



## Labor law and moral harassment at work

### *Labor law and bullying at work*

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#### SUMMARY

Bullying is a phenomenon as complex as it is recurrent, and has been observed more and more naturally within the workplace. There are some factors that determine whether an action can be classified as moral harassment: the intention of the harasser, the duration and frequency with which the episodes usually occur. This type of violence can be considered the cruelest type of terror, as it directly affects the psychological state of the attacked employee, bringing other consequences that are just as serious. This type of violence is considered complex, because it involves many principles, of the most diverse orders, such as ethics, culture, society, politics, etc. The worker's quality of life is severely affected by this type of action, which leads to the preparation of this article, which is a bibliographical essay, which aims to talk about the subject with the aim of contributing to knowledge within the legal environment. .

**Key words:** Moral Harassment. Desktop. Quality of life. Prevention.

#### ABSTRACT

Bullying is as complex as it is recurrent and has been observed more and more naturally within the work environment. There are some factors that determine whether an action can be framed as Bullying: the harasser's intent, the duration and frequency with which episodes usually happen. This type of violence can be considered the cruelest type of terror, as it directly affects the psychological of the battered employee, bringing other consequences as serious as. This type of violence is considered complex, because it involves many principles, of the most diverse orders, such as attic, culture, society, politics etc. The quality of life of the worker is severely affected by this type of action, which leads to the elaboration of this article, which is an essay of a bibliographic nature, which intends to talk about the subject to contribute to knowledge within the legal environment.

**Keywords:** Bullying. Work environment. Quality of Life. Prevention.

#### 1. INTRODUCTION

The Labor Court, in general, has a very peculiar characteristic related to its origin: its creation was based on fundamental rights that could guarantee the physical integrity of the worker. In the same way, the work process in the world went through several processes of evolution, to become what we know today.

Such processes are so long that they go through periods such as slavery and servitude, reaching the time when work began to be paid. Just like the economic point of view, the Labor Court guarantee process has undergone great evolution to achieve different degrees of protection regarding worker health.

The Industrial Revolution is a milestone, for which we must take responsibility for the fact that it was from then on that a method of concern for protecting the physical integrity of workers began to be implemented, since during this period machines did not have break times. , functioning or adequate rest.

Already in the First World War, this concern with the worker's physical integrity was coupled with concern about the quality of life at work. According to ALKIMIN (2008), in the late 1960s, mental health began to be understood as one of the main focuses of occupational health.

This brief summary serves above all to highlight that the human being is an adaptable being by nature, so that the world itself has already undergone several social, cultural, political, ideological and sociological, and human beings have adapted to all of them. Within the work environment, this is no different, however it is important to mention that not all adaptations serve to strengthen.

The work environment is currently a collection of characteristics that are not very pleasant from a healthy point of view. This means that in addition to naturally having a tendency to stress, the work environment can become a violent environment. But not that usual, virile, fleeting and visible violence, but a much more violent, but subtle, Moral Harassment.

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Moral harassment has several aspects and can develop in a number of ways. However, in relation to what all these modalities have in common is that Moral Harassment is based on verbal violence and humiliation, to which subordinates, victims, are normally subjected within the work environment.

Furthermore, it has roots in constant embarrassment, attitudes filled with violence and without any type of morals and ethics. And it is important to point out that there are in fact factors that contribute to a work environment having such hostility, one of them, for example, is the promotion of competitiveness. However, Moral Harassment can develop in any environment, causing serious consequences in the victim's life.

The Aggressor's objective, within this scenario, is only one: to prune any type of dignity of the victim, and depriving him of any nuance of fundamental rights that may exist within the work environment. It is cruel and the fight and punishment by companies has to be effective to serve as an example.

Companies, in the meantime, have a fundamental role, the role of promoting, together with their various sectors, prevention instruments within the company, which curb this type of act. Prevention, worth mentioning, is one of the most efficient ways of correcting the issue. And it's much more affordable than the costs of a lawsuit in this regard or dismissal in the same way.

This article, based on this narrative, seeks to resolve how Harassment occurs within the work environment, demonstrating its characteristics, prevention possibilities and methods of identification and characterization.

## 2 MORAL HARASSMENT

### 2.1 CONCEPT OF MORAL HARASSMENT

Although the focus on moral harassment, or also known as moral violence, occurring within the workplace has gained much more traction in recent times, the phenomenon itself is not something new. Some authors even argue that it is as old as the notion of work itself.

According to the author FERREIRA (2004)

"It can be said, without fear of making mistakes, that moral harassment in work relationships is one of the most serious problems faced by today's society. It is the result of a set of factors, such as predatory economic globalization, glimpsed only in terms of production and profit, and the current organization of work, marked by aggressive competition and the oppression of workers through fear and threat. This constant climate of psychological terror generates, in the morally harassed victim, suffering capable of directly affecting their physical and psychological health, creating a predisposition to the development of chronic diseases, the results of which will accompany them throughout their lives."

Moral harassment, within the work environment, can be defined as the submission of male and female workers to vexatious and embarrassing situations out of mere liberality. Generally, it does not occur in isolation, it tends to recur repeatedly, prolonged and frequently. It can occur during the working day and while carrying out one's duties (DINIZ, 1999).

This type of harassment generally occurs in hierarchical relationships, which are authoritarian and asymmetrical. The power with which actions are carried out is related to the prominence of negative conduct and acts, which harm dignity. Along with relationships that have an inhumane and unethical nature, which tend to occur over long periods at work (CAHALLI, 2011).

Harassment can also occur by more than one hierarchical superior, and is generally focused on a subordinate employee, but nothing prevents it from occurring against more than one individual. The objective of this type of conduct lies in the destabilization of the victim in the face of their own work environment, and their organization itself, and this leads to withdrawal from the job or position (CAHALI, 2011).

Moral harassment is nothing more than the consummation of personal violence, but the most damaging fact in relation to it lies in the unusual way in which it manifests itself. Its consequences are generally very more serious, and this is closely related to the way it manifests itself: in a veiled, subtle way, rooted in the organizational environment, in the work environment (ALKIMIN, 2008).

According to ALKIMIN (2008), the conceptualization of moral harassment is necessary, as it is from this that first manages to identify the phenomenon of psychoterror in which she is involved, and then, in this way, it is possible to demonstrate, within the legal sphere, what its consequences are.

Its use within law is actually the result of studies originating from psychology, which studied the issue in depth in search of a conceptualization that encompasses the situation in a broad way. This was important, due to the fact that the labor legal system does not specifically resolve the issue. That is why not only psychology but sociology come to the rescue (ALKIMIN, 2008).

From these studies, it was possible to outline a concept for moral harassment, which, according to HIRI-GOYEN (2002) would be:

By moral harassment in a workplace we must understand any and all abusive conduct manifested, above all, by behaviors, words, gestures, writings, which may cause damage to the personality, dignity or physical or mental integrity of a person, endanger your job or degrade the work environment.

Within the international scope, it is common to see different expressions to demonstrate this same fact, such as: “*mobbing*”, “*harcèlement*”, “*bullying*”, “*harassment*”, “*whistleblowers*”, “*bossing*”. In Portuguese, according to RUFINO (2006) these terms can be translated as psychological terror.

One of the English terms used, “*mobbing*”, is the same as saying psychological terror or moral harassment. And according to RUFINO (2006), this term began to be used after the etymologist Heinz Lorenz used it to define the behavior of some animals that surrounded another member of the group with a threatening tone. This type of animal reaction caused the coerced animal to escape, in order to protect itself from a possible attack.

It is possible to identify characteristics very similar to this in human behavior, and moral harassment is the corresponding act within today's society. The work environment, in general, creates propensities for this type of attitude, especially when it encourages competitiveness between work partners (GUE-DES, 2003).

Therefore, the conclusion reached is that it does not really matter what concept is used to determine moral harassment, violence will always be present, and will be carried out in the same way. In the same way that the objective will always be the destruction of the worker's psychology, aiming for their exit from the work environment (GUEDES, 2006).

## 2.2 MANIFESTATIONS OF MORAL HARASSMENT

Moral harassment is always an unethical manifestation, which has the potential to make the work environment so unpleasant, to the point of directly affecting the employee. To achieve this purpose, the aggressor uses commissive and omissive conduct. This is the scenario that characterizes the birth of an organizational pathology, and has become increasingly recurrent, due to the precariousness of jobs (GUEDES, 2003).

“There are several forms of manifestation of moral harassment with the aim of embarrassing, embarrassing, inferiorizing and humiliating the victim, ranging from concrete behaviors and attitudes such as, for example, treating with excessive rigor, assigning useless, degrading or superior tasks to intellectual capacity or physical abuse of the employee, functional demotion, invasion of privacy and intimacy, disclosing personal matters or subjecting the employee to exaggerated searches and controls, insults, slander, criticism, irony, humiliation and discrimination repeated in public, forced inactivity, verbal or physical aggression, etc. ., even lack of communication (missive conduct) with the aim of isolating the victim and removing them from the work organization, or non-verbal communication and gestures (sighs, looking and ignoring the victim's presence, raising shoulders, miming, giggling etc.). (ALKIMIN, 2008)”

Despite being recurrent, science still cannot construct plausible arguments that can clearly express the reasons that lead to this type of situation, nor can it clearly explain the relationship that exists between the cause of violence and its possible consequences that actually make moral harassment arises (HEMÉRITO, 2006).

The fact is, that even as a result of this, it is already known that there is the possibility of pointing out some factors that serve as guidance to understand the complex context in which moral harassment is inserted. However, even so, it is important to point out that there are many precautions regarding the fact that harassment can be prevented.

and dismantled, before the victim can suffer serious consequences related to their health (HEMÉRITO, 2006).

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This means, according to Guedes (2006), that there is a possibility, even if remote, that harassment can be prevented, in the same proportion that it can be dismantled. However, if you are not demotivated, this is an indication that this company has an organizational problem (GUEDES, 2006). In this way, it is possible to characterize harassment, based on the following assumptions:

- Abusive conduct against an individual within the work environment;
- Repetition or systematization of this conduct;

- Threatens the person's continued employment; and/or
- Threatens their physical and/or mental integrity within the work environment.

### 2.3 MORTAL HARASSMENT SETTINGS

Therefore, for Moral Harassment to be configured. This violent conduct on the part of the aggressor must occur systematically, repetitively. But moral violence, it is important to emphasize, is not only present in behaviors that are based on physical violence, or revealed violence. There are subtle, apparently harmless practices that may, over time, compromise the victim's health (MENDONÇA, 2002).

Therefore, according to the author ALKIMIN (2008), moral harassment does not characterize a momentary conflict in the workplace, much less a type of specific aggression, which comes from the hierarchical superior, or from a co-worker. However, within this conflict, there are opposing interests, preponderating, according to the author, the attack-resistance binomial, which prevents it from occurring repeatedly, until one party gives in and starts to appear as a victim in the relationship.

The conduct, in this sense, must be degrading and humiliating, so that it can characterize moral harassment, in addition, the frequency and repeated form must be observed. This can be translated as the need for there to be real damage, which causes great suffering in the victim, and generally within the psychological field (ALKIMIN, 2008).

This damage must be latent enough to compromise the victim's continued employment, in addition to compromising their own physical and mental integrity within their work environment.

With this in mind, the author HIRIGOYEN (2002) created a list of examples, which can help in understanding the nature of the actions that constitute Moral Harassment:

**Table 1** –Example of conduct that constitutes moral harassment.

#### LISTA DE ATITUDES HOSTIS

##### 1) Deterioração proposital das condições de trabalho

Retirar da vítima a autonomia.

Não lhe transmitir mais as informações úteis para a realização das tarefas.

Contestar sistematicamente todas as suas decisões.

Criticar seu trabalho de forma injusta ou exagerada.

Privá-la do acesso aos instrumentos de trabalho: telefone, fax, computador...

Retirar o trabalho que normalmente lhe compete.

Dar-lhe permanentemente novas tarefas.

Atribuir-lhe proposital e sistematicamente tarefas inferiores às suas competências.

Atribuir-lhe proposital e sistematicamente tarefas superiores às suas competências.

Pressioná-la para que não faça valer seus direitos (férias, horários, prêmios).

Agir de modo a impedir que tenha promoção.

Atribuir à vítima, contra a vontade dela, trabalhos perigosos.

Atribuir à vítima tarefas incompatíveis com sua saúde.

Causar danos em seu local de trabalho.

Dar-lhe deliberadamente instruções impossíveis de executar.

Não levar em conta recomendações de ordem médica indicadas pelo médico do trabalho.

Induzir a vítima ao erro.

##### 2) Isolamento e recusa de comunicação

A vítima é interrompida constantemente.

Superiores hierárquicos ou colegas não dialogam com a vítima.

A comunicação com ela é unicamente por escrito.

**Table 2** -Example of conduct that constitutes moral harassment.

Recusam todo contato com ela, mesmo o visual.  
É posta separada dos outros.  
Ignoram sua presença, dirigindo-se apenas aos outros.  
Proíbem os colegas de lhe falar.  
Já não a deixam falar com ninguém.  
A direção recusa qualquer pedido de entrevista.

### 3) Atentado contra a dignidade

Utilizam insinuações desdenhosas para qualificá-la.  
Fazem gestos de desprezo diante dela (suspiros, olhares desdenhosos, levantar de ombros...).  
É desacreditada diante dos colegas, superiores ou subordinados.  
Espalham rumores a seu respeito.  
Atribuem-lhe problemas psicológicos (dizem que é doente mental).  
Zombam de suas deficiências físicas ou de seu aspecto físico; é imitada ou caricaturada.  
Criticam sua vida privada.  
Zombam de suas origens ou de sua nacionalidade.  
Implicam com suas crenças religiosas ou convicções políticas.  
Atribuem-lhe tarefas humilhantes.  
É injuriada com termos obscenos ou degradantes.

Source: HIRIGOYEN (2002)

**Table 3** -Example of conduct that constitutes moral harassment.

### 4) Violência verbal, física ou sexual

Ameaças de violência física.  
Agridem-na fisicamente, mesmo que de leve, é empurrada, fecham-lhe a porta na cara.  
Falam com ela aos gritos.  
Invadem sua vida privada com ligações telefônicas ou cartas.  
Seguem-na na rua, é espionada diante do domicílio.  
Fazem estragos em seu automóvel.  
É assediada ou agredida sexualmente (gestos ou propostas).  
Não levam em conta seus problemas de saúde.

Source: HIRIGOYEN (2002)

## 2.4 TYPES OF MORAL HARASSMENT

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As explained quite forcefully above, Moral Harassment can be demonstrated in different ways, and it will not always be through the most obvious or visible route. And so, there are some types of harassment that can occur within the work environment, as will be shown below.

### 2.4.1 Descending Vertical Moral Harassment

This type of vertical harassment can be seen when it is practiced by the hierarchical superior, in this case the employer. Given all the other hypotheses, it is the most recurrent, so it benefits

of the relationship of hierarchy, subordination, in which the victim finds herself in relation to her harasser (MENDONÇA, 2002).

For the author ALKIMIN (2008), the subject who attacks, that is, the aggressor, can be identified by several names, such as:

- Stalker;
- Wicked;
- Harasser;

This figure generally falls on an individual, who needs to demote his subordinates, as a way of boosting his self-esteem, and demonstrating his influence and power within the work environment. The archetype of the aggressor has difficulties in demonstrating his own faults, in addition to not valuing good actions, using arrogance and lack of morality to humiliate his subordinates (MENDONÇA, 2002).

According to ALKIMIN, this downward vertical moral harassment is characterized by:

“it comes from the employer, understood in the expression of the employer itself, as well as any other hierarchical superior (director, manager, boss, supervisor), who receives a delegation of command power” (p. 61).

In this way, it is possible to conclude that the Vertical Moral Harassment Species serves to identify abuse that comes from management, and that occurs in the most cruel and broad way possible, thus, it is considered by most authors as the worst type of harassment. This type of harassment is a huge trauma for the psychological and physical condition of the aggressor's victim (MENDONÇA, 2002).

#### 2.4.2 Upward Vertical Moral Harassment

Even if harassment by a superior towards his subordinate is identified as the most frequent occurrence of Moral Harassment, the opposite case often occurs, where a subordinate, employee, commits Harassment actions against his superior.

According to the author HIRIGOYEN (2005), this second type of harassment can occur in different ways, and cites some examples:

- False Allegation of Sexual Harassment: the alleged victim, in this case, seeks to disqualify a person, ruining their reputation through this allegation;
- Collective Group Reactions: the group unites, with the intention of getting rid of a superior hierarchical, which is not accepted by employees.

This type of harassment only takes place when the hierarchical superior does not have much experience, or reveals his level of insecurity in relation to something. In any case, it is possible to verify when this type of harassment occurs, as the superior does not have control over his workers.

In this case, the superior does not have the authoritarian stance that his position demands, so he encourages rivalry with the workers, who take advantage of the opportunity to strengthen themselves and achieve the objective of ousting him from his position.

#### 2.4.3 Horizontal Moral Harassment

There is also the type of harassment that occurs among co-workers themselves. Generally, it occurs between workers who have the same hierarchical level, and can be motivated by several factors, however normally arises due to competitiveness or the sudden difference between salaries (HIRIGOYEN, 2005).

According to the author ALKIMIN (2008), this type of harassment manifests itself:

“(...) it is committed by a colleague, manifesting itself through malicious jokes, jokes, jokes, rudeness, obscene gestures, isolation, and may be the result of interpersonal conflicts, which cause difficulties in coexistence, or due to competitiveness/ rivalry to achieve prominence within the company”

This type of harassment occurs both individually and collectively, both from the aggressors and the victims, who may be just one worker, or a group of specific workers.

scientific (ALKIMIN, 2008).

Competitiveness is a very relevant factor among the reasons that generally provoke this type of harassment. Especially when encouraged excessively within the work environment, it is as harmful as envy and interest in promotions and higher positions within the company. This type of feeling is caused by the insecurity of being left behind (ALKIMIN, 2008).

#### 2.4.4 Mixed Moral Harassment

Of all types of Moral Harassment, this is the rarest to occur, but it still happens, and deserves to be mentioned. This type of harassment occurs, according to GUEDES (2004), when the victim suffers harassment both from their colleagues, their peers, and from their superior.

This type of harassment is very common in companies that have a very high level of internal competitiveness, coupled with poor management of the company and the stress of the work environment, mainly encouraged by the extremely high level of demands on the part of the superior.

For the author HIRIGOYEN (2005), cases of horizontal moral harassment are very rare, where downward vertical harassment does not also occur. And this can be observed when the management or leadership of the company, or the hierarchical superior himself, do not react to the degrading conduct imposed by the aggressor.

Among all the information provided about the types of harassment, the most important thing to note is that within an organization, harassers can be identified as they are those who have a different hierarchical level in relation to the harassed person, in the examples mentioned above, this can be observed in the harassment practiced against colleagues who have the same length of service, this is horizontal moral harassment.

When practiced by a hierarchical superior, we will be faced with downward vertical moral harassment (NASCIMENTO, 2007).

#### 2.5 CHARACTERIZATION OF MORAL HARASSMENT

According to the ILO, millions of workers around the world currently suffer from moral harassment. Studies carried out within the European Union have shown that around 8% of workers, which would be equivalent to twelve million individuals, are victims of treatment considered tyrannical from their hierarchical superiors (MOTHÉ, 2006).

It is important to mention in this regard that the concept of Moral Harassment was defined around 25 years ago, enough time for the cause to mature. However, the psychological consequences that this type of treatment can bring are still very trivial. According to HIRIGOYEN (2005); BARRETO (2003) apud

“In Brazil, an investigation carried out in 97 companies in the State of São Paulo, with 2,072 interviewees, demonstrated that 42% explained stories of humiliation at work and that, of these, women are the most frequent victims. Other victims commonly affected by harassment are black people, homosexuals, people with special needs, workers over 40 years old and those with repetitive strain injuries. From this it can be deduced that workers with such characteristics need to be aware of the possibility of being victims of moral harassment when their work relationships are characterized by constant abusive or aggressive episodes”.

The characteristics that help characterize Moral Harassment within the work environment have already been mentioned. Therefore, it is considered inappropriate to list these aspects again. This topic within the text has the scope to demonstrate some other important specificities for this type of identification.

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Bullying is a very complex issue, as it involves several other nuances related to treatment and work relationships. Within this characterization, cultural, social, legal and physical factors must be considered. However, no matter how far-sighted a situation may seem, it is important to remain cautious when characterizing the situation itself (BARRETO, 2003).

According to LEYMANN (1996) it is necessary to be very careful during this definition, mainly due to the fact that many workers are unable to identify that they are in abusive situations, or even deny it when it is demonstrated that they are. It is common for some victims to consider the manifestations to be clinical, resulting from personal problems.

Another factor that must be considered is that harassment occurs in different ways. in relation to the sexes. And this is closely related to cultural components that sociology tries to resolve. Women tend to suffer more harassment through intimidation, submission, rude jokes, and comments related to their appearance or clothing (NASCIMENTO, 2007).

Men are more victims of comments full of evil, related to their masculinity and virility, or related to their ability to work and the way they support their family (NASCIMENTO, 2007).

### 3 IMPLICATIONS FOR THE COMPANY AND THE HARASSED PERSON

According to CARAN et al. (2010) precariousness in relation to work has been increasingly recurrent, and is a direct consequence of globalization. In this way, there is an increasing search for productivity, with ever greater volume. And working conditions are a reflection of this type of objective, as this impacts on increased working hours, competition, health risks, accidents and stress.

The authors explain that it is within this scenario that work-related illnesses arise. Which in itself would be bad enough, but there are other types of suffering, illness and suffering in the process (CARAN et al, 2010).

Human capital should be the central concern of all companies, so that they can guarantee provide, according to BARBOSA (2009) for its employees, minimum working conditions, which offer good hygiene, health and safety conditions. Furthermore, companies, in the author's view, must ensure that the work climate itself is organized and healthy, intervening if conflicts occur.

In cases such as those involving moral harassment, however, it is common for organizations to ignore the fact, or “resolve” it in the most practical way, dismissing the harassed person. According to HELOANI (2008), in this type of initiative lies the lack of punishment in relation to the harasser. The author DA SILVA (2007) adds that when the problem exists, and the company, even with HR interference, is unable to resolve it, this case deserves to be resolved through legal action.

However, within the judicial sphere, the most that can be achieved, in most cases with this type of demand, is the imposition of a fine, applied to the organization, or even the payment of compensation. According to DA SILVA (2007) this is a way of proving that the search for evidence that demonstrates harassment can result in a useless search, since according to the author, aggression occurs more frequently, verbally and/or gesturally.

Moral harassment is still responsible for reducing the victim's productivity, which in reality is responsible for determining greater expenses with the rehabilitation of the victim, or, in more serious cases, qualification of a new hire. According to BARROS JR. (2009) this still results in the deterioration of the company's external and internal image, which leads to financial losses.

The higher incidence of Moral Harassment among women can be explained according to FREITAS (2006) by the fragility with which women are seen, which would make them very susceptible to such practice. The victim, according to SILVA (2007), isolates herself, is ridiculed, made inferior and is subject to blame for things she did not do.

According to DA SILVA (2007), among the other implications of moral harassment for the harassed, the author cites as main: loss of self-esteem, isolation, refusal to communicate, inability to work, depression, anguish, destabilization in relation to the work environment and the organization, leading him to resign, or even commit suicide.

The author cites as an aggravating factor of Moral Harassment the fact that this type of situation is continued through the victim, who tends to reproduce it within the family environment or in the social environment they usually frequent (DA SILVA, 2007).

### 8 4 THE ROLE OF THE HUMAN RESOURCES AREA AND MORAL HARASSMENT.

Within the fight that seeks to curb Moral Harassment, the role of Human Resources, according to ALKIMIN (2008), is to invest in preventive policy mechanisms. Therefore, it must invest in devices that serve to raise awareness among employees, as well as employers, such as lectures and the internal dissemination of posters and pamphlets that have an educational effect. These could be some ways of raising awareness for the company (BISPO, 2009).

According to the author BISPO (2009), they can also serve as indicators that help in more accurate observation of a worker who is suffering from Moral Harassment, and verify what its consequences are and how to act once the case is identified.

According to the author AGUIAR (2008), the company's internal management techniques can also be used as forms of prevention of the act. They can be used in the form of evaluation or 360-degree feedback, which aims to analyze the actions of other co-workers, as well as superiors, but respecting the individual's confidentiality (ACADEMIA PEARSON, 2010).

It is important to maintain anonymity to guarantee the confidentiality of the expressions of opinion that will be seen there. ALKIMIN (2006) also adds that the HR sector must develop a policy that helps to promote communication, between sectors and between employees. This is a way of preserving horizontal and vertical relationships, in addition to contributing positively to improving working conditions.

However, the author SILVA (2006) asserts that it may be the case that the role of HR develops in a context in which Moral Harassment is already present. Therefore, it is your responsibility to use all possible weapons to resolve the conflict, maintaining greater contact with those involved, trying to map the issue and why, and moving towards promoting friendly reconciliation practices.

The company must be observant in investigating complaints carefully, in the same way that, if it is unable to resolve the conflict, it is able to seek legal assistance (SILVA, 2006).

Finally, REZENDE (2006) reinforces the idea that there are cases in which the entire organizational culture is compromised. Therefore, it needs to be reevaluated by the company, based on the idea of human rights and labor rights. In this sense, the company must encourage everyone's feeling of commitment and responsibility in relation to good working relationships. It is possible that a simple survey will be enough to better help with this perception, and changes can be made.

Another type of initiative that can help the company is the creation of a Code of Ethics, which should explain the company's stance in relation to Harassment and predict the consequences of this type of practice (REZENDE, 2006).

## 5 THE PSYCHOLOGICAL CONSEQUENCES OF MORTAL HARASSMENT IN THE WORK ENVIRONMENT

### 5.1 CONSEQUENCES FOR THE HARASSED PERSON

Within work relationships, even if it is not seen, humiliation is present, and can be considered a huge risk to the worker's health. It is one of the most powerful forms of subtle violence within organizational relationships. Within this abusive relationship, the victim always suffers from a psychological shock, which can also be physical, and this goes far beyond professional and economic losses.

"Moral harassment generates psychological suffering" which translates into discomfort in the workplace and humiliation in front of co-workers, expressing the harassed feeling and emotion for being offended, belittled, degraded, excluded, vexed, whose feelings present themselves as fear, anguish, hurt, revolt, sadness, shame, anger, indignation, uselessness, personal and professional devaluation, which lead to a situation of depression with total loss of identity and values, with risk of suicide (ALKIMIN, 2008). "

When it comes to emotions, it is impossible to separate them from the human constitution itself, and this is independent of sex. However, the manifestation of how humiliation and constraints impact are done in different ways by men and women according to ALKIMIN (2008):

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- Women – manifest themselves through crying, sadness, resentment and hurt. Demonstrate exhibit strange behavior at work.
- Men – go into revolt, indignation, feel dishonored, anger, feel betrayed and thirst for revenge.

In any case, moral harassment causes serious psychological damage, which is irreparable within the victim's life. It is a brutal form of violence, and must be banned within the workplace, or prevented in its best form.

## 5.2 CONSEQUENCES FOR THE HARASSER

Moral harassment itself has consequences for all parties involved in the process. For the employer, for example, it is possible to identify the sudden drop in his profit compared to productivity, if he was not the agent causing the violence. In this case, being the active subject of the Harassment, indirect termination provided for in art. 483 of the Consolidation of Labor Laws<sup>two</sup>(ALKIMIN, 2008).

According to ALKIMIN (2008), indirect termination presupposes:

- Balance and Salary;
- Early warning;
- Accrued and proportional vacations;
- Additional 1/3;
- Deposits from the Length of Service Guarantee Fund (FGTS);
- Land fine of 40%;
- Christmas Bonus (ALKIMIN, 2008).

According to ALKIMIN (2008) for the harassing employee, when the case occurs between co-workers, the consequence is dismissal for just cause, in accordance with the dictates of art. 482, of the CLT. Moral Harassment, according to ALKIMIN (2008), can also lead to consequences within the criminal sphere, such as being classified as a crime against honor, in arts. 138 to 145 of the Penal Code.

## CONCLUSION

The increase in the number of Moral Harassment in the world is closely related to the increase in violence in general in life. However, it should not be part of the logistics of a company or a work environment. For your only contribution would be to make him hostile.

This article seeks to demonstrate how Moral Harassment develops and what its types are, but mainly focuses on trying to understand the most efficient ways of preventing it. And legislation in this sense is precarious, with everything being left to the Judiciary, which often fails to understand the necessary perspective of the issue.

## REFERENCES

PEARSON ACADEMY. **Human resource Management**. São Paulo: Makron Books (Pearson Group). Year 2010, 272p.

AGUIAR, ALS **Moral harassment in organizations**: case study of dismissed employees and labor litigation in the State of Bahia. Salvador-BA [dissertation]: UNIFACS, 2003.

AGUIAR, MRMG **Moral harassment**: old problem, recent interest. Jus Navigendi, Teresina, year 13, n. 1907, 20 September. 2008. Available at: <http://jus.com.br/revista/texto/11741>. Access at:

ALKIMIM, Maria Aparecida. **Moral harassment in the employment relationship**. Curitiba, Juruá, 2008, p. 36.

ALKIMIN, MA **Moral harassment in the employment relationship**. Curitiba: Juruá; 2006.

10 BARBOSA, N. (2009). **People management**. Available at: <http://www.ebah.com.br/content/ABAAAA-VBMAF/gestao-pessoas>. Access at:

BARDIN, L. **Content analysis**. Lisbon: Editions 70, 2007.

BARRETO MMS **Violence, health, work**: a journey of humiliation. São Paulo: Educ; 2003.

<sup>two</sup> Available at [http://www.planalto.gov.br/ccivil\\_03/decreto-lei/del5452.htm](http://www.planalto.gov.br/ccivil_03/decreto-lei/del5452.htm) Accessed on June 3, 2020.

<sup>3</sup> Available at [http://www.planalto.gov.br/ccivil\\_03/decreto-lei/del2848compilado.htm](http://www.planalto.gov.br/ccivil_03/decreto-lei/del2848compilado.htm) Accessed at 03 Jun 2020.

BARRETO, MMSA **journey of humiliations**. [Dissertation]. Master's degree in Social Psychology – PUC. São Paulo, 2000. 266p.

BARROS JÚNIOR, JC (Org.), et. al. **Entrepreneurship, Work and Quality of Life in the Elderly**. –1a. ed - São Paulo: Edicon, 2009, 500 p.

BISHOP, P. **10 actions to combat moral harassment**. Available at: <http://www.rh.com.br/Portal/Relacao-Trabalhista/Dicas/6200/10-acoes-para-combater-o-assedio-moral.html>. Access at:

CAHALI, Yussef Said. **Moral damage**. São Paulo. Courts Magazine, 2011.

CARAN, VCS, SECCO, IAO Barbosa, DA Robazzi, MLCC **Moral harassment among teachers at a public higher education institution in Brazil**. *Acta Paulista de Enfermagem*. Year 2010, 23(6), 737-744.

DA SILVA, MALF **Moral harassment in labor relations from a civil-labor-constitutional perspective**. [Dissertation]. Master's degree in law at the Faculty of Law of Campos, RJ, 2007, 183p.

DINIZ, Maria Helena. **Course of Brazilian civil law**-Civil Liability, 17th Edition, São Paulo, 1999: Saraiva, Volume 7, p. 84

FABIANA, D. **Causes and Consequences of Moral Harassment in Organizations**. Administradores.com. 2009. Available at <<http://www.administradores.com.br/artigos/carreira/causas-e-consequencias-do-assedio-moralnas-organizacoes/27496/> . Access at:

FERREIRA, Hádassa Dolores Bonilha. **Moral harassment in work relationships**. Campinas: Russell, 2004.

FILHO, AM SIQUEIRA, MVSM **Moral Harassment and People Management**: an analysis of moral harassment in organizations and the role of the People Management area. RAM – Mackenzie Administration Magazine. Year 2008, 9(5), 11-34.

FRANCO T. KAROSHI: the work between life and death. *CRH notebook*. 2002;37(1):141-61.

FREITAS, MEM **Moral harassment and sexual harassment**: faces of perverse power in organizations. RAE – Business Administration Magazine. Year 2001. 41(2), 8-19.

GARCIA, IS TOLFO, SR **Moral harassment at work**: a collective responsibility. *Psychology & Society*. Year 2011, 23(11), 190-192.

GUEDES, MN **Psychological terror at work**. São Paulo: LTr, 2004.

GUEDES, Marcia Novaes. **Psychological Terror at Work**. 2nd ed. São Paulo: Ltr, 2006.

GUIMARAES, LAM & RIMOLI, AO **“Mobbing” (psychological harassment) at work**: a multidimensional psychosocial syndrome. *Psychology: Theory and Research*. Year 2006, 22(2), 183-191.

HELOANI, JRM (Coordinator). **Absence of moral health: weakness of ego or occupational illness**. [Lecture], 10/2008. **3rd International Congress on mental health at work**, (09/10/2008 to 11/10/2008), Goiânia, GO, BRAZIL.

HEMÉRITO, Rilma Aparecida. **Moral harassment at work**. *IOB Magazine*, v.17, n.208, oct, p.8, 2006.

HIRIGOYEN MF **Moral harassment**: perverse violence in everyday life. 7th ed. Rio de Janeiro: Bertrand Brasil; 2005.

11 HIRIGOYEN, M. **Malaise at work**: redefining bullying. Rio de Janeiro: Bertrand Brasil, 2002.

HIRIGOYEN, Marie-France. **Moral harassment**: perverse violence in everyday life. 3rd ed. Rio de Janeiro: Bertrand Brasil, 2002.

LEITE, Carlos Bezerra. **Labor procedural law course**. 5. ed. São Paulo: LTr, 2007.

MENDONÇA, Martha Halfeld Furtado. Moral harassment in labor law. **Labor Law Magazine**, São Paulo, v. 27, no. 103, Jul./Sept. 2001.

MOTHÉ CB **Moral harassment in work relationships**. *Labor Law Magazine*. 2006; 12(3):12-3.

MOTHÉ CB. **Code of ethics in companies can prevent moral harassment**. *Legal Adviser*. [Internet]. 30 nov. 2005. Available: [http://www.conjur.com.br/2005-nov30/codigo\\_etica\\_empresas\\_evitar\\_assedio\\_moral](http://www.conjur.com.br/2005-nov30/codigo_etica_empresas_evitar_assedio_moral) Accessed at:

NARDI H, TITTONI J. Subjectivity and work. In: Cattani AD, organizer. *Work and technology: critical dictionary*. Porto Alegre: Voices; 1997.p.240-6.

SACM BIRTH **Moral harassment in the workplace**. São Paulo: LTr; 2007.

OLIVEIRA, Paulo Eduardo V. **Personal injury in labor law**. São Paulo: LTr, 2002.

REZENDE, LO **The deterioration of power relations within the business organization: an analysis of moral harassment in the employment contract**. [Dissertation] Federal University of Paraná. Curitiba, 2006. Available at: [http://www.assediomoral.org/IMG/pdf/Mestrado\\_Relacoes\\_de\\_poder\\_Parana\\_-\\_assedio\\_moral.pdf](http://www.assediomoral.org/IMG/pdf/Mestrado_Relacoes_de_poder_Parana_-_assedio_moral.pdf). Access at:

RUFINO, Regina Célia Pezutto. **Moral Harassment within the company**. São Paulo: LTR, 2006.

SILVA, JH **Moral Harassment in Labor Relations in the Face of the Principle of Human Dignity**. Pontifical Catholic University of Rio Grande do Sul Faculty of Legal and Social Sciences, 2006.

SILVA, PCC **Moral Harassment at Work**. Portugal [monograph]: University of Coimbra - Faculty of Economics. Coimbra, Portugal, 2007.

SPACIL D. R, RAMBO L. I, WAGNER JL **Moral harassment: the microviolence of everyday life**. [Internet]. 2004. Available at: <http://www.wagner.adv.br/estudo.php?id=58> Accessed at:

TELES, Ney Moura. **Criminal Law**. São Paulo: Editora de Direito, 1996, p. 228.

TERRIN, Kátia Alessandra Pastori; OLIVEIRA, Lourival José. Moral harassment in the workplace: prevention proposals. **Public Law Magazine**, Londrina, v.2, n.2, p.3-24, May/Aug., 2007.

WALD, Arnaldo. **Course of Brazilian civil law**, São Paulo: Editora Revista dos Tribunais, 1989.