

The ILO recognized mobbing as a serious threat to the working environment but did not adopt specific conventions or recommendations to prevent it.<sup>7</sup>

The ILO acts regulate the prevention of violence in the workplace. The ILO Convention on Occupational Safety and Health and Workplace provides that healthy and safe working conditions can help prevent violence in the workplace, but the convention does not regulate the psychological risks of violence and measures to eliminate them. The ILO does not issue compulsory documents to identify, prevent or consider mobbing.

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<sup>7</sup> New forms of violence at work on the rise worldwide, says the ILO. Доступен:[http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS\\_070505/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS_070505/lang--en/index.htm).

In connection with the prevention of mobbing, the ILO published a study by international expert V. Martino (Vittorio Di Martino) on "Violence in the workplace", which provides information about the mobbing, its properties (as a form of violence in the workplace), examples national legislation and case law, as well as the principles of the agreement of social partners.

In addition, the ILO addressed the problem of violence in the workplace and published a compilation of good practices "The use of violence at work in the service sector and measures to combat it." Also recognizing mobbing as the cause of stress, the ILO published recommendations "Stress prevention control points. Practical improvements for the prevention of stress in the workplace. "

### **2.3 Regulation of the European Union**

According to the European Commission, the issue of prevention of mobbing is part of the European Council Directive 89/391 / EEC on measures to be taken to improve the safety and health of workers (Directive).<sup>8</sup> The Directive requires employers to conduct risk assessments in the workplace, including psychological risks to workers' health and safety, as well as taking measures to eliminate these risks. Nevertheless, the Directive was adopted with the application of "moral persecution" and "psychological violence".

Regarding mobbing in the workplace, the legal doctrine does not regulate psychological violence in general and will require a new instrument of the European Union - directives that specifically regulate direct psychological prevention of violence.

At the European level, an official definition has not yet been developed, although the problem of mobbing and its consequences are being studied and already identified.

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<sup>8</sup> Директива Европейского Совета о мерах, которые будут введены в целях улучшения здоровья и безопасности работников на работе (1989. gada 12. jūnijs).

The basic documents in the field of prevention of mobbing - the resolution of the European Parliament 2001/2339 of 2001, "On persecution in the workplace" (INI), Communication of the European Commission "New Strategy for Health and Safety of the Local Population" 2007-2012 "23 and the opinion of the European Commission's Advisory Committee on Safety, Health and Safety" "On Violence in the Workplace".

The resolution of the European Parliament calls on the European Commission to consider the issue of mobbing and consider the need to adopt a framework directive to prevent mobbing and also calls on the European social partners to develop their own approach to the prevention of mobbing. The resolution emphasizes that the directive was designed to prevent direct physical risks, hence - there is a need for new legislation.

Extension of the directive also in relation to psychological risks can lead to legal gaps.<sup>9</sup>

The European Commission's report "The New Strategy for Health and Safety of Local 2007-2012" stressed the need to combat not only physical violence in the workplace but also psychological harassment, calling psychological violence a new serious risk factor in the workplace. The European Commission's Advisory Committee on Occupational Safety, Hygiene and Health in its report "Violence in the workplace" gave its characteristics to mobbing:

"Mobbing is a negative behaviour among colleagues or between a superior and subordinates in which one or more people, directly or indirectly, humiliates or repeatedly attacks a certain person in order to alienate him (her)."

The Committee of Senior Labor Inspectors (SLIC), and representatives of all member states of the European Union agreed in 2012 to conduct a campaign to inspect psychosocial problems. European Inspection Company in 2012 "Assessment of Psychosocial Risks"

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<sup>9</sup> 25 Harassment at the workplace. European Parliament resolution on harassment at the workplace (2001/2339(INI)). Доступен: <http://www.lex.unict.it/eurolabor/en/documentation/altridoc/resolution200901b.htm>. См. Ferrari E. Raising awareness on mobbing. an EU perspective.p.7.

Nevertheless, the campaign to study psychological risks, examining a wide range of issues - stress, violence, harassment and intimidation in the workplace, did not separately identify mobbing.

#### **2.4 The main position of the social partners of Europe**

The social partners also addressed the issues of violence, including psychological violence. In 2007, the European social partners concluded a basic agreement on eliminating harassment and violence in the workplace (basic agreement).<sup>10</sup> The goal of the social partners was to draw the attention of employers and workers to the problem of violence and harassment, and to improve understanding of this issue. The base agreement is the basis for identifying violence at work, its prevention and resolution. The basic agreement does not include the term mobbing, but it defines the concepts of persecution and violence, including psychological violence and harassment.

"Various forms of harassment and violence may occur in the workplace. They include:

- Physical, psychological and / or sexual;
- an isolated incident or pattern of behavior;
- between colleagues, managers and employees or subordinates
- third parties, such as clients, patients, students, etc.;
- From a slight disrespect to more serious acts, including criminal offenses, which requires intervention by state authorities.

A useful feature of the basic agreement is the employer's duty to take measures to end the mobbing. The base agreement also provides for the obligation to take appropriate action against the offender if harassment or violence has been identified. Measures can include disciplinary measures, which can mean even firing the guilty employee. Taking measures to stop violence, it is necessary to consider the following aspects:

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<sup>10</sup> BUSINESSSEUROPE, UEAPME, CEEP un EAK (EUROCADRES/CEC) Pamatnolīgums par uzmākšanos un vardarbību darba vietā. 26.04.2007.

- in the interest of all participants to exercise due care to protect the dignity and privacy of everyone;
- not disclose information to persons not participating in the case;
- complaints should be considered and considered without undue delay;
- All interested parties should be heard impartially and treat them fairly;
- complaints should be based on accurate information;
- False accusations that can lead to disciplinary action are not allowed;
- External assistance is possible.

However, a more detailed procedure for the development of a basic agreement provides employers and their representatives.

The European Commission, in its communication to the Council and the European Parliament, recognized the basic agreement as an important contribution of the social partners to safety at work and protection of health, as well as protection of the dignity of workers and modern organization of work and its development.

In general, at the level of the European Union in the last decade, the problem of psychological violence is beginning to pay more attention, recognizing psychological violence as a serious danger in the workplace. However, clear designations and definitions have not yet been developed that would help to separate different terms from each other. In general, attention is focused on psychological violence as including mobbing (repeated psychological violence between colleagues or subordinates), and violence from third parties, as well as a poor organization of work and stress caused by this.

## **2.5 Experience of the countries-participants of the European Union**

In order to prevent and eliminate the consequences of cases of mobbing, the members of the European Union have chosen different approaches and methods. In general, the experience of the member states of the European Union can be observed in two types of practice:

- (1) the adoption of special laws that regulate mobbing in the workplace, for example, in France, Belgium and Sweden;
- (2) the application of current legislation (most often the law prohibiting discrimination) in cases of mobbing, for example, in Ireland, the United Kingdom, Italy, Denmark and Germany;

The choice of the appropriate method often depends on the cultural and social characteristics of the country that make up the idea of mobbing<sup>11</sup>, for example, business culture (uzņēmējdarbības kultūra) and freedom, freedom to express one's opinion and exchange opinions and forms of leadership practices and possible sanctions against mobbing.<sup>12</sup>

As a result, these factors determine whether mobbing is an everyday, acceptable phenomenon, or it is not accepted and condemned.

## **2.6 Regulation of mobbing in judicial acts**

Sweden is a country of the European Union, which in 1993 was the first to adopt a legal act regulating mobbing - the Decree on Harassment at Work (Arbetarskyddsstyrelsens Kungörelse Med föreskrifter om åtgärder slovcio kränkande särbehandling я arbetslivet- Decree). The decree defined mobbing (victimization) as repetitive reprehensible or distinctly negative actions directed against individual employees, which could lead to exclusion of workers. The decree instructs employers to work as much as possible to prevent mobbing in the company, so that it becomes clear that mobbing is not acceptable. Besides, the employer must promptly eliminate unsatisfactory working conditions and problems of a labour organization. Finally, the

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<sup>11</sup> Ferrari E. Raising awareness on mobbing. An EU perspective. p.7-12.

<sup>12</sup> Workplace mobbing/bullying. Доступен:[http://www.seydl.eu/en/workplace\\_mobbing.html](http://www.seydl.eu/en/workplace_mobbing.html).

employer, at the first sign of mobbing, is obliged to undertake a special investigation to determine what causes mobbing. The employer must create special conditions for the support of an employee who has become a victim of mobbing.

The decree obliges the employer to formulate the procedure for assessing and resolving the situation of mobbing in the organization, but he (she) does not prescribe an injunction, damage and liability for the proof. In this regard, Swedish courts have considered only a few statements about cases of mobbing and it is not clear whether anyone was convicted of mobbing. However, the added value of the decree is to determine the mobbing and prescriptions for its prevention, including obligations to the employer to investigate and terminate mobbing. It is also necessary to draw public attention to this issue and improve its understanding.<sup>13</sup>

In France, the term mobbing (*harcèlement moral*) was originally formed with judicial practice, later the court applied the rules of criminal law in cases of mobbing. The criminal law of France presupposes that a person who violates the boundaries of his position with respect to his subordinates and exposes others to working conditions that are incompatible with the dignity of individuals shall be punished by imprisonment for up to two years and a monetary fine.

After several worker strikes against the leadership of the organization, which is engaged in the practice of mobbing, public awareness on the issue of mobbing increased. Judicial practice and strikes led to the adoption of a special clause on the issue of mobbing in the labor code of France. The Code assumes that no worker should be subjected to repeated moral attacks, the purpose or result of which is the deterioration of working conditions that as a result affect the rights and honour of the employee, affect his mental health or threaten his professional future.

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<sup>13</sup> Graham I. Mopping up mobbing – legislate or negotiate? *Publicēt: Violence at work. Labour Education* 2003/4 No. 133. p.57. Доступен: [http://www.ilo.org/wcmsp5/groups/public/@ed\\_dialogue/@actrav/documents/publication/wcms\\_111456.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@actrav/documents/publication/wcms_111456.pdf)

Unlike the Decree of Sweden, the French Labor Code imposes sanctions on mobbing - imprisonment (up to one year) and/or a fine of 3750 euros. The Code authorizes the employer to discipline the employee who commits mobbing.

The code also provides protection for the victim of mobbing. An employee who became a victim of a mobbing may ask for a special mediation procedure to resolve the mobbing situation.

It is forbidden to impose any sanctions or terminate labor relations with an employee who has become a victim of mobbing or refused to tolerate mobbing, nor can he be discriminated against in matters of compensation for damages, increasing education and extending an employment contract.

The Code gives recommendations on the burden of proof in considering cases of mobbing.

In Belgium, the law "On Protection from Violence and Mobbing and Sexual Harassment at Work" was adopted in 2002.<sup>14</sup> The law presupposes specific rules for the elimination of violence and mobbing and sexual harassment in the workplace. The law presupposes the employer's duty to provide prompt, objective investigation and support to the victim of mobbing, the necessary training and information. In addition to this, the employer has a duty to predict the responsibility of managers at all levels for eliminating stress in the workplace. The burden of proof lies on the person who is accused of mobbing and who needs to prove that the corresponding actions on her part are not mobbing. All employees have a duty to actively participate in the prevention of mobbing and refrain from any actions that may be mobbing or which may harm a person who reported mobbing.

According to our research, In Azerbaijan, it is found out that special organizations such as some departments of Judicial system, Committee of statistics and so on do not have information of mobbing. Mobbing is a legal concept, even if it is not

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<sup>14</sup> 37 Belgium. Law on protection against violence and mobbing or sexual harassment at work. (Moniteur belge, 22 June 2002, No. 210, pp. 28521-28525). См: <http://apps.who.int/ihl-rils/results.cfm?language=english&type=ByCountry&strRefCode=Belg&strTopicCode=XVII>.

regulated by law, even in certain legal norms. The Constitution guarantees the protection of human and civil rights and freedoms. According to Article 35 of the Constitution of the Republic of Azerbaijan everyone has the right to work. That is, a form of violation of the rights of persons in labor relations is based on mobbing. It is possible to refer to some norms. Articles 192 (Violation of Labor Legislation) 193 (Compulsory Labor which is not mentioned in the job description) (Articles 205 (Pressure on a worker exposed to sexual harassment)), of the Criminal Articles 144-2 (Compulsory Labor) 147 (Slander) Article 148 (Threat), 308 (Abuse of power) and Article 309 (Abuse of office powers), It can be described as violation of the rights and freedoms of a person but may vary depending on the circumstances of the case.

### **2.7 Application of existing judicial acts and judicial practice**

In considering the cases of mobbing, two orders are distinguished - informal and formal. The formal order is applied in the event that the mobbing case cannot be resolved within the informal order, or if the mobbing continues.

Informal order (process) begins with the submission of information to a contact person, specially marked by the employer. The contact person checks the submitted information and presents it to the person who is accused of mobbing. The contact person, observing confidentiality, tries to help both parties to find a solution, for example, using intermediary services. If the complaint creates reasonable excitement, then the contact person directs the matter to the disciplinary fine procedure.

The formal procedure begins with the filing of a written complaint, including all the facts about mobbing, evidence and, if necessary, witnesses. The contact person, receiving a complaint, informs the victim of the mobbing about the process of considering the complaint and the rights of the employee in it, and also guarantees support. The contact person informs the employee against whom the complaint has been lodged, about the complaint, by providing him / her with a copy of the written complaint, and also informs about the rights of the person in the proceedings.

Both sides have the opportunity to appeal, which will be reviewed by senior management.

In one case, for example, the court warned a person accused of mobbing about the appointment of a fine if the mobbing was not terminated.

Like the government of Ireland, the Government of Denmark has adopted guidelines to prevent and address cases of mobbing. "The Guidelines for Preventing Mobbing and Harassment" was also published by the UK, defining the terms "mobbing" and "harassment", indicating steps to prevent and consider mobbing by creating prescriptions for disciplining punishments for mobbing persons.

In turn, in Germany, although judicial acts do not regulate the issue of mobbing, nevertheless, the judicial practice is developed.<sup>(41)</sup> The court for reviewing issues related to workplace problems (Vācijas Tīringenes Augstākā Darba tiesa (Landesarbeitsgericht Thüringen) in its decisions (Az: 5 Sa 403/2000; Az: 5 Sa 102/2000) that mobbing, which harms the honor, dignity and security of the person, is a condemned violation.

In another case, the court found that dismissing the store manager for mobbing (insulting an employee and leading to a suicide attempt) was legal.

In Italy, although judicial acts do not regulate mobbing, courts consider applications for mobbing in the workplace. The Supreme Court of Italy has established obligations in the proof, when the employer needs to prove that he has taken all necessary measures in the organization to protect the health and safety of workers, and the employee must provide evidence of damage caused as a result of persecution.

In the UK in cases of mobbing, precedents created in judicial practice are used. It should be noted that to consider cases of mobbing, in the UK there is a practice of applying the method of dismissal from work.

The Employment Rights Act suggests that an employee should not be unjustifiably dismissed. Under unreasonable dismissal from work (constructive dismissal) means cases when an employee voluntarily left work because the employer directly or indirectly violated the provisions of the employment contract (cases of *Sharp v Western Excavators* ([1978] QB 761, IRLR 27; *Post Office v Roberts* ([1980] IRLR 347, EAT)).

Mobbing is considered an indirect violation of the norms of the employment contract. For example, in the case *Abbey National PLC v Robinson* (2000), the court found that an unjustified dismissal from work occurred because the employee manager used mobbing and psychologically troubled him to such an extent that it was unbearable and, as a result, he forced him to quit his job.

## **2.8 The role of social partners in the prevention and resolution of mobbing.**

First, collective agreements of social partners of any level (organizations, industries or national) can fill gaps in legal acts and provide direction vectors and steps for employers to prevent mobbing. If the country's labor law does not provide for a mechanism for mobbing cases, they can be included in the collective agreement. Secondly, the collective agreement can establish, introduce, apply and, if necessary, make changes faster than the legislation.

### **Conclusion of collective agreements**

At the national level in Denmark in 2011, the Confederation of Employers (DA Employers "Confederation"), the Confederation of Trade Unions (LO-Trade Union Confederation) and the Administration of the Industrial Environment of Denmark signed an agreement that obliges enterprises at the national level to enter into a collective agreement that prescribes norms for consideration and elimination of mobbing.<sup>15</sup>

Detailed sectoral guidelines for the prevention and resolution of mobbing have also been developed by the German National Federation of Trade Unions DGB.

At the sectoral level in the UK, UNISON, the largest health workers' union, has developed guidelines for the resolution of "Mobbing in the workplace" and a model contract for combating violence in organizations by the National Health Service.

The procedure for eliminating and settling mobbing is established by the union of employers. In addition, the UNISON guidelines provide that for the complaint process include the possibility for the perpetrator to change his behavior.

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<sup>15</sup> Ferrari E. Raising awareness on mobbing. An EU perspective. p.12

At the enterprise level in Germany, collective agreements on the prevention of violence at work were signed at many levels, following the example of Volkswagen. Collective agreements provide that mobbing (as well as sexual harassment and discrimination) constitutes slander.

The company's management, employees and the HR department should immediately react as soon as they receive information about the alleged cases of mobbing.

The collective agreement provides for progressive fines, as well as dismissal for people convicted of using mobbing.

Companies, in accordance with the collective agreement, should have appropriate training, exchange information, and conduct awareness campaigns.

### **Other trade union activities**

Significant contribution of trade unions can also contribute to the conclusion of joint agreements. The trade union can promote a healthy atmosphere of collective creativity, and promote the education of workers, informing them about the manifestations and consequences of mobbing. Educated members of the trade unions can organize training for employees so that they learn to distinguish mobbing from mutual conflicts, they could learn about their rights in the case of mobbing and, most importantly, get a clear realization that mobbing is not an acceptable phenomenon.

One of the most successful examples of good practice is the activity of the Confederation of Italian Trade Unions CISL. In addition to advice and information materials, the union established centres for assisting victims of mobbing throughout Italy. Complaints about alleged cases of mobbing can be sent to the e-mail address of the center, as well as by phone. According to CISL, communication centers receive about 20 applications per week. After receiving the application, the help centre refers to the local trade union and helps to solve the case of mobbing by talking with the management of the organization and through mediation.

If this fails, the representatives of the center inform the employee about the initiation of the civil process in the court and his (her) rights there in, and also seek to mentally

prepare the employee for a long-term judicial period, and the fact that relations in the organization may deteriorate, and also provide any kind of necessary legal assistance.

According to trade union statistics, after receipt of the application, 10% of all applications are resolved with the intervention of trade union bodies and 25% - initiation of a dispute settlement procedure.

## CONCLUSION

The main purpose of persons in life is to find happiness and to be happy. In order to be happy people should be physically and mentally healthy as well as to have good relationships with people. If a person has great communication skills and can get on well with people, this person will definitely get success, because it is proven that 90% of getting success is about good relationships. A reader by understanding this study can formulate own strategy to avoid bad situations such as mobbing, can find out what is going on around him (her), how to react and act.

Researchers and observations have shown that everyone should know what is mobbing in order to get and to asses situations, to be able to deal such kind of cases.

We discussed cases, some prevention events and lows which were applied by different countries and by this way we tried to give brief information about what is going on in the world, what approaches are.

Mobbing can cause illnesses, suicides. This process leads social poisoning and can cause to lose million dollars.

This process depends on the manager. The good manager will not let mobbing happen. Also, I would like to give example from my experience. I worked different places and knew different managers. I like to observe them, so I would love to share it. One of these managers was friend with workers, she was so kind. They were like family, so every day although work was not super interesting I went there with great pleasure. Another one of these managers was in the middle. She was friendly with workers, but also if it is needed she could mention by her actions that she is a boss. She was the good manager, but also it was difficult to understand what she is thinking about, what she wants you to do, this uncertain relationship can cause some awkward situations. One of them was so frank and positive, so communication with her was great as well, that is why to go work was interesting. Finally, I got the prestigious and well-paid job, but this manager's character was awful. Actually after getting information about mobbing, I understood that he was mobber and eventually although this work was great I refused to work there and not only me my colleagues

as well. So, in order to overcome such kind of situations, firstly person should know what he (she) should try to get rid of, overcome. Otherwise, it will be difficult to solve this problem, even determine what is the problem.

Of course, it should be mentioned that first of all, everything depends on the person, his (her) behaviour.

While researching this case it was understood that we should apply strategies which other developed countries have been using. In Azerbaijan, today it is not taking into consideration enough, and Azerbaijan should improve itself in this field.

Also, all these things show that always everyone should be strong and stronger, we should learn it. There is no place for the weaks.

### **Suggestions**

- 1.** Laws which regulate these situations are to be supplemented with the legislation of Azerbaijan. The attention of the authorities should be addressed to the problem.
- 2.** From childhood children should be taught what is mobbing, and how it can effect, hurt people. They should know in order to be able to choose their way, to act the right way, overcome such kind of situations and so on.
- 3.** Government organizations should require special certain psychological environment, and it should be checked by using special examination, for example, psychological tests, special fees for organizations and for individuals etc.

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