

MOBBING - FORM OF DISCRIMINATION AT WORK

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Abstract: *Discrimination in the workplace is a hot topic among employees and employers. Discrimination in the workplace refers to the prohibition of certain persons to apply and receive certain jobs based on race, age, sex, religion, height, weight, nationality, disability, sexual orientation or gender identity. However, today in our society the absolute norm is to hire any qualified person. The study conducted by the National Council for Combating Discrimination in 2009, highlights that 51% of Romanian consider the discrimination as one of the current problems and that discrimination is a fairly common phenomenon in the labor market.*

This paper aims to address the importance of workplace discrimination, its manifestations, legal ways to reduce the level of discrimination and also to identify measures that can be taken by hired persons in order to protect themselves. This paper represents an exploratory research based on qualitative methods, various sources of information being consulted: literature, case studies, media articles, reports, etc.

Keywords: *discrimination, mobbing, bullying, employment, employee, employer, job.*

JEL classification: *J79, M14*

" No AIDS , but discrimination is the scourge of the millennium. "
Nelson Mandela

INTRODUCTION

We live increasingly longer in a society based on information in which technology and production methods change rapidly and constantly, in which multiplicity and diversity of social problems take an accentuated shape and in which the staffing fluctuations are the order of the day.

Discrimination in the workplace is a phenomenon still present, which unfortunately is so common that it is ignored by many Romanians because of fear that they will lose their jobs. Discrimination is often presented as a reality that achieved and achieves deadlines even violent situations and thus the society and the individual.

To know the fundamental implications of discrimination and its role there should not be bypassed the meanings that were granted to the concept by various authors.

Puscoci Dana states that *"as a form of marginalization, discrimination of any kind and in any situation is, unfortunately, a phenomenon still present in a democratic society, being so commonplace that it is considered normal by many Romanians"*. (<http://www.munca.ro/articole/?idarticol>).

Also Malina Voicu, (1999), states that *"discrimination is differential treatment of a person by virtue of belonging, real or alleged, in a particular social group"*.

Michael Banton, (1998, p.10), in his work suggests the following definition: *"differential treatment on the basis of sex, religion, ethnic origin"*, functions more like an indicative definition than as an expression of the essence of discrimination.

Discrimination is "*any distinction, exclusion, restriction or preference in rights and freedoms of a person or group of persons, as well as supporting discriminatory behavior based on real criteria stipulated by this law or based on alleged criteria*". (<http://www.drepturi.md/ro/discriminare>).

Analysis of discrimination studies allowed us to appreciate that this is a concept under refinement, its development and awareness being claimed by very practical concerns of those who want a better society and justice.

METHODOLOGY

The main objective of this paper is to highlight discrimination in the workplace, especially mobbing and bullying.

This paper represents an exploratory research based on qualitative method for this being consulted various sources of information about the phenomenon of discrimination: literature, case studies, media articles, reports of organizations profile etc.

The hypothesis on which we started the paper was the existence of a vast literature material, in which are presented two specific phenomena of discrimination in the workplace: mobbing and bullying site, but which are not known to the population being two confused concepts. An important role in achieving this objective was to "*Study the phenomenon of mobbing and discrimination at work in Romania*", made in 2011, as well as the study "*Discrimination in Romania*", commissioned by the National Anti advise discrimination in 2010.

APPROACHES TO THE PHENOMENON OF MOBBING / BULLING

Konrad Lorenz was the first to introduce the term mobbing to describe animal behavior, calling mobbing as "*assault or threatening behavior of a group of smaller animals on a larger animal*".

At European level the research of this problem began in Scandinavia in 1980 and it expanded in the 90's in other European countries. The central element in any definition of "*mobbing*" or "*bullying*" in most Anglo-Saxon countries, is represented by the repeated and enduring nature of negative behavior to which the target is exposed. (<http://www.manager.ro/articole/analize/fenomene-specifice-de-discriminare-la-locul-de-munca-mobbing-ul-3215>).

Andronache, F-A., *et al*, (2012), states that the application of this term in work and organizational psychology is attributed to the German psychiatrist, Leymann, who outlined the most known definition of mobbing: "*psychological terror or mobbing at the workplace involves hostile and unethical communication initiated by one / many individuals and directed in a systematic manner towards an individual who, because of mobbing, is in a state of helplessness*".

According to Tomescu, C., Căce, S., *et al*, (2011), "*mobbing at work is a form of psychological aggression exercised over a period of several months, by one or more colleagues towards another, through a series of actions meant to isolate the person*".

Potrivit Murad YÜKSEL, Bedriye TUNÇSİPER, (2011, p.55), „*the scientific definition of the mobbing is a social interaction which includes bringing the person into the helpless position with potentially high risk of impulsion*”.

The term mobbing involves two versions: an *attenuated* one which aims persecution at work and the second, *the hard* one which is described as a psychoterror at workplace. "*Through mobbing, we understand a communicative situation which threatens to cause serious physical and psychological harm to the individual.*" Andronache, F-A., *Et.al*, (2012).

Bogaru , C., (2013) , states that " *bullying (or mobbing) is one of the most common stresses that affect the legal relations of work, 12 million annual community workers suffering because acts of mobbing* " .

Mobbing or psychological harassment in the workplace has become a constant in the life of companies in both the private and public sector. (<http://www.femeiaconteaza.ro/website/index.php/>).

However, in Romania it is spoken very little about this phenomenon with extremely serious consequences on the health and working capacity of employees. Therefore, the " *Women Matter* " project, made in 2010 by the Institute for Quality of Life Research , aimed to draw a warning on the phenomenon and propose ways to support and protect victims.

At the level of organizations the sources of conflict can be extremely diverse and with varied effects on employees. Organizations that consider human resources as strategic resources, develop systems to settle conflict situations so that they are treated as learning opportunities. Where the relationship with employees is not appropriate to a modern management the result can be mobbing.

The course of mobbing is:

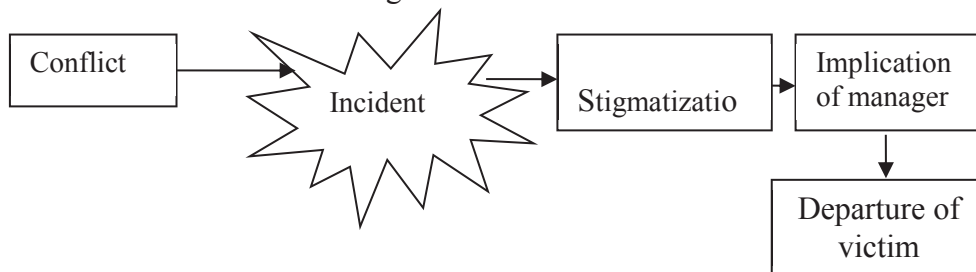


Figure no.1. Stages during the phenomenon of mobbing

Source: Gheondea Alexandra *et al.*,(2010,p.120), studiul " *Fenomene specifice de discriminare la locul de muncă* ", <http://www.revistacalitatevietii.ro/2010/CV-1-2-2010/07.pdf> □

Mobbing is exclusively specific to the job, so it can be considered at the border of discrimination. Analysis of comments regarding the presentation of mobbing allowed us to appreciate that this is a phenomena which considers psychological actions of aggression carried out by a boss or colleague to cause the victim to leave the company, with the mention that the dismissal cannot be achieved without reason.

Starting from the consideration that we spend in our workplace third of our life, we consider that the psychological comfort at work is important, its absence generating physical, psychological and social harm .

Not every action not matching the quality of employee must be regarded as a form of mobbing , it is necessary for such behavior to be repeated with regular attendance at a minimum of six months. There are times when superiors feeling their position within the organization affected adopt a domineering behavior leading to reduced performance and effectiveness of the victim. In this case we speak of bullying and not of mobbing .

Bullying is that the abusive behavior, which is characterized by a desire to humiliate someone by using psychological violence , verbal or physical .

Zlata M., Romeo , Z.,C., (2002) , states that " *bullying refers to repeated and prolonged negative actions performed by a person or persons on one or more other persons . Negative actions are those that harm , injure or interfere with another person, through physical touch, verbal, gesture or mimic* " .

Bullying is specific to superiors, while mobbing is generally conducted by colleagues. This implies a strengthening of the position of the dominator in order to

determine the victim to give in to the abuse actions and to lose effectiveness. It should be noted that if the victim fights back the attacker begins to withdraw.

If mobbing occurs with some frequency, the bullying can have a single issue not having a pattern.

Table No.1
Similarities and differences between mobbing and bullying phenomena

	BULLYNG	MOBBING
Author (s)	A person, often a superior Generally	Generally a group of colleagues
Target (targets)	Poor, humble, unqualified	Qualified above average
Actions arising from	Need of the aggressor to assert his position of superiority	Envy, jealousy aggressor
The triggering situation	The aggressor's feeling of failure	Divergence of views, potential conflicting state
Methods	Primitive, physical aggression	Complex and subtle undermining
Harassing activities	Threatening attitude from the aggressor	Apparently normal interactions, but subtly hostile
Attack	Direct	Indirect
Defense	Rather informal	Rather formal
Frequency	Relatively rare, with no specific pattern	High , at least once a week
Duration:	Varying intervals	Long lasting at least 6 months
When the victim resists	Attackers retreat	Attackers become more aggressive
Management of the organization	Often collaborates with the victim	often collaborates with the attackers
Consequences on the aggressor	Consequences on the aggressor	Often unpunished
Consequences on victim	Loss of self-esteem, anger, malaise, frustration, doubt regarding mental health, unemployment	
Organizational consequences:	Low productivity, decreased of effectiveness, creativity, loss of reputation, loss of key people	
Social consequences	Unemployment, discontent, involvement of the justice court	

Source: Tomescu C., Cace, S., *et.al*, (2011, p.26), *Study of the phenomenon of mobbing and discrimination at work in Romania*, cited BULTEN & Whatcott, 2008, p 661., www.altfem.ro/files/.

Thus, we can say that mobbing requires a more subtle aggression, less expressed physically, while bullying requires the of physical aggression type. This allows that in the bullying cases, the abuser to be punished more quickly, than in cases of mobbing.

Effects of mobbing

Considering the studies made at a national and European level on mobbing and bullying, we can state that they have consequences at both the organizational level and the victim, and also social consequences.

- At the level of organization they are manifested by decreased effectiveness of the victim, which can lead to staff turnover.
- Regarding mobbing actions on victims, the consequences can be significant. Most of the times the victim is unable to answer the attacks, this affecting his health by: lower self-esteem; feelings of self-blame; depression; psychosomatic diseases; insomnia; abnormal behavior (alcoholism); decreased self-esteem and loss of efficiency at work; acute stress; posttraumatic stress.

"These symptoms are similar to those that occur after various traumatic experiences such as disasters or attacks. Mobbing symptoms may last for several years after the incident. Other consequences may be social isolation, family and economic problems caused by absence from work or job loss".
<http://www.femeiaconteaza.ro/website/index.php/consecintele-asupra-sanatatii>.

● Regarding social consequences, they consider the victim's decision to leave the company, which may involve a period of unemployment or the victim is involved in a process, being forced to take action against the attacker.

"Most studies point out that women are more often victims of mobbing, especially since the areas where their work are perceived as masculine (ex., academic, military). The percentage of women victims varies between 54 % and 60 % of the total number of cases included in the samples. According to studies carried out in Spain, 40% of women who are the victims are persecuted also by women, in 30 % of cases by men and 30 % of cases by a mixed group of assailants. Men are in 76% of cases assaulted by men, in 21 % of cases by mixed groups and only 3% by women". Zacharias, C.,E., *Mobbing or psychological terror*, -[http:// www.snapromania.ro/uploaded_files/](http://www.snapromania.ro/uploaded_files/).

Legislative specifications regarding prevention and combating mobbing

Boghicevici, C., (2011) states that "in Europe there are specific provisions regarding psychological harassment of employees, including the promotion of actions addressed to mobbing. Since 1989 has been given the law no.89/391 by the Council Directive which contains provisions on occupational health and safety issues. It is established here that the employer is responsible for the health and safety of employees at work, including the risk of mobbing ". Since then, Member States were obliged to implement the Directive by developing legislative and non-legislative measures to eliminate or reduce the phenomenon of mobbing or bullying. And Community law, Article 31 of the Chapter on Fundamental Rights of the European Union provides that "Every employee has the right to working conditions which respect health, safety and dignity."

Currently, however, from the EU states, only France, Belgium, Denmark, Finland, Sweden and the Netherlands have adopted specific legislation regarding workplace bullying. Other Member States, such as Ireland, the UK, Germany, Italy and Spain have decided that it is necessary to regulate specific provisions to prevent mobbing, featuring current legislation provisions for the prevention and sanctioning of mobbing. Bogaru, C., (2013).

According to publications in the field, in Romania it is observed the developing of an institutional framework on prevent and combat policies of all forms of discrimination. Among the regulation are:

● O.G. No. 137/2000 on preventing and sanctioning all forms of discrimination, which provide general benchmarks of public policy in this area;

● H. G. No. 1194/2001, through which it was established the National Council for Combating Discrimination , having specific responsibilities in preventing acts of discrimination , mediation parts in cases of discrimination , possibility of investigation, and punishment of acts of discrimination, finding monitor cases of discrimination, specialized assistance for victims of discrimination.

● Law 202/2002 regarding equal opportunities and treatment between men and women. In order to implement the law in this area the National Agency for Equal Opportunities between Women and Men, was formed.

● O.G. No . 84/2004 for amending and supplementing Law no. 202/2002 , adopted in the second half of 2004, through which it was transposed the Directive 2002/73 / EC amending Directive 76/207/EEC on equal treatment between men and

women, regarding access to employment, training professional promotion and working conditions.

We may note that there is no specific legislation on the phenomenon of mobbing, but only indirect references elements addressing the policy.

In the Labour Code (art. 5 and 171) there are specifications which may include interpretation and management of type mobbing phenomena.

The unique and national CAOS for years 2007-2010, is the first document of its kind to contain references to activities that can be described as mobbing. These regulations specify that the organization and operation of public and private organizations must include non-legislative provisions related to violence and harassment in the workplace.

In some private organizations, particularly multinationals, we find written and implemented codes of good practice in labor relations, which include elements of prevention and combating of discrimination.

CONCLUSIONS

Given the above we can say that the interest in discrimination in Romania becomes larger. However the paradigm of mobbing, once released, entered the sphere of interest of researchers , whether the term of mobbing or bullying is used.

We note that although the phenomenon exists in Romania, public discussion about mobbing are very rare. The “unwanted” employee is often unable to fulfill duties. Pressures and humiliations suffered by the victims, highlight the psychological and social damage, with repercussions on health. Employee shall not long endure a series of injustices and humiliation designed to bring the point at which to leave alone from that job.

Research in the field point out that women can be more easily target of mobbing attack, but European statistics show that both women and men are targets of these actions, approximately at equal percentages .

However the legislation is poorly known even by those working in the area of anti - discrimination, with rather segmented or partial knowledge . In Romania the current individual risk issues are managed through policies promoting anti-discrimination or existing equality.

The solutions chosen by different countries are considering a combination of legislative interventions and non- legislative directly and indirectly. For Romania it is necessary:

- knowledge and raising awareness of the phenomena through information on the consequences that may encourage and may take place either at the individual, organizational, and economic level;

- better education/information on decision makers and stakeholders (unions, employers and employees);

- prevention of " mobbing " in indicators packages by managers;

- be a social dialogue on this issue, in which the various stakeholders can interact and negotiate solutions;

- the organization to have some organizational standards, to be known and applied by all employees.

It should be noted that the mobbing phenomena continues to be the topic of many studies and research in the field.

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