



Prevention of Bullying Situations in the Workplace

Mentor Isufaj

Universiteti "Aleksander Moisiu",
Albania

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Abstract

This work will particularly focus on the phenomenon of bullying in the workplace, and the misfortune that haunts victims of bullying. In many workplaces, victims of bullying lose their jobs, increase the number of absences or resign. Bullying in the workplace is also associated with loss of self-confidence and self-control. Also other problems related to bullying in the workplace are problems with stress, health problems. The results provide data-driven recommendations to facilitate HR staff to design and develop policies, rules and approaches against bullying, which should be comprehensive and meaningful, to ensure that bullies and victims are not excluded from the workplace, but to educate and regulate staff behavior. In recent years, bullying in the workplace has become a key issue for many companies and the policies developed by these companies have not been effective, at least referring to the workplace in Albania. Therefore, this is an issue that requires the attention and effort of many actors to be properly identified and addressed, for the benefit of all employees involved in this phenomenon. Harassment in the workplace is defined as a situation where an individual has been exposed to negative acts by one or more individuals for a long period of time for which it has been difficult to defend. In Albania 47% of respondents say that bullying situations have started in the last years, so we have a growing tendency to raise awareness about the phenomenon of bullying. In other countries, the respondents indicate that this phenomenon has existed for a long time, an answer that we receive from young people in Albania. This shows that the younger generation is giving more importance to psychological and emotional well-being in the work environment. In European countries, the highest percentages of bullying come from colleagues due to competition to "appear", while in Albania, bullying is committed by direct superiors to show their superiority. Most Albanian employees are not aware of the regulations and norms of the organizations where they work. They are not interested in knowing their rights, and what are worse, human resources do not do their job in the On-boarding process. Employees who fall prey to the phenomenon of bullying have the most serious consequences for the desire for work, which is declining, and for the decline in performance at work. From experience and literature we encounter a very important phenomenon: in European countries, at the moment when the employee has a decrease in efficiency, the task of human resources is to identify the problem and intervene in solving it. While in Albania, in most companies, whether corporations or smaller businesses, this process does not take place. It is preferable to personify the problem with the person, which not only does not solve the situation but further aggravates it. The Constitution of the Republic of Albania, approved by Law no. 8417, dated 21.10.1998, amended by Law no. 9675, dated 13.1.2007 and by Law no. 9904, dated 21.4.2008, provides that all citizens are equal before the law and no one may be unjustly discriminated against on grounds such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational, social or parental status. The Labor Code is the basic law that regulates labor relations in Albania. The Labor Code, as well as the Constitution of the Republic of Albania, sanctions the principle of prohibition of discrimination. More specifically, the Labor Code provides that any kind of discrimination in the field of employment and occupation is prohibited. Non-discrimination and the right to employment are the main axes provided by the Labor Code.

Keywords: Bullying at work, harassment, fear, ill-treatment, aggression

1. Introduction

1.1 Comparative overview of two realities related to the phenomenon of bullying

From the comparative interviews 75% of the persons interviewed in the Albanian state bullying represents only the most serious form, that of attack. Emotional and psychological health does not matter for Albanian employees. On the other hand in the other two countries, respectively in Italy and Prague 80% and 68%, think that harassment in the workplace starts from the easiest form, from verbal harassment and this is the most widespread form of Bullying in these countries. These shows how uninformed we are about well-being at work, and about the phenomenon of Bullying, which in Albania is personified by physical violence.

49% of Albanian employees interviewed say they have never felt bullied. From a more detailed analysis, what is noticed is that the persons who have completed the questionnaire with this answer belong to the age group +36 years, showing us once again that those with bullying understand only the attack. From the persons who have completed the questionnaire in foreign countries we notice a similarity in the answers, as in these countries not only physical attack is considered as harassment, but also verbal or psychological.

47% of respondents in Albania say that situations of bullying have started in recent years, so we have an increasing tendency to raise awareness about the phenomenon of bullying, and the age group that has given this answer is under 35 years old. In other countries, the respondents indicate that this phenomenon has existed for a long time, an answer that we receive from young people in Albania. This shows that the younger generation is giving more importance to psychological well-being and emotions in the work environment.

We notice a similarity of the occurrence of the phenomenon of witnessing cases of bullying, in Italy and Prague respectively 43% and 55%. They are occasionally witnesses of this phenomenon, not because it does not exist in Albania, but because they do not identify it as such. The human resources manager has a duty to ensure the well-being of the staff.

In Italy and Prague, respectively 33% and 42% of respondents have a kind of respect, responsibility for their work and that of colleagues. Report, point out, and intervene when something goes wrong in the workplace because it is about collective well-being. The opposite happens in our country, where and why it is probably noticed as problematic, 56% of employees prefer not to talk, with the idea that the problem itself will disappear. Maybe it has to do with the fact that we are afraid of the workplace, that at the moment of reporting we take on the role of "insurgent" and will always be targeted by superiors.

55% and 43% of respondents in Italy and Prague answered that bullying comes from colleagues due to competition to "appear", while in Albania, 38% of respondents think that bullying is committed by direct superiors for it showing their superiority.

58% of people interviewed in the Albanian state, are indifferent to the phenomenon of bullying, typical behavior, as long as something does not affect us personally, we do not react, to oppose the phenomenon, despite the fact that tomorrow we may be prey to a situation of such.

48% of Albanian employees are not aware of the regulations and norms of the organizations where they work. They are not interested in recognizing their rights, and what are worse, human resources do not do their job, in the process of on-boarding of employees. In Italy and Prague, 51% and 54% respectively are interested, show interest in collective welfare. They are interested in the policies that the company has, but also in the fact whether or not these policies are respected.

There is a tacit agreement on the consequences of Bullying in the workplace. 42% of Albanian employees have had the most obvious consequence: loss of desire for work, while in Italy and Prague respectively 48% and 30% have the same problems. In Prague 43% of respondents answered that they have had a decline in performance at work, while in Italy 18% of them have encountered this phenomenon.

45% of Albanian employees are not aware of the measures taken in their company regarding the problems of bullying in the workplace, normally the measures taken in the company are not made public to all staff, but the lack of change of behavior by the person committing the bullying, leads other employees to think that no action has been taken, or that they are unaware. This is noticed in the approximate percentage with the other answer where it is said that the measures have not been enough. Compared to Italy and Prague it is observed that employees feel that measures in relation to a situation of Bullying in the workplace have not only been taken, but have been and have been effective. 44% of people surveyed in Italy think that measures are taken in case of the occurrence of the phenomenon of Bullying, and these measures are effective, so the situation has changed. In Prague 39% of respondents think that measures are taken

and these measures serve to change the situation, improving it.

1.2 What is bullying?

Bullying is generally defined as a specific category of aggressive behavior, characterized by repetition and a defined power imbalance (Olweus, 1993). These are behaviors repeated over time, and the victim being targeted and unable to defend themselves for one or more reasons: perhaps he or she is in a minority situation, or is younger and less physically strong than the attacker, or less resistant to the psychological level of the person or persons harassing him. The definition of "systematic abuse of power" (Smith & Sharp, 1994, p. 2) also includes the above two characteristics.

Although these two characteristics (repetition and power imbalance) are not the same, they are widely used. In fact, bullying, by nature, is likely to present specific characteristics (such as the fear that the victim has of talking about what is happening to them) and specific consequences (such as the development of low self-esteem and depression on the part of the person suffering from bullying). The helplessness of those who suffer these episodes implies an obligation to intervene when the democratic rights of victims are violated. Harassment can occur in many settings: in the workplace, indoors, in the social setting, in schools, in prisons, and so on. It is no coincidence that bullying at work, among other issues, is becoming increasingly important to study. Even in schools it can be assumed that bullying interferes with relationships between teachers, between teachers and students and vice versa, and also between classmates. To accurately determine bullying it is necessary consider the two main dimensions in which it occurs:

1.3 Behavior and relationship

From a behavioral point of view, bullying is interpreted as a series of aggressive, conscious and voluntary acts, which they have a continuous duration in time and are committed against one or more individuals by one or more individuals (Sullivan, 2000).

From the point of view of the relationship, it can be considered the abuse of power, premeditated and opportunistic, directed against individuals incapable of defending themselves.

Bullying is a complex phenomenon, already studied for forty years. Smith and Sharp (1994) define bullying as intentional aggressive behavior of one or more individuals, repeated over time, based on the asymmetry of the bullying-victim power, often realized in front of other individuals. Based on this definition, it is possible to identify some elements that characterize the phenomenon in question (Caneppele, Mezzanotte and Savona, 2010):

a) Aggressive behavior. Aggressive behavior includes both episodes of physical violence (pushing, beating, etc.) and those of psychological violence (humiliation, slander, etc.).

b) Purpose. The person engaging in aggressive behavior should be aware of his actions and should aim to harm the victim.

c) Repetition. Harassment is characterized by a recurrence of abuse. This feature distinguishes it from other forms of aggression.

d) Asymmetry of power. The bully acts thanks to an imbalance of power, physical or social, which makes him stronger than the victim.

e) The presence of other individuals. Harassment often occurs in front of other individuals, who may be accomplices of the bully or mere spectators.

The criteria mentioned above allow to distinguish harassment from the aggressive games of a less serious entity, but also from much more disturbing phenomena such as violent aggressions capable of causing disabling damage, use of their weapons or inappropriate, threats serious and sexual violence. In the latter cases, real criminal acts are faced, which should be treated as such (Fedeli, 2007).

1.4 Typologies of bullying;

1.4.1 Physical harassment

We can talk about physical harassment when abuse takes place through physical contact, i.e. when the bully attacks the victim with: pushing, abduction, beating, pulling, bumping the victim, presenting the victim in different places by force etc! The most common form of bullying is physical bullying. This type of bullying is mainly applied by boys to other boys. It is a kind of direct violence, which is intended to hurt, making the other feel weaker and more vulnerable.

The bully is the one who wants to show his strength and power to others, through violence: he uses punches, kicks and often he performs a real physical attack. These characteristics are prevalent in male harassment.

1.4.2 *Psychological harassment*

Psychological harassment differs from verbal harassment by the intent of hurting the victim emotionally. The purpose is not to ridicule or insult the victim, but to arouse a strong psychological concern in him. These are real offenses on a personal level with the willingness to harm the victim at her weakest points: disabilities, physical defects, sexuality, religion, but also personal situations such as in the case of adopted children, foreigners, children of special parents. Moreover, serious acts directed at loved ones and family members are directed at the victim, such as discrediting the socio-economic status of the family or the work of the parents. Finally, the uses of serious threats that tend to terrorize the victim also fall into this category. There is talk of psychological bullying or 'female bullying': the bully is more subtle and smarter than the bully and encourages his victim's weak points, hitting him on a psychological and almost never physical level. It is difficult to identify because there are no symptoms, obvious signs and often those who experience this type of harassment cannot demonstrate what is happening and remain silent. Moreover, the victim himself, while not suffering physical violence, tends to underestimate the situation and does not involve others for fear of appearing weak.

Psychological harassment occurs if false words are spread about the victim.

The bully creates his own group in which the victim is excluded, ignored. (she is not invited to birthday parties, group outings etc ...) gradually the victim becomes isolated and loses friendship. Victims begin to hate themselves and think they are "wrong": psychological harassment destroys self-esteem. They lose the desire to go out, become depressed, closed and insecure, and are even afraid to go out and be in contact with people because they feel insecure and excluded from society.

1.4.3 *Verbal harassment*

Verbal harassment occurs when abuse takes place exclusively through language: insults, harassment, annoying nicknames, minor threats. Verbal harassment has the same purpose as psychological harassment, which means harming the victim. To hit the victim, you do not use punches or kicks, but a powerful weapon: the word.

Bad, insulting words are used and repeated every day, until the victim is convinced that they are true: the victim begins to see himself as ugly, to believe that he is alone, wrong, different, and ends up blaming himself for the situation, in instead of blaming others.

Verbal harassment occurs if: we mock by insulting every day, with insulting jokes and words about physical appearance, clothing, sexual orientation and family situation. We identify victims or call them in the eyes of others with offensive nicknames aimed at mocking and causing harm to the victim.

1.4.4 *Bullying at school*

Bullying is quite prevalent especially in school and there are cases of bullying starting from kindergarten and elementary schools. Often those who experience bullying during these years are more exposed to bullying and in high school, university or in a future work environment.

Bullism on professors; there are cases in which boys aim at a professor, and harass a professor who may have a problem with sight, hearing.

Bullism of professors (or bullying from above); there are also times when teachers become bullies: teachers who disrespect students, using their role to make them feel inferior. A student may also feel persecuted by a teacher who never loses the chance to ridicule him in front of others and who for no reason makes it fun in class (you are stupid, ignorant, etc.). The professor can treat the student badly without any reason before all. Constantly insults the ability and intelligence of students (you are stupid, incompetent, ignorant ...). Gives disciplinary action and notes for no reason. He wants students to believe they have no future or to be discouraged.

1.4.5 *Harassment at work*

Harassment at work is a form of psychological violence. The victim suffers unfair, aggressive and repeated behavior over time, from colleagues, from his boss or superiors. Those who suffer from it are discriminated against, criticized.

Constantly mocked in front of others, victims are entrusted with disqualifying duties, in order to destroy, eliminate this person from his job, causing him to be fired.

2. Legal Aspects Related to the Prevention, Identification and Punishment of the Phenomenon of Bullying

The Constitution of the Republic of Albania, approved by Law no. 8417, dated 21.10.1998, amended by Law no.9675, dated 13.1.2007 and by Law no.9904, dated 21.4.2008, provides that all citizens are equal before the law and no one may be unjustly discriminated against on grounds such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational, social or parental status. No one can be discriminated against for the above reasons, unless there is a reasonable and objective justification. The Constitution also prohibits a citizen from being forced to perform forced labor against his / her will.¹⁰³ More specifically, the Constitution provides that no one may be required to perform forced labor, except in cases of the execution of a judicial decision, of the performance of military service, of a service arising from a state of war, from a state of emergency or from a natural disaster, which threatens the life or health of people. Regarding labor relations and other related relations, the Constitution has a set of provisions that sanction the most important principles related to human rights of economic, social and cultural nature.¹⁰⁴

The Labor Code is the basic law that regulates labor relations in Albania. The Labor Code, as well as the Constitution of the Republic of Albania, sanctions the principle of prohibition of discrimination.¹⁰⁵ More specifically, the Labor Code provides that any kind of discrimination in the field of employment and occupation is prohibited. Non-discrimination and the right to employment are the main axes provided by the Labor Code.

According to this Code, discrimination means any difference, exception or preference based on race, color, sex, age, religion, political belief, national origin, social origin, family ties, physical or mental disabilities that violates the individual's right to be equal in employment and treatment. Differences, exclusions or preferences required for a particular job are not considered discrimination. Special protection measures for employees provided by this Code by decision of the Council of Ministers or by collective agreements are not considered as discrimination.

The main sources of rights and obligations¹⁰⁶ related to the employment relationship are:

- a) *Constitution of the Republic of Albania;*
- b) *International conventions ratified by the Republic of Albania;*
- c) *Labor Code;*
- d) *Collective labor contract;*
- e) *Individual employment contract;*
- f) *Employer's internal regulations;*
- g) *Local and professional customs.*

Professional customs are applied only when there are no legal provisions, provisions in the agreement, contract, as well as when the legal provisions explicitly refer to professional customs. The employee may not waive the rights deriving from the mandatory provisions of this Code or the collective labor contracts. Agreements made in the presence of the labor inspector or in the form provided for in the collective labor contract are valid, which aim to amicably resolve a conflict, by making mutual concessions, accepted voluntarily by both parties. An employment relationship is a relationship that is legally regulated through an employment contract.

An employment contract¹⁰⁷ is an agreement between the employee and the employer, which regulates the employment relationship and contains the rights and obligations of the parties. In the employment contract the employee undertakes to offer his work or service for a certain or indefinite period of time, within the organization and orders of another person, called the employer, who undertakes to pay remuneration. The Labor Code also provides for the group contract¹⁰⁸, the part-time employment contract¹⁰⁹.

¹⁰³ *Nenin 26 të Kushtetutës së Republikës së Shqipërisë*

¹⁰⁴ *Nenet 49-54 dhe 59 të Kushtetutës së Republikës së Shqipërisë.*

¹⁰⁵ *Neni 9 të Kodit të Punës së Republikës së Shqipërisë, nenin e fjalë ka pësuar një amendim me ligjin nr. 8085, datë 13.3.1996*

¹⁰⁶ *Neni 11 i Kodit të Punës së Republikës së Shqipërisë, ndryshuar me ligjin nr.8085, datë 13.3.1996 dhe me ligjin nr.9125, datë 29.7.2003.*

¹⁰⁷ *Neni 12 i Kodit të Punës së Republikës së Shqipërisë, ndryshuar me ligjin nr.8085, datë 13.3.1996 dhe me ligjin nr.9125, datë 29.7.2003.*

¹⁰⁸ *Neni 13 i Kodit të Punës që parashikon kontratën e grupit*

¹⁰⁹ *Neni 14 i Kodit të Punës që parashikon kontratën e punës me kohë të pjesshme*

3. Law on Gender Equality in Society

The Law on Gender Equality in Society¹¹⁰ sanctions the obligations of the employer to implement equal rights for women and men at work, regarding recruitment, the creation of equal working conditions, the payment of equal pay for work of equal value, and the award of equal opportunities. The employer should take care to take measures to stop sexual harassment of the employee¹¹¹, as well as to take measures to stop the persecution of the employee who has filed a complaint of discrimination by the employer; According to this law, discriminatory actions of the employer will be considered those where he uses differentiated standards to employees regarding working conditions, duration of work or payment for work of equal value, when he offends the employee due to a complaint against the above actions. of the employer. Specifically in this law we find the obligation of the employer to protect employees from sexual harassment. He should take immediate action to stop this harassment as soon as a complaint is lodged. After reviewing the relevant complaint, the employee must take appropriate organizational and disciplinary measures. The employee, who has been discriminated against on the grounds of gender, can appeal to the court and the latter has the right to impose a fine of 50 times the employee's salary.¹¹²

4. Law on Protection from Discrimination

Law No. 10 221, dated 04.02.2010, "On protection from discrimination" provides as its subdivision the treatment of protection of discrimination in employment. This law prohibits discrimination against a person in relation to his or her right to employment. Discrimination includes any discrimination, restriction or exclusion that is based on the legal grounds mentioned and is related to: job vacancies, recruitment and selection of employees; treatment of employees in the workplace, including their treatment during the establishment or change of working conditions, remuneration, benefits and working environment, treatment related to professional training or during the disciplinary process or related to dismissal or termination of the employment contract or membership in trade unions and the opportunity to benefit from the facilities provided by this membership. It also prohibits any kind of harassment, including sexual harassment, from the employer to an employee or job seeker or between employees.

5. Conclusion and Recommendations

Research on workplace bullying has grown, matured, and developed extensively in a relatively short period of time, and bullying is now considered one of the most damaging stressors in work life (Niedhammer, Chastang, Sultan-Taieb, Vermeylen, & Prindi- Thirion, 2013).

However, there is still much we do not know about the phenomenon of bullying in the workplace. The statistical study showed that the percentages of employees in European countries, who perceive that they are victims of verbal and emotional abuse during the previous 12 months, are more than half of all respondents, confirming a strong presence of the phenomenon studied and the most forms frequent abuse / harassment are (fortunately) those of a mild kind. But the opposite happens in Albania, 30% of respondents perceive as harassment the most serious form of harassment, attack.

The results showed that in Albania the bullied are rarely helped by colleagues, more precisely 16% of respondents help them.

Doing nothing was not the best tactic. Of course, doing nothing to help colleagues when they are anxious is not a neutral act. It is a negative act.

Einares's study, (2000) describes that lack of awareness, training and incompetence of the human resources department leads to increased cases of harassment within the workplace. Often times the Human Resources Department at various enterprises, does nothing but ask the bully to stop the bullying behavior. One of the reasons may be that, the bully holds a good position in the company.

Human resources are called company assets, a proactive approach is more recommended. Organizations should consider the workforce as their most important resources. Due to globalization, no organization can be successful if its employees are not motivated and satisfied in the future. Organizations do not achieve maximum productivity without employee motivation. There are many factors that lead to employee satisfaction in the work environment. One of the most important is the work environment. Organizational culture and work environment lead to employee motivation, which

¹¹⁰Ligjipërbarazinëgjinorenëshoqëri, Nr.9198, datë 1.7.2004.

¹¹¹Neni 4 iLigjipërbarazinëgjinorenëshoqëri 9198/2004

¹¹²Nenin 202 tëKoditëPunësDhënitë 16 tëLigjipërbarazinëgjinorenëshoqëri 9198/2004

ultimately give maximum results. The human resources department should review policies against Bullying. The proactive approach can be achieved by designing a comprehensive policy that defines and identifies the disciplinary measure against the perpetrator.

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