

PREVENTING AND COMBATTING HARASSMENT
Associação Brasileira de Ouvidores/Ombudsman
(Brazilian Association of Ombudsman)

Introduction

As provided in the booklet presented by Brazil's National Council of the Public Ministry¹, “psychological workplace harassment is characterized by the exposure of workers to humiliating and embarrassing situations, repeatedly and over time, in carrying out their functions. Such situations offend workers' dignity or psychological well-being. At times, these are lesser attacks that, if taken in isolation, may be considered minor, but when practiced systematically, become destructive.”

It is further stated that workplace bullying (or "moral harassment") is “any abusive conduct — whether by words, looks, gestures, or in writing — that (through repetition or systematization) infringes upon the personality, the dignity, or the physical or psychological integrity of a person; also, behavior that endangers the employment of said person or degrades the climate of the workplace.” (HIRIGOYEN, 2001.)

In the aforementioned materials, it is observed that: “such attitudes are usually expressed by conduct, without sexual connotation, linked to the abuse of power and characterized by acts of humiliation and intimidation of the victim. The harasser's objective, in general, is to motivate the employee to resign, request their dismissal or transfer; but harassment may also be perpetrated with the objective of changing the way the worker conducts themselves aiming simply at, for example, humiliating them before their superiors and colleagues, as a kind of punishment for their opinions, attitudes or out of discrimination.”²

To configure moral harassment, repeated conduct must occur which humiliates, ridicules, disparages, diminishes, demeans, offends the worker, causing psychological and physical suffering.

Reports point out that harassment is the extreme opposite of psychological safety. In psychologically safe environments, individuals are not ridiculed if they show ignorance about a concept or express disagreement; they know that they will be heard, and that mistakes will not be held against them.

¹ Conselho Nacional do Ministério Público

² Conselho Nacional do Ministério Público Assédio moral e sexual: previna-se / Conselho Nacional do Ministério Público. – Brasília : CNMP, 2016. p.6

Psychological safety promotes engagement at work; it affects the individuals' willingness to express themselves physically, cognitively, and emotionally in their professional capacity. It is an inverse posture to demotivation or self-defense.

Harassment practices are characterized by repeated aggressions and acts which show disrespect for the individual, cause humiliation and embarrassment and, therefore, hurt the workers' dignity and well-being.

Work-related stress causes neuropsychological issues - impairment of cognitive functions such as attention; reasoning; memory, and decision making. Acts of harassment result in decreased levels of job satisfaction, physical and mental imbalance, and burnout.

Specific Data on Psychological and Sexual Harassment

In a survey conducted by Vagas.com³, 70,000 professionals were interviewed, showing that psychological harassment was identified as the most common type of abuse, pointed out by 47.3% of respondents, while 9.7% said they had been sexually harassed. Among respondents, 48% said they had not been harassed.

While workplace bullying has been reported in similar proportions by men (48%) and women (52%), sexual harassment is four times more common among the latter: 80% of those who said they have been harassed are female.

87.5% of the victims interviewed said they did not report the harassment.

Among the most common fears among victims of harassment who did not report it are: losing their job (39%) and enduring retaliation (31.6%). Those are not unfounded fears, as among those who did report it, 20.1% said they were dismissed, and 17.6% said they had suffered some type of persecution.

According to the Vagas.com study, that is a quite common outcome in reported cases of harassment: 74.6% of employees who reported being harassed said that the harasser remained in the company afterward.

With regard to sexual harassment, a study conducted by Talenses for Você S/A⁴ magazine, based on 3,215 interviews, concluded that:

- 34% of women have already suffered some form of sexual harassment in the workplace.
- among men, the number is significantly lower - 12%

According to Força Sindical, sexual harassment is the second biggest issue faced by women in the work environment, behind lower pay.

³ <https://vocesa.abril.com.br/carreira/1-a-cada-5-profissionais-sofreu-assedio-sexual-no-trabalho-veja-relatos/>

⁴ *ibid.*

Given this scenario and alarming numbers, which show the distressing situation experienced in the workplace at various organizations, it becomes increasingly necessary to promote initiatives and campaigns to encourage good practices and ensure ethical conduct in the work environment. It is upon all entities to decidedly act in the fight against harassment and abusive practices, through awareness, education, collaborative action, and a firm commitment by the organization, encouraged by ABO.

Justification

The Ombudsman office in the fight against harassment and abusive practices

The Brazilian Association of Ombudsman - ABO Nacional, in its twenty-five years of existence, has held as one of its foundations, the representation of citizens' legitimate interests and has identified increased concern for the issue of psychological and sexual harassment, which violate the condition of human dignity and therefore must be confronted more rigorously by public and private institutions.

Spreading awareness about the harms of harassment is an emerging need; conducting coordinated efforts aimed at preventing it and caring for those involved is the commitment of our association.

It is important to note that this violation of the human dignity is commonly mediated by the Ombudsman's Office, via the grievances and complaints it receives, whether about relations between external and internal parties or regarding issues within the organization. In this context, the Organizational Ombudsman's Office emerges in a peculiar role.

Importance of Ombudsman's reports and indicators

The Ombudsman's offices have a multifaceted role with different dimensions. Of interest to the present project is highlighting the Ombudsman's Office as a management tool, through the collection and consolidation of data as strategic information in support of leadership. The Ombudsman, therefore, contributes with reliable indicators that help guide the actions of managers and leaders, including in relation to harassment in the organization. This matter was addressed in the article entitled "Complaints of sexual harassment received at the Ombudsman's Office in the municipality of São Paulo: analysis of public policy implemented - data from 2016 to 2019" published in the Scientific Magazine of the Brazilian Association of Ombudsman.⁵

⁵ Silva, Liliane Aparecida Carrillo da. DOI:10.37814/2594-5068.2020v3.p203-215

Objective

To present a “Commitment Letter to Preventing and Combatting Harassment” to public and private institutions (corporations, universities, government agencies, etc.) encouraging self-regulation, for the adoption of actions that prevent and combat the practice of harassment. Harassment is a driver of deterioration in human relations impacting the performance of professionals and organizations, with serious economic and reputational consequences. The topic of harassment arises with increased frequency and has drawn worldwide attention; therefore, it cannot be ignored or trivialized.

So that the ethical commitment is not restricted to an organization's rhetoric, it is essential that institutions encourage the creation and maintenance of the best work processes, economic sustainability and recognition of corporate image; to that end, much caution is needed, especially with regard to interpersonal relationships within organizations.

Target Audience

Public and private entities, non-governmental organizations, professional associations, and the civil society.

Schedule of Activities and Methodology

Proposed activities

Definition of the “Letter of Commitment”;

Approval of the campaign's visual communication and the seal demonstrating enrollment into the Program;

Initiating disclosure and engagement of partner entities; meetings to promote awareness-raising dialogue and invitation to participate in the Program;

Suggestion and guidance to institutions conducting climate surveys.

Deployment Schedule

Commitment letter and visual communication – September 18, 2020

Dialogue with the Network of Support and Institutional Partners: Begins on September 23, 2020

Progress Monitoring

Monthly meetings will be held by the committee to evaluate the results and plan activities for the next steps.

Proposed actions – ABO Nacional

Website and social media

Communication is essential to promote an awakening to the issue of harassment, both to encourage victims to respond and report, as well as to curb the harasser's actions.

A wide-ranging dissemination signals to victims of harassment that there are ways to reverse its vicious cycle. Information, guidelines, education on the subject can contribute significantly to reduce these practices.

Live Instagram event

On August 17, ABO Nacional organized a live Instagram event, addressing harassment and the fight against it. Brief lessons help alert those who are unaware and thus may indirectly contribute to instances harassment. For victims, it is a way to show that they are not alone and that there is legal basis for their protection, as there is to sanction harassers. Dr. Edson Luiz Vismona, President of the ABO Deliberative Council, moderated the debate, and attorney Dr. Flávia Filhorini Lepique, an expert in the subject, moved through the topic in its various approaches as prompted by participants.

Course on Preventing and Combating Harassment in Organizations

The course on preventing and combatting harassment, conducted by ABO Nacional on August 24 and 25, 2020, was created to deliver on in 4 dimensions on the topic: Legal Aspects of Harassment Practices; Corporate Communications and Harassment; The Psychological Impacts of Harassment, and Ombudsmen in the Context of Harassment.

Media articles

ABO Nacional has created a Committee to Prevent and Combat Harassment, whose mandate includes producing content on the subject. Among the strategies employed is the publication of articles with a theoretical-practical basis for further study on the matter.

Meetings with organizations' workforce and leadership

Organizations promote their discourse in varied ways, one of which is the Ombudsman. Thus, through ABO Nacional's network, meetings may be conducted with organizations which, despite having implemented tools such as Code of Conduct, Code of Ethics and other institutional policies outlining their values, culture and protocols, might still face cases of harassment, as captured by the Ombudsman units.

These meetings also aim to sensitize organizations so that they are equipped to prevent and combat harassment, be it to initiate such efforts or to enhance the existing structure.

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