



FOREIGN CITIZENS AND HARASSMENT AT THE WORKPLACE

A handbook on information, identification
and defence strategies



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Abbreviations, definitions and notes

In this handbook, the following abbreviations have the following meanings:

EU = European Union;

Leg. Decree = Legislative Decree;

NCEC = National Collective Employment Contract;

RP = residence permit;

foreign citizens = nationals from countries not belonging to the European Union

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Credits

Chapter 3 was based on the abstracts of the Conference “*Promoting organization wellbeing and development of actions against psychological and social risks*” held in 2005 at the University of Verona, and in particular the contribution of Professor Luciano Romeo from the *Centre for risk analysis and occupational diseases*.

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Background

This short text has been conceived as a clear, detailed and concise handbook on harassment at the workplace, also from a systemic perspective. Harassment against individuals/employees in the modern “corporate model” also has an impact on the company, the family and the social context.

In Italy, among the causes of harassment at the workplace, there’s a major factor deriving from the change occurring in the labour market. For a decade now, significant constraints have been imposed on labour rights and protection measures in the legislation. This applies to the so-called “permanent jobs”, but also to employment in general. Starting from the assumption that 86% of new jobs in Italy in 2008 were atypical, part-time or precarious jobs, the risk of harassment at the workplace has increased significantly.

In this scenario, this handbook emphasises how harassment at the workplace in Italy also affects foreign workers, also on account of their specific needs – as emerged in recent years – based on their employment contracts.

This handbook aims at providing foreign workers with some information tools with the following purposes:

- learn about harassment at the workplace in all its aspects;
- understanding when workers become victims of harassment at the workplace;
- understanding whether workers are victims of specific forms of harassment due to their legal status;
- defence strategies against harassment at the workplace.

Finally, a word of caution. After the publication of this handbook, some significant changes may occur in the regulation on harassment at the workplace and migration; therefore, what has been written here may no longer apply. Readers are strongly advised to check updates on more readily available sources, such as the UIL website (<http://www.uil.it>), for a constantly updated list of regulations.

1. Harassment at the workplace: historical references, definition and identification of involved actors

The notion of harassment at the workplace is neither new nor recent, as evidence has been found back in history. However, apart from historical references, a renewed attention has been devoted to this issue and a new scientific approach is used, making a distinction with other issues at the workplace.

In Italy and in other countries, the English term “mobbing” is used to define harassment at the workplace. Mobbing comes from the verb “*to mob*”, meaning *to attack, to assault, to surround*. The collective attack was originally observed in nature by the founder of modern ethology, the Austrian professor Konrad Lorenz, who described and defined such behaviour with reference to some species of birds which respond to the threat of invasion of their territory by collectively attacking the intruder (usually a bird of prey) in an attempt to threaten it and drive it away.

The group attack (or “mobbing”), as Lorenz defined it, had a positive meaning, as it was an action implemented to defend a territory and the group. Later, the Swedish physician Peter Paul Hainemann used this term to define a form of destructive and harassing behaviour, acted out at school by groups of students against one of their peers, a notion which is now defined as “*bullying*”.

Heinz Leymann, a German occupational psychologist, worked in Sweden after 1980 and introduced the term mobbing in the occupational sector, defining it as psychological terror which is directed in a systematic manner against one or more individuals by means of harassing and persecutory actions.

As this behaviour is considered unacceptable at ethic and moral levels, some countries adopted regulations on this issue. Sweden was the first to do so. This is the definition of “mobbing” of the Swedish National Board of Occupational Health and Safety, which has implemented some specific provisions since 31st March 1994: “*Recurrent reprehensible or distinctly negative actions which are directed against individual employees in an offensive manner and can result in those employees being placed outside the workplace community*”.

In Sweden, harassment at the workplace is illegal, it’s a criminal offence and it is acknowledged as a cause for occupational conditions. Relevant studies have shown that mobbing may cause permanent psychological or psycho-physical damage to the point of justifying compensation claims for occupational disability.

Harald Ege, a German occupational psychologist specialising in industrial relations and a student of Professor Leymann, introduced the notion in Italy, adapting it to the Italian cultural background. In 2001, he gave a wide and detailed definition of mobbing: *“It’s a war in the workplace, and through psychological, physical and/or moral violence, one or several victims are forced to comply with the orders of one or more aggressors. This violence is acted out through frequent and prolonged attacks aimed at damaging health, communication channels, information flows, the reputation and/or the professional standing of the victim. Psychological and physical consequences of such aggressive behaviour are unavoidable for the victims”*.

Therefore, mobbing concerns occupational issues and involves a number of actors, as listed here.

Potential *mobbers* – i.e. those implementing harassing actions against other workers – may be:

1. individuals;
2. organisational systems.

In the case specified in *point 1.*, these individuals:

- prefer relations based on “over-esteem” in the hierarchical system;
- have a domineering behaviour with people they consider hierarchically “inferior”;
- when conflicts arise, they focus on hierarchy rather than objectives contents and they are more interested to pursuing career objective, in terms of image and power, rather than focussing on the actual tasks of their jobs.

In the case specified in *point 2.*, at work:

- professional skills of employees are not properly taken into account;
- personal decisions and preferences have priority in the professional context;
- poor transparency at organisational and employment levels;
- emphasis is placed on power struggles and dialogue is not properly supported;
- poor structure, thus supporting ambiguity of roles and tasks.

Potential *mobbees* – i.e. employees who are victims of mobbing – are individuals:

- greatly involved in their work;
- with innovative and creative skills;
- different in terms of religion, ethnic group, sexual orientation or lifestyle;

- disabled, elderly or individuals who are considered unnecessary;
- individuals who take leaves from work for training or trade union reasons, illness, maternal leaves, part-time contracts, etc.

Finally, there are also *onlookers* – i.e. individuals who actually witness the harassing actions implemented by mobbers against co-workers – and they fall into 3 categories:

- *side-mobbers*. They actually help mobbers by providing support and alliance (they “feign innocence”);
- *individuals feigning indifference*. They encourage mobbing by not stepping in against the actions implemented by mobbers (they “give up”);
- *opponents*. They try and help the victim to solve the conflict at the workplace (they are the so-called “diplomats”).

2. Types of harassment at the workplace: categories, identification criteria, categories of actions and sequence

There are at least 5 different types of harassment at the workplace, which are very different and distinct from each other. However, in practical terms, distinctions between types are not so clear and they often tend to overlap.

From a theoretical perspective, harassment at the workplace includes:

- a. *harassment from the top*. The aggressor is in a higher hierarchical position than the victim (for instance, a manager, the head of the department, the head of the unit, a senior colleague or a colleague having more responsibility than the victim). This type of harassment includes behaviours and actions defined as power abuse, i.e. the excessive, arbitrary, illegal use of power deriving from a professional position;
- b. *harassment from the bottom*. The authority of the boss is questioned by one or more of his/her members of staff in a sort of general rebellion, and the victim finds himself/herself totally and desperately isolated. Additionally, as the number of aggressors is quite high, the victim finds it very hard to defend him/herself;
- c. *strategic harassment (“bossing”)*. A company may resort to harassment as a strategy to cause the expulsion of employees when for some reason it’s difficult to make redundancies. These may be employees from a previous ownership or allocated to a department which will be discontinued, individuals with excessively high wages or who no longer raise to the expectations of the company. This is quite common in restructuring operations, mergers or changes with redundancies of employees who cannot be laid off easily. Harassment at the workplace becomes a corporate policy, as it is perceived as a regular and unavoidable course of action;
- d. *harassment among peers (horizontal harassment)*. Harassment is implemented by co-workers with a view to causing problems to a specific individual or hamper his/her career, on grounds of jealousy or rivalry;
- e. *double harassment*. The family is no longer in a position to contain the discomfort of the victim and, following a first phase of empathy, the victim no longer has the support of his/her family. This means that, through instinct of self-preservation, the family locks itself in and puts up a defensive position. The victim has become a threat for the integrity and the wellbeing of the family, and therefore the family

protects itself and the others members. This is obviously an unconscious process; no family members will ever be aware that they actually stopped helping one of their loved ones. Therefore, the victim no longer has a space to relieve his/her emotions and he/she is actually besieged.

According to Harald Ege, each of the above 5 types can be identified on the basis of 7 basic criteria, which must all be satisfied met to actually identify harassment at the workplace. These criteria are the following:

1. *work environment*. Harassment at the workplace is an occupational issue. Therefore, the scenario is necessarily the workplace;
2. *frequency*. Hostile actions occurs several times per month. The exception is what Ege defined as a “stone in the pond”, i.e. a single action (for instance, a severe and sudden reduction in the tasks or the transfer to a different unit or department or in a location which is far from home or difficult to access) has a long-term impact with daily consequences on the victim. In this particular case, the main action is coupled with at least another 2 support actions (as defined in *point 4.*) of a different nature, implemented by other individuals several times a month;
3. *duration*. The duration of the conflict must be at least 6 months, but it may also be shorter (in any case, at least 3 months). In this latter case, it’s “*quick harassment*”, i.e. attacks are launched on a daily basis ad actions comply with 2 out of the 5 categories of the “*LIPT Ege*” questionnaire (Leymann Inventory of Psychological Terrorism, a questionnaire aimed at diagnosing mobbing, drafted in 2002 by Ege as an adaptation to the Italian cultural background, starting from the assumptions laid by Leymann) as listed in *point 4.*;
4. *types of actions*. Leymann identified 45 types of hostile actions, included in 5 different categories (attacks against human relations and communication opportunities; systematic isolation; change in the professional tasks; attacks against the reputation; violence and/or threatened violence). Harassment at the workplace is identified if actions implemented against the victims comply with at least 2 of the 5 categories of the “*LIPT Ege*” questionnaire;
5. *unbalance between actors*. The aggressor, irrespective of his/her position in the hierarchy vis-à-vis to the victim, has a high self-esteem, he/she is aggressive and psychologically strong. He/she is always at work, is supported by his/her staff (side-mobbers) either because they fear they may be harassed in future or because they fear they may lose their jobs. On the other hand, the victim is

psychologically weak, he/she is on the defensive and has a low self-esteem. He/she constantly fear his/her tasks may be reduced or that he/she may lose his/her job;

6. *sequence*. Harassment at the workplace is not a steady situation. It starts out from a conflict and general tensions, which may have a series of causes within or outside the company, such as crisis, political instability, etc. At this point, it's not harassment at the workplace yet. However, harassment at the workplace does originate from such scenario. Conflict is directed against a particular individual or a group of individuals within the company and, later, victims perceive that personal relations have worsened and therefore they begin to feel a growing discomfort;
7. *persecutory intention*. The aggressor has a clear intention to persecute "that specific individual", who's harassed. A test may be made to ascertain whether a specific case may be considered as harassment at the workplace. To this end, a question needs to be asked: would a potential aggressor behave in the same way with a different individual instead of the victim? If yes, this is not a case of harassment at the workplace.

The 5 categories of mobbing actions included in the "LIPT Ege" questionnaire and referred to above at *point 4*. are described more in detail as follows:

- *attacks against human relations and communication opportunities*. The victim is systematically interrupted as he/she speaks or he/she is reproached, shouted at, criticized all the time on his/her performance or private life, he/she is verbally or anonymously threatened on the phone;
- *systematic isolation*. Nobody talks to the victim, who's also transferred far away from co-workers, co-workers behave as though he/she does not exist, an order is passed not to talk to him/her;
- *change in his/her professional tasks*. The victim is deprived of any work or is assigned meaningless tasks or tasks which are far below his/her skills or has humiliating tasks;
- *attacks against his/her reputation*. People talk behind the victim's back or rumours are spread on him/her, he/she is ridiculed, pressures are made on him/her to have a psychiatric examination, limits are imposed on his/her movements, way of talking, he/she is mocked for his/her origin;
- *violence and/or threatened violence*. The victim is forced to work in hazardous environments, threats of violence are made, pushing or

slapping her, more serious violence is exercised, i.e. damage is made to his/her house or his/her desk.

Finally, as for the criteria specified in *point 6.*, Ege identified a classification on psychological persecution, describing how it develops on the basis of “6-phase model”:

- *preliminary phase or “zero condition”*. In the Italian labour market, a high level of conflict potential exists, and this is perceived as an ordinary situation; therefore, a very few organizations reject this idea. Considering such level of conflict potential which is commonly accepted as non dangerous, this can be a starting point for harassment, as it is a breeding ground for further development. It’s a general conflict environment, everybody is against anybody, and there’s not a well-defined victim. In this context, there’s no destructive intention, but individuals are determined to stand out;
- *phase I (targeted conflict)*. It’s the first phase of harassment, a victim is identified and the general conflict potential is directed against him/her. The conflict is no longer latent and it is not limited to the actual employment, but it escalates into the private life of the victim;
- *phase II (the harassment starts)*. Attacks by the harasser are still not causing any psychosomatic symptoms or illness in the victim, but they do cause a sense of unease. The victim perceives a deterioration in the relations with colleagues and he/she wonders why such change has occurred;
- *phase III (onset of psychosomatic symptoms)*. This is a very sensitive phase as it’s between the beginning of harassment and the actual public impact. The victim has some health problems and this may last for some time;
- *phase IV (mistakes and abuses in the management)*. Harassment becomes apparent in public and it is also supported by mistakes made by the Human Resources department;
- *phase V (severe worsening of psychological and physical health)*. Depression at various degree sets in and the victim is treated with psychotropic drugs but without success, as the problem at work is still there and it has even worsened;
- *phase VI (expulsion from the workplace)*. It’s the end result of harassment, i.e. the victim is expelled from his/her workplace, because of voluntary resignation, dismissal or early retirement.

3. Impact on victims, organisations and the community. EU actions and response in Italy

Harassment at the workplace, as indicated above, has a systemic impact, as it affects social systems.

In particular:

- the *victim* is constantly humiliated, insulted, isolated, ridiculed, also on account of his/her private life. His/her work is despised, criticized or even sabotaged, devoid of meaning and the victim is deprived of the tools he/she needs to work (the so-called “empty desk syndrome”). His/her role is downsized and his/her skills are questioned. Sanctions are constantly inflicted upon the victim, usually without any reason, by excessively resorting to mandatory medical examinations, disciplinary complaints, transfers in remote locations, rejection of leave and/or vacation requests and transfers. The costs the victim has to bear relate to healthcare services (examinations, drugs, psychological therapies), other services (legal advice) and indirect costs (reduced earning capacity, increase in the days off work, decreased skills and ultimately the loss of his/her job);
- the *organisation* is damaged and, as statistical evidence shows, productivity in the departments where harassment is exercised against some employee drops significantly. In the long term, harassment permanently damages companies where it is accepted or implemented as a practice. Psychological terror may not damage the end products, but the quality of life of employees does get worse, which means that human resources management is ineffective and additional costs are created. The costs related to harassment are due to irregular procedures implemented against the victim (transfers, suspensions, unfair sanctions), legal expenses (defence against claims from the victim), reduced profits (decreased motivation of the victim and the behaviour of the harasser who spend his/her professional time to harass co-workers), loss in human resources (resignation of productive and skilled employees) and finally increased training costs (need to hire new staff to replace expelled employees). Although these costs may seem irrelevant, their impact on the annual accounts is quite significant;
- the *community*, in particular taxpayers, are affected. Harassment has a cost for the national health service and on welfare agencies, as potentially productive workers are prevented from working, they

must regain access to the labour market and issues also arise concerning family members and others. The national health service must cover the costs for the drugs, diagnostic tests, ER services and hospitalisation. Welfare agencies co-finance the days off work connected to harassment-related illnesses. In Italy in 2005, the number of cases of harassment at the workplace was estimated at 417.975. According to some estimates, in the same year, the total cost for the community for each harassed worker amounted to € 1.894,00. Now just multiply the number of cases by the individual cost of each case, the total cost in Italy amounted to 792 million euro. Therefore, harassment at work also puts a strain on public finances, as it causes occupational diseases, i.e. costs for the national healthcare service.

In Europe, as in Italy, the increasingly uncertain nature of employment, within the general framework of the changes occurring in the labour market, is one of the main causes for the increase in harassments at the workplace. However, there are significant differences among in EU member States on accounts of cultural differences and differences between legal systems. A few cases only are reported in some countries, whereas in other countries there's more awareness on this issue.

The European Commission urged member States to revise and, if needed, to integrate their legislation on this issue, adapting it so as to contrast harassment and sexual harassment at the workplace as well as to revise and harmonise any diverging definition of "harassment at the workplace". The European Commission also urged social partners in the EU member States to identify – among themselves and at EU level – proper strategies against harassment and violence at the workplace, also exchanging their experience as a principle of *good practice*. In its resolution n. 2001/2339 on harassment at the workplace, the European Parliament emphasised the importance of this issue, urging member States to implement proper measures.

Unfortunately, Italy lags behind in the fight against harassment at the workplace at EU level: currently, no specific regulations exists, there's no legal definition, and, although constitutional, labour and criminal laws provides for protection in case of disputes, there's a lack of legislative provisions on harassment at the workplace.

4. Foreign workers and harassment based on their legal status: is this a new form of harassment at the workplace?

As the Italian labour market is rapidly changing, also because of the increasing number of foreign workers, this (which is particularly obvious in some sectors) is likely to affect actions that may cause harassment, or “how” it is exercised.

In Italy, the immigration regulation, known as “Bossi-Fini” Decree (Leg. Decree n. 286 of 25th July 1998 and subsequent amendments and integrations) exclusively applies to nationals of EU third countries and stateless individuals and it also provides foreign citizens with the opportunity to come to Italy and work. This does not depend on the will and professional skills of applicants, it requires instead the involvement of the future employer, which is decisive for a positive outcome of the application.

Basically, foreign citizens must prove both that their skills are on demand in the Italian labour market and that they comply with the obligations as workers as defined by the NCEC and they must also comply with the administrative criteria specified in the “Bossi-Fini” Decree. Foreign citizens must constantly have an employment contract in order to be entitled to stay and work in Italy.

Unlike EU nationals, foreign citizens are in a more difficult position vis-à-vis their employers. As any other workers, they are the weak party of the employment contract, and they are in an even weaker position, because their legal stay in Italy depends on their employers. Therefore, this additional weakness may provide further ground for harassment.

In particular, the “Boss-Fini” Decree confers a decisive power to employers on the actual legal stay of their foreign employees, as shown in the following cases:

1. in the residence contract (contratto di soggiorno), the employer must provide the foreign employees with proper accommodation. Otherwise they may not obtain their first RP for subordinate employment;
2. again on the residence contract (contratto di soggiorno), the employer must ensure that foreign employees will be paid an annual retribution which must at least be the same as the social benefit (€ 5.349,89, 2010 data). Otherwise they may not obtain their first RP for subordinate employment;
3. when the RP for subordinate employment needs to be renewed, employees must attach a statement by the employer certifying that

they still have an employment contract. Otherwise they cannot have it renewed;

4. when the RP for subordinate employment in the sector of home services or care-giving needs to be renewed, foreign employees must attach the receipts of the social security quarterly payments by the employers. Otherwise they cannot have it renewed;
5. when the RP for subordinate employment needs to be renewed, foreign employees must attach a copy of the “accommodation statement” (“comunicazione di cessione di fabbricato”) (Act n. 191 of 18th May 1978) made by the owner of the house (usually the employer) at the police headquarters. Otherwise they cannot have it renewed;
6. when application on authorisation to family rejoining is filed, foreign employees, who are already in Italy, must attach a statement certifying that he/she complies with the income criteria on the past year and on the current year, that his/her income is proportionate to the number of family members who would come to Italy. This statement is released by the employer. Otherwise application is rejected.

In the above cases, unfair attitudes, harassment or even blackmail by the employer against his/her foreign employees frequently occur. Therefore, they need to accept illegal conditions or terms infringing their rights, if they want to pursue their migratory plan, as they fear they may not have a RP or its renewal or the opportunity to live with their families. This is what most commonly happens:

- the wage is lower than the amount specified in the NCLC;
- foreign employees in the home services or care-giving sectors are required to pay social security benefits out of their pockets;
- foreign employees are required to work part of the time out the employment contract, besides the official working hours;
- threats of dismissal;
- foreign employees are forced to work with equipment or in environments not complying with regulations on safety at the workplace.

In the light of the above cases, there's some ground to believe that such behaviours may be considered as harassment.

5. Trieste CCdL-UIL Desk on harassment at the workplace

The Autonomous Region Friuli Venezia Giulia, with the regional regulation n. 7 of 8th April 2005, has promoted the implementation of projects against moral, psychological and physical violence at the workplace, by setting up a series of dedicated desks. In this context, CCdL-UIL trade union of Trieste has implemented a project “*Mobbing? No grazie!*” in 2007 with the following objectives:

- promoting information;
- implementing preventive actions;
- supporting affected employees;
- contributing to monitoring.

CCdL-UIL of Trieste has opened a desk at its headquarter. A counselling and support service is available, free of charge, ensuring anonymity to all users. Affected employees may talk to a team of experts, such as:

- a counsellor;
- an occupational physician;
- a forensic physician;
- a therapist;
- a lawyer specialising in the labour sector.

The Desk operates as follows:

1. users are received, their requests are filed and coded. Needs are identified and necessary papers on the alleged harassment, if any, are gathered. Possible responses are identified;
2. meeting with the relevant trade unionist to check compliance with the applicable NCLC;
3. individual meetings with experts, if needed;
4. regular meetings with the team of experts, debates on future actions, i.e. insight into applicable regulations, medical evidence and psychological assessments;
5. presentation of outcomes to single users. Whenever no objective evidence has been found on actual harassment, users are offered support, verbal and behavioural self-defence tools with a view to bringing the relations with the harasser on an equal footing.

Contact details:

Desk on harassment at the workplace

at CCdL-UIL of Trieste

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6. Practical tips to handle harassment at the workplace

When does the alarm bell ring in case of harassment? It often rings when it's too late, because actual harassment can only be identified with a proper medical and legal examination on its impact, i.e. when the cause between the actual illness and the harassment causing it has been detected. Therefore, it's very important to identify symptoms at an early stage. To this end, use this checklist:

1. have you been suddenly transferred to a room without windows, a crowded room or alone in the last room at end of the hallway?
2. Does the general conversation stop, when you get into a room?
3. Have you been deprived of access to important information to implement your tasks properly?
4. Have you heard bad or unjustified rumours about you?
5. Have you suddenly or repeatedly been given tasks below your skills or not in line with your skills?
6. When you respond to some unpleasant behaviours, as those described above, have you been told to keep quiet with comments such as "You do have a family and nowadays it's not easy to find a job"?
7. Do you feel you are a target (monitoring of the working hours, phone calls, photocopies, etc.)?
8. Do you get excessively reproached for petty reasons?
9. Do your working tools disappear or are not replaced as they break down (computers, telephones, etc.)?
10. Are you not getting answers to your verbal or written requests?
11. Do your superior or colleagues tease you to induce you to have a disproportionate reaction?
12. Are you always excluded from company parties or other social activities?
13. Are all your professional suggestions rejected and/or laughed at?

In all of the above cases, some serious thought must be made on the fact that a possible case of harassment at the workplace may be arising.

Finally, these are some tips that may be useful to handle mobbing without giving in:

1. be patient;
2. do not give in to discouragement and depression;
3. do not think about resigning;
4. do not think that you are the only one to be affected;
5. do get prepared to resist;

6. do gather evidence on harassment against you;
7. do try and win allies;
8. do report harassment;
9. become member of an organisation against harassment at the workplace;
10. do start legal proceedings.

