

# WORKPLACE BULLYING ASSESSMENT & CHECKLIST

## Serbia

### 2017



The Isosceles Group

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## **△ Introduction**

### **Content**

The Workplace Bullying Assessment & Checklist provides general information on the current state of workplace bullying as a global health and safety risk, as well as regional and country specific legislation, trends, government and corporate practices, resources, and an audit checklist for self-assessment. It is intended to provide corporations, both large and small, with information about workplace bullying trends and legislative requirements in the noted jurisdiction and its region. The Isosceles Group's (Isosceles) experts can assist companies with an assessment of bullying in their workplace, the design, implementation, and oversight of a country-specific workplace bullying program for most jurisdictions around the world, and updates on workplace bullying laws and trends in their country and region. For more information, please contact Brittany Palmer at 617-330-2800 or [bpalmer@theisogroup.com](mailto:bpalmer@theisogroup.com).

### **Disclaimer**

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The Isosceles Group provides environmental management and occupational health and safety services to industry and governments worldwide. Founded in 1999, our mission is to develop and optimize ESH systems and provide time-critical support in key compliance areas in a cost-effective manner.

Isosceles develops, implements and maintains occupational health and safety (OHS) and environmental management systems (EMS) at client facilities, and manages environmental issues that affect the acquisition, operation, expansion and closure of industrial and commercial real estate. Isosceles conducts environmental due diligence and corporate social responsibility (CSR) assessments worldwide, and has developed auditing and facility development protocols for the efficient assessment of OHS and EMS requirements for industry in over 65 countries, including China, India, Mexico, and countries within the European Union. Isosceles also develops country-specific workplace bullying assessments and checklists as well as country-specific human rights provisions in regards to internationally recognized corporate social responsibility and sustainability disclosure requirements.

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## △ Workplace Bullying Defined

The term workplace bullying may encompass or include, depending on the country and the legislation, bullying, mobbing, harassment, dignity, discrimination (including equality), violence, and/or stress.

Around the world, a variety of terms are used for workplace bullying, mobbing, psychological abuse, psychological violence, and/or harassment. Different terms are used by different countries for the hostile behavior often referred to as bullying. Terms include moral harassment or harassment, psychological violence, and mobbing. Additional terms include: work or employee abuse, mistreatment, emotional abuse, bossing, victimization, intimidation, psychological terrorization, harcèlement moral, harcèlement psychologique. Japan's term for bullying is power harassment.

Bullying, mobbing, and moral harassment all describe a wide variety of negative workplace behaviors including verbal threats, personal attacks, innuendo, and deliberate isolation of a colleague. Separate incidents may be relatively innocuous but are often sustained or persistent in character; it is their cumulative effect that is damaging.

Anglo-Saxon jurisdictions, including the United Kingdom, the United States, and Australia, tend to use the term "workplace bullying," while French-speaking jurisdictions refer to "harcèlement moral," or moral harassment, as in France and Belgium, or "harcèlement psychologique" or psychological harassment, as in Quebec. Scandinavia and Germany use the term "mobbing".

Mobbing is described as "systematic collective violence" and it "typically involves a group of workers ganging up on a target worker and subjecting that person to psychological harassment". Mobbing can be expressed in many different actions, some of which include singling out and isolating the victimized worker, depriving him/her from social activities, or spreading false information. Generally, bullying refers to a situation in which a person is harassed by an individual, while mobbing is a situation of collective harassment. Bullying is "repeated offensive behaviour through vindictive, cruel, malicious or humiliating attempts to undermine an individual or group of workers".

No single definition of bullying has been agreed upon internationally at this time.

A key finding of the European Foundation for the Improvement of Living and Working Conditions, 2010: Physical and Psychological Violence at the Workplace, is that overall, levels of reported psychological violence are higher than those of physical violence. "Of

the diverse types of psychological violence, bullying or general harassment is more prevalent than sexual harassment.”<sup>1</sup>

Conduct constituting workplace bullying may include the following cumulative and repeated conduct:

- False accusations of mistakes and errors;
- Hostile glares and other intimidating nonverbal behaviors;
- Yelling, shouting, and screaming;
- Exclusion and the “silent treatment”;
- Withholding resources and information necessary to the job;
- Behind the back sabotage and defamation;
- Use of put-downs, insults, and excessively harsh criticism; and
- Unreasonably heavy work demands.

Conduct which isn’t workplace bullying includes:

- Everyday disagreements and “dust-ups” in the office;
- Someone having a bad day and losing his/her temper; and
- Reasonable instructions, directives and employee reviews.

**Bullying/Mobbing can occur at various levels.** Horizontal mobbing is conducted among employees in the same position in the hierarchy of the organization. Vertical mobbing is conducted largely from top to lower ranking employees.

Bullying at work can involve people in different work situations and at different levels in the organization such as:

- Manager/supervisor to employee;
- Employee to supervisor/manager;
- Employee to employee (or group to group);
- Customer or business contact to employee; and
- Employee/supervisor/manager to customer/business contact.

Factors which may signal a risk of bullying at work include:

- High turnover of staff, high absenteeism, or poor morale;
- Changes in the workplace such as change in ownership, new manager or supervisor, introduction of new work performance measures or of new technology or internal re-organization;

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<sup>1</sup> European Foundation for the Improvement of Living and Working Conditions, 2010. Physical and psychological violence at the workplace, page 6, at:

[http://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1381en.pdf](http://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1381en.pdf).

- Management of relationships in the workplace – bullying may be more likely to happen in workplaces that do not have an effective management system which respects persons and monitors and supports work relationships;
- Personality differences – petty jealousies, personal biases, taking advantage of vulnerable or less ‘street-wise’ individuals can contribute to bullying;
- Gender/age imbalance – bullying may be more likely where there is an age or a gender imbalance in the workplace;
- Other factors include the composition of the workforce, interface with the public, history of tolerance of unacceptable behavior, lack of or inadequate procedures or disregard of procedures for dealing with bullying.

### △ **Workplace Bullying Programs**

Pursuant to the employer’s obligation to conduct work in a manner that minimizes the risk of bullying and mobbing, a recommended workplace bullying program should include the following:

- Conducting a Risk Assessment to gather information based on the organizational climate, work environment assessments, or similar measures that may exist in the company, as well as views from consulting with employees and their representatives;
- A written definition of bullying and mobbing which makes it clear that such behavior is not acceptable;
- A Bullying Prevention Policy which sufficiently addresses those risks assessed in the Risk Assessment and sets forth ways to measure implementation;
- Clarity of individual and department goals, roles, and accountabilities;
- Providing access to relevant competent and supportive internal and external structures;
- A written anti-bullying policy which has been signed and dated by a responsible person in senior management;
- Posting and distribution of the policy;
- Periodic review of the policy, and updating it if necessary;
- Providing appropriate training and development for all employees, particularly those in line manager roles;
- A complaint procedure and designation of a person with whom to file a complaint;
- An investigation process which ensures confidentiality, and impartiality;
- Protection from retaliation;
- Appropriate measures to be taken against a perpetrator; and
- Implementation of corrective measures if bullying has been found to have occurred, and other follow up measures.

The following measures may aid an employer to identify if bullying may be a hazard in its workplace:

- If unacceptable conduct or behavior has been observed;
- If employees, or others on their behalf, have lodged substantiated complaints of workplace bullying;
- If human resources, the company physician, nurse, or a similar person reports workplace bullying;
- If, in conjunction with the above, more than average sick leave is used, particularly if it is used as a result of work-related stress.<sup>2</sup>

## Trends

### Cyberbullying

Cyberbullying is use of the internet to harass, threaten, or maliciously embarrass.

**Surveys show an increase in cyberbullying incidents at work.** One study from National Library of Medicine of the National Institutes of Health showed that 10.7% of respondents were cyberbullied.<sup>3</sup>

In workplace settings, companies are just beginning to consider policies to effectively govern social-media etiquette among employees. Awareness about the potential invasiveness that can stem from use of social media has not kept pace with its pervasive use. Known as cyberbullying, or internet harassment, it is like traditional workplace bullying and harassment in the workplace, but involving electronic devices and online communications.

Cyberbullying, according to the Canadian Centre for Occupational Health and Safety, includes but is not limited to:

- Malicious or threatening emails, text messages, and tweets;
- Electronic communications that contain jokes about ethnicity, religion, sexual orientation, or any other topic that would make an individual uncomfortable;
- Public shaming via a mass email;
- Sharing embarrassing, offensive, or manipulated images or videos of an individual;

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<sup>2</sup> Source: Ireland Health and Safety Authority. Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work at [http://www.hsa.ie/eng/Publications\\_and\\_Forms/Publications/Occupational\\_Health/CoP\\_Bullying.pdf](http://www.hsa.ie/eng/Publications_and_Forms/Publications/Occupational_Health/CoP_Bullying.pdf). Section 3-6.

<sup>3</sup> USA Today At Work: Cyberbullies graduate to workplace, by Andrea Kay, Gannett June 8, 2013 <http://www.usatoday.com/story/money/columnist/kay/2013/06/08/at-work-office-cyberbullies/2398671/>.

- Spreading lies and gossip – social networking sites and blogs are usually the most common ways people become victims of another person’s cyberbullying;<sup>4</sup>
- Encouraging others to send the victim unsolicited and/or threatening e-mail or to overwhelm the victim with e-mail messages;
- Sending viruses by e-mail (electronic sabotage);
- Spreading rumors;
- Making defamatory comments about the victim in public discussion areas;
- Impersonating the victim online by sending an inflammatory, controversial or enticing message which causes others to respond negatively to the victim;
- Harassing the victim during a live chat;
- Leaving abusive messages on web site guest books;
- Sending the victim pornography or other graphic material that is knowingly offensive; and
- Creating a web page or writing an entry on a blog that depicts the victim in negative ways.<sup>5</sup>

### Inclusion of Bullying under Psychosocial Risk Legislation

Bullying and harassment have more recently begun being covered under a regulatory framework covering all psychosocial risks that could lead to stress, rather than by separate legislation. Countries, such as Belgium, regulate bullying and harassment in this manner, while the Netherlands extended the term Psychosocial Workload, which had addressed sexual intimidation, aggression, and violence, to include harassment and pressure of work.

### **Importance**

Workplaces in which bullying and harassment are allowed to occur undermine and harm both the organization and those who work for it. Employer and organization costs may include those from litigation, increased staff turnover and loss of morale, reduced productivity, employees’ absenteeism, increases in health care and disability costs, early retirement costs, and counseling program costs.

### Corporate Costs

Calculating costs of workplace bullying is complicated because numerous dynamics are involved, and each case depends on the company’s size, how bullying is addressed, and the organizational culture.

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<sup>4</sup> Cyberbullying in the Workplace, November 30, 2012, updated May 13, 2013 at <http://www.northeastern.edu/securenu/cyberbullying-in-the-workplace/>.

<sup>5</sup> CCOHS Internet Harassment or Cyberbullying, October 2014 at <https://www.ccohs.ca/oshanswers/psychosocial/cyberbullying.html>.

Costs to a company may include:<sup>6</sup>

- **Productivity:** Employers face a loss of productivity due to workplace bullying. It has been suggested that productivity could decline up to 40% when workers are distracted from tasks by bullying. Additionally, bullied employees may lose motivation.
- **Lost Time Due to Sick Leave or Stress Leave:** Research out of the United Kingdom suggests that workplace bullying has been a factor in **the loss of 18.9 million working days each year**. Royal & Sun Alliance, the largest commercial insurance company in the United Kingdom, has suggested that this has **cost businesses approximately 18 billion British pounds annually (~\$22 billion)**, which equates to roughly 8-10% of a company's profits.
- **Employee Turnover:** Workplace bullying is associated with high turnover rates. A report released by [noworkplacebullies.com](http://noworkplacebullies.com) suggests that up to 30% of bullied employees will resign from their jobs, and 20% of those who witness bullying will also leave the organization. Figures released by [overcomebullying.com](http://overcomebullying.com) suggest that **the number of employees who leave due to bullying could be much higher, perhaps as much as 70%** of bullied employees leave their employers. The resulting consequences to the employer include replacement costs associated with recruiting, hiring, and training new staff.
- **Impact to the Company's Reputation:** Workplace bullying can bring a decline in morale, thus making the workplace even more susceptible to high turnover rates as employees throughout the organization leave and tell others of their negative experience. The company may develop a reputation for allowing bullying.
- **Medical Costs:** Employer costs in the form of sick leave, health insurance costs, and worker compensation claims for issues related to high blood pressure, depression, migraine headaches, or anxiety as a result of workplace bullying.
- **Legal Costs:** In some cases, employers have been found liable for the bullying that takes place within their organizations. Regardless of the outcome of a case, legal costs associated with engaging in legal proceedings may be significant.

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<sup>6</sup> Financial Impacts Of Workplace Bullying Financial Impacts Of Workplace Bullying, by Janet Fowler, Investopedia <http://www.investopedia.com/financial-edge/0712/financial-impacts-of-workplace-bullying.aspx#ixzz4VTReRQ5K>.

Findings reported in the Civility Partners, LLC White Paper: The Cost of Bad Behavior in the Workplace<sup>7</sup> regarding the costs to companies of workplace bullying include the following:

- Michael H. Harrison of Harrison Psychological Associates cited a study in the Orlando Business Journal that surveyed 9,000 federal employees. Of those surveyed, 57% reported they had been bullied over a two-year period, and the study estimated that these bullies had collectively cost their organizations more than \$180 million (Farrell, 2002).
- The Corporate Levers Survey, a survey conducted by the Level Playing Field Institute (2007), a non-profit organization focused on innovative approaches to fairness in the workplace, estimated that the cost of unfairness to American businesses, including bullying (i.e., public humiliation)—is more than \$64 billion annually.
- The American Psychological Association estimated that **bullying and other types of abusive behaviors cost businesses \$300 billion annually** in lost productivity, absenteeism and turnover, as well as in increased medical costs (Clay, 2010).

### Costs to Individuals

The presence of violence and harassment in the workplace represents very considerable costs to individuals in terms of ill health and with respect to their employment relationship. Exposure to bullying may have severe health consequences for those involved, manifesting as somatic symptoms, anxiety, and depression. Workers exposed to psychosocial risks report significantly higher levels of work-related ill-health than those who are not.

Most frequently reported health problems associated with bullying include:

- Fatigue;
- Stress;
- Sleeping problems; and
- Depression.

Exposure to psychological violence is correlated with higher-than-average rates of absenteeism. Although psychological violence is, by its nature, more cumulative in its impact than physical violence, its negative health effects measured in terms of absenteeism appear to be just as detrimental as physical workplace violence. Moreover,

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<sup>7</sup> White Paper: The Cost of Bad Behavior in the Workplace, Civility Partners, LLC  
[http://www.civilitycenter.org/uploads/8/3/3/6/83360672/white\\_paper\\_cost\\_of\\_harassment\\_and\\_bullying\\_at\\_work.3144716\\_1.pdf](http://www.civilitycenter.org/uploads/8/3/3/6/83360672/white_paper_cost_of_harassment_and_bullying_at_work.3144716_1.pdf).

research reveals that workers who witness bullying can also be adversely affected, sometimes having a stronger urge to quit than those who experience it firsthand.

**In the most severe cases, workplace bullying may even result in suicide**, such as in the case of Brodie Panlock. Brodie's Law was introduced in Victoria, Australia after a young woman, who was subjected to relentless bullying in her workplace, committed suicide.

In July 2016, following a seven-year inquiry into a wave of suicides at France Telecom, a Paris public prosecutor recommended that its former chief executive and other key figures be put on trial for workplace bullying. If the trial proceeds, it would be the first trial in France for bullying (known in France as moral harassment or psychological harassment) of such a large company.

France Telecom is a multinational telecommunications corporation which became Orange in 2013. At least 19 people are known to have taken their lives in 2008 and 2009 as the company cut thousands of jobs. Unions put the number of suicides at 35. The prosecutor's investigation found that in order to encourage employees to leave, managers had been trained to demoralize their teams, and their bonuses were dependent on this. Work inspectors underlined the "brutality" of such management methods, which had an adverse effect on employees' physical and mental wellbeing. Management failed to take into account the "alarms and warnings" over the impact of its actions and the "psychological risks" to staff. When asked to explain the rash of suicides, CEO Didier Lombard described it as a "fashion", sparking widespread outrage.

An examining judge will decide whether or not to order a trial. Under French law, anyone who harasses another with repeated actions and the aim or the effect of degrading working conditions is liable to a year in jail and a fine of €15,000 (\$16,500).

## △ The Current Global Environment

There is increasingly legislation against workplace bullying.

Workplace laws have long dealt with physical risks, and psychological risks are now being treated similarly. In response to the changing workplace, **many countries are regulating workplace bullying and harassment by introducing new legislation or incorporating new provisions into existing legislation** to address these risks.

Many bullying and harassment laws stem from an acknowledgement that **under much of workplace health and safety legislation, employers have a duty of care to provide a safe work environment for employees, visitors, and contractors**. The employer's duty of care requires ensuring persons in the workplace are both mentally and physically safe

at work and that their health is not adversely affected by work. This requirement is often interpreted to include a workplace free of bullying and harassment.

For the most part, laws covered are in the areas of occupational health and safety and labor and employment. As bullying and harassment laws are occasionally enforced through criminal and civil proceedings, giving rise to criminal punishment and civil compensation, relevant provisions of these laws are referenced. Additionally, human rights laws and constitutions often contain applicable information.

Laws, regulations, codes, and guidelines on workplace bullying, harassment, violence, and discrimination may come under the authority of a variety of departments or agencies as these issues address not only health and safety risks, but touch on the human resources, legal and human rights, criminal behavior, and public health realms.

In some cultures, behaviors in the workplace that are accepted as the 'norm' may be interpreted differently in other cultures. **What may be seen as bullying by one culture may not be viewed that way in a different culture.** Various cultural expectations play into what is appropriate behavior. Perceptions and interpretations vary from region to region, a noteworthy takeaway for multi-national corporations.

## △ Regional Trends: Europe

No definition of bullying at work has been arrived at in the European Union (EU) and no specific European-wide legislative provisions refer explicitly to bullying at work. However, numerous European countries have enacted laws defining and prohibiting workplace bullying and mobbing.

Documents influencing Europe's enactment of workplace bullying laws include Charter of Fundamental Rights of the European Union (2000/C 364/01) and The Framework Agreement on Harassment and Violence at Work, 2007. The concept of a worker's dignity is provided for in the Charter of Fundamental Rights of the European Union (2000/C 364/01). The Charter states:

- Human dignity is inviolable. It must be respected and protected.
- Every worker has the right to working conditions which respect his or her health, safety and dignity.<sup>8</sup>

Another significant European document is The Framework Agreement on Harassment and Violence at Work, 2007 (Agreement) negotiated and signed by the European social

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<sup>8</sup> Charter of Fundamental Rights of the European Union (2000/C 364/01), Articles 1 and 31(1). Article 31(1) is a foundation of the European Union laws against bullying and harassment, viewed as dignity violations.

partners ETUC, BUSINESSEUROPE, UEAPME, and CEEP. The text commits the members of the signatory parties to combat all unacceptable behavior that can lead to harassment and violence in the workplace. The agreement condemns all forms of harassment and violence and confirms the duty of the employer to protect workers against them.

The Agreement does not address bullying by name but defines harassment and violence as unacceptable behavior by one or more individuals that can take many different forms, stating “[h]arassment occurs when someone is repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work.” Harassment may be carried out by one or more managers, workers, service users or members of the public with the purpose or effect of violating a manager’s or worker’s dignity, affecting his/her health and/or creating a hostile work environment.

The Agreement recognizes that harassment and violence can:

- Be physical, psychological, and/or sexual;
- Be one incident or more systematic patterns of behavior;
- Be between colleagues, between superiors and subordinates or by third parties including clients and customers;
- Range from minor cases of disrespect to more serious acts, including criminal offences, which require public authorities to intervene.

National legislation of European countries addressing work-related bullying, harassment, and discrimination consists of the implementation of EU directives and the creation of country-specific laws, regulations, and codes of practice. Numerous European countries have introduced new legislation or incorporated new provisions into existing legislation. Other countries have opted for non-regulatory instruments, such as provisions in collective agreements or codes of practice which cover verbal, non-verbal, and physical activities and may be binding or non-binding. Codes of practice may be relevant as evidence and when the legislation upon which they are based does not explicitly define harassment or state that it is regulated by law.

In many EU countries, requirements addressing work-related bullying and harassment are often covered under an occupational health and safety law’s general duty clause, requiring employers to assess, prevent, and reduce risks to safety and health at work arising from the main EU health and safety legislation dating back to 1989 (Council Directive 89/391/EEC). The European Agency for Safety and Health at Work, EU-OSHA, holds the position that Directive 89/391/EEC on safety and health of workers at work lays down the employer’s general obligations to ensure workers’ health and safety in every aspect related to work, and that it includes psychosocial risks. It states that psychosocial risks can be assessed and managed in the same systematic way as traditional workplace risks.

Awareness of the causes and consequences of harassment at work varies greatly among European countries. Awareness is generally low in southern and eastern European countries and tends to increase in Scandinavian countries, the Netherlands and the UK. Procedures in place to deal with bullying and harassment at work are most common in companies in the Scandinavian countries and Belgium, and less observed in the southern and eastern countries, as well as in some continental countries, such as Austria and Germany.<sup>9</sup>

The European Foundation for the Improvement of Living and Working Conditions Report: *Violence and Harassment in European Workplaces*, published February 24, 2015, divided 28 EU countries and Norway into four main groups, depending on the prevalence of the phenomenon, the policies and procedures in place in businesses, and the level of awareness in society. The report found that there is a clear delineation between northern Europe on the one hand, and the southern and eastern countries on the other.<sup>10</sup>

Scandinavian and Northern European countries, having the most awareness, also have the most laws, leading the way with regard to their societies and public authorities in recognizing the phenomenon as a major problem. As a result, the governments, social partners and businesses have implemented policies to counteract it and there is a higher level of awareness and reporting by workers. In contrast, most Eastern Europe countries demonstrate very little awareness of the issue despite it being more prevalent than in Europe as a whole. In the Czech Republic, Estonia, Latvia, Lithuania, awareness low, policies and procedures are only being developed or do not yet exist, and the reporting rate of harassment is high.<sup>11</sup>

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<sup>9</sup> Violence and harassment in European workplaces: Extent, impacts and policies, February 24, 2015 at [https://www.eurofound.europa.eu/sites/default/files/ef\\_comparative\\_analytical\\_report/field\\_ef\\_documents/ef1473en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_comparative_analytical_report/field_ef_documents/ef1473en.pdf).

<sup>10</sup> Violence and harassment in European workplaces: Extent, impacts and policies, February 24, 2015 at [https://www.eurofound.europa.eu/sites/default/files/ef\\_comparative\\_analytical\\_report/field\\_ef\\_documents/ef1473en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_comparative_analytical_report/field_ef_documents/ef1473en.pdf).

<sup>11</sup> Violence and harassment in European workplaces: Extent, impacts and policies, February 24, 2015 at [https://www.eurofound.europa.eu/sites/default/files/ef\\_comparative\\_analytical\\_report/field\\_ef\\_documents/ef1473en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_comparative_analytical_report/field_ef_documents/ef1473en.pdf).

## △ Workplace Bullying in Serbia

International studies have concluded that between 3% and 4% of employees are exposed to severe bullying, and between 9% and 15% to occasional bullying. It is estimated that the overall prevalence in Serbia fits the international data where about 3% to 4% of employees have been exposed to severe bullying, while about 9% to 15% have been exposed to occasional bullying. As for individual negative acts, the most frequent workplace bullying manifestations in Serbia are gossiping and rumors, whereas threats of violence and physical abuse or actual abuse are the least frequent. The negative acts that occur regularly in Serbia are most frequently person-related, versus work related bullying.<sup>12</sup>

Research at the Institute of Psychology, conducted in 44 Serbian municipalities, reported in 2015 that more than a quarter of employees in Serbia said they were abused at work. The abuser is usually a boss, but most did not complain for fear of dismissal.<sup>13</sup>

Trials of abuse or mobbing on average last about three years, and therefore, the Labour Inspectorate or the courts make decisions on temporary workers to return to work, without jeopardizing a claim's existence.<sup>14</sup>

### Legislation

Serbia's **Law on the Prevention of Abuse at Work No. 36/10**<sup>15</sup>, effective September 4, 2010, also referred to as **Law on Prevention of Harassment at the Workplace**, regulates the prohibition of abuse at work and related to work, the procedure for the protection of persons exposed to harassment at work, and other issues of importance for the prevention and protection of harassment at work.<sup>16</sup> The law's provisions also apply to cases of sexual harassment.

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<sup>12</sup> Workplace bullying in Serbia: The relation of self-labeling and behavioral experience with job-related behaviors January 2014 at

[https://www.researchgate.net/publication/277676617\\_Workplace\\_bullying\\_in\\_Serbia\\_The\\_relation\\_of\\_self-labeling\\_and\\_behavioral\\_experience\\_with\\_job-related\\_behaviors](https://www.researchgate.net/publication/277676617_Workplace_bullying_in_Serbia_The_relation_of_self-labeling_and_behavioral_experience_with_job-related_behaviors). The sample comprised 1,998 employees (54.4% women), from 44 municipalities in Serbia. The mean age of participants was 44.40 years (SD =10.23), and the average tenure was 20.48 years (SD=10.70). The average length of service with their present organizations was 15.37 years (SD=10.64).

<sup>13</sup> Mobbing suffer because of fears for job, PTC, January 21, 2015 at

<http://www.rts.rs/page/stories/ci/story/124/drustvo/1805186/mobing-trpe-zbog-straha-za-radno-mesto.html>.

<sup>14</sup> Mobbing suffer because of fears for job, PTC, January 21, 2015 at

<http://www.rts.rs/page/stories/ci/story/124/drustvo/1805186/mobing-trpe-zbog-straha-za-radno-mesto.html>.

<sup>15</sup> Official Gazette of the Republic of Serbia, No. 36 as of May 28th 2010 at

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_170961.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_170961.pdf).

<sup>16</sup> Official Gazette of the Republic of Serbia, No. 36 as of May 28th 2010, Art. 1, 5, at

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_170961.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_170961.pdf).

The law applies to all employers as defined in the Labour Law such as any legal entity or individual employing or engaging one or multiple persons. The law applies to employers and employees, including part-time employees. The audit checklist for this law can be found in Attachment A.

**Harassment** includes any active or passive conduct at work or related to work against an employee or group of employees, which recurs, aiming at or representing a violation of dignity, reputation, personal and professional integrity, health, or the employee's position, and which causes fear or creates an unfriendly, humiliating, or offensive environment, aggravates the working conditions or results in isolation of the employee or leads the employee to terminate the contract of employment or another type of contract upon his own initiative.<sup>17</sup>

On the basis of the Law on the Prevention of Harassment at the Workplace, Article 28, the Minister for Employment and Social Policy issued a **Rulebook on the rules of conduct of employers and employees concerning prevention and protection from harassment at the workplace**.<sup>18</sup> The audit checklist for this regulation can be found in Attachment A.

Conduct Considered Harassment includes:

- **Disrupted communication:** intentional prevention of the employee to state his/her opinion, being yelled at, being threatened, insulted and any type of similar behavior;
- **Disrupted interpersonal relations:** being isolated, ignored, being deprived of work equipment, blocked communication, withholding information and the like;
- **Attack on personal dignity:** comments on personal life of the employee, backbiting, insulting and the like;
- **Violation of professional integrity:** unjustified criticism and control, undermining of work results, giving tasks that are below the level of knowledge and experience of the employee, inadequate deadlines, exclusion from professional and educational programs and the like; and
- **Deliberate health impairment:** creation of stressful situations, being threatened with dismissal and the like.<sup>19</sup>

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<sup>17</sup> Official Gazette of the Republic of Serbia, No. 36 as of May 28th 2010, Art. 6, at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_170961.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_170961.pdf).

<sup>18</sup> Official Gazette of the Republic of Serbia, No. 62/10 at [http://paragraf.rs/propisi/pravilnik\\_o\\_pravilima\\_ponasanja\\_poslodavaca\\_i\\_zaposlenih\\_u\\_vezi\\_sa\\_prevenijom\\_i\\_zastitom\\_od\\_zlostavljanja\\_na\\_radu.html](http://paragraf.rs/propisi/pravilnik_o_pravilima_ponasanja_poslodavaca_i_zaposlenih_u_vezi_sa_prevenijom_i_zastitom_od_zlostavljanja_na_radu.html).

<sup>19</sup> Rulebook on Rules of Conduct of the Employer and Employees Concerning the Prevention and Protection from Harassment at the Workplace, Official Gazette of the Republic of Serbia, No. 62/10, Article 12 at

The following conduct is not considered harassment:

- Special act enacted by the employer (resolution, warning etc.), by which are regulated rights, obligations and responsibilities for employment, against which employee has the right of protection in procedure prescribed by separate law;
- Denial and disabling of rights determined by the law, whose protection can be achieved in procedure with the employer and before the competent court (deprivation of salary and other earnings, determination of overtime work, deprivation of right to the daily, weekly or annual vacation and similar);
- Work discipline as a function of better organization of work;
- Justified activities undertaken for the realization of security and health at work;
- Any kind of unjustified making of different or unequal acting towards employee on the basis of any kind of discrimination which is forbidden in connection with protection provided pursuant to a law;
- Occasional differences of opinion, problems and conflicts in connection with performing jobs and work duties; and
- Employees' and employers' rights, obligations and responsibilities in connection with prevention and protection from harassment as prescribed by the Law on the prevention of harassment at the workplace.<sup>20</sup>

The perpetrator of harassment may be:

- The employer as a natural person;
- Responsible person as the employer who is a legal entity; and
- An employee or group of employees of the employer.

The **Law on the Prevention of Harassment at the Workplace** requires that the employer do the following:

- Organize the work in a way that, as far as possible, prevents the occurrence of abuse at work and provides the employees working conditions where they will not be exposed to abuse at work by an employer or employee;
- Protect the employee from harassment, in accordance with this law, by measures which include providing an employee, prior to coming to work, written notice of

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<http://www.vk.sud.rs/sites/default/files/attachments/Pravilnik%20o%20bezbednosti%20i%20za%C5%A1titi%20na%20radu.pdf>

<sup>20</sup> Official Gazette of the Republic of Serbia, No. 36/2010 and the Rulebook on the Rules of Conduct of the employers and employees concerning the prevention and protection from harassment at the workplace at [http://paragraf.rs/propisi/pravilnik\\_o\\_pravilima\\_ponasanja\\_poslodavaca\\_i\\_zaposlenih\\_u\\_vezi\\_sa\\_prevencijom\\_i\\_zastitom\\_od\\_zlostavljanja\\_na\\_radu.html](http://paragraf.rs/propisi/pravilnik_o_pravilima_ponasanja_poslodavaca_i_zaposlenih_u_vezi_sa_prevencijom_i_zastitom_od_zlostavljanja_na_radu.html) and <http://www.vk.sud.rs/sites/default/files/attachments/Pravilnik%20o%20bezbednosti%20i%20za%C5%A1titi%20na%20radu.pdf>

the prohibition of abuse, and exercise the rights, and the duties and responsibilities of the employee and employer regarding the prohibition of abuse;

- The prohibition notification form for an employer to provide an employee, as set forth by the Labour Inspectorate, can be found [here](#), under Notice of the Prohibition of Abuse.
- Implement measures to inform and train employees and their representatives to identify the causes, forms, and consequences of abuse; and
- Assume responsibility for the damage that the responsible person or employee performing the abuse causes to another employee with the same employer.

The Serbian Law on Prevention of Harassment at Work provides that it is sufficient for an employee to demonstrate the likeliness of mobbing; the employer has the burden of proving that harassment has not occurred. The employer may be fined up to 800,000 dinar (7,500€, \$6,883). Proceedings for protection from abuse are set forth in Articles 13–21. The right to apply for protection from abuse by the employer shall expire within six months from the day the assault was committed.<sup>21</sup>

In addition to the above laws, the **Rule Book: Safety and Health at Work, General Provisions, 2013**, prohibits any kind of abuse at work.<sup>22</sup>

### **Government Guidance, Whitepapers, Strategies and Plans**

The **strategy of safety and health at work in the Republic of Serbia** for the period 2013 to 2017 provides a comprehensive means to assess situations in the field of safety and health at work, and measures to be taken for its development. It also defines the activities, objectives and directions to improve in this area.<sup>23</sup>

**The Republic Agency for Peaceful Settlement of Labour Disputes** (PAMPPC) is a separate Government organization that deals with the amicable settlement of individual and collective labor disputes. The Agency is the only specialized institution that deals with labor law. Its authority includes dealing with individual workplace discrimination and harassment. The Law on Peaceful Settlement of Labor Disputes regulates the procedure out of court arbitral settlement of disputes regarding mobbing and discrimination. In

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<sup>21</sup> Official Gazette of the Republic of Serbia, No. 36 as of May 28th 2010, at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_170961.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_170961.pdf).

<sup>22</sup> Rulebook on the Rules of Conduct of the employers and employees concerning the prevention and protection from harassment at the workplace at <http://www.vk.sud.rs/sites/default/files/attachments/Pravilnik%20o%20bezbednosti%20i%20za%20C5%A1titi%20na%20radu.pdf>.

<sup>23</sup> Strategy of safety and health at work in the Republic of Serbia 92013 to 20170 in Serbian, at <http://www.minrzs.gov.rs/files/doc/bezbednost/Strategija%20bezbednosti%20i%20zdravlja%20na%20radu%20u%20RS%20za%20period%20od%202013%20do%202017.pdf>.

2014, there were 173 individual disputes at the Serbian Republic Agency for Peaceful Settlement of Labour Disputes; 65 were mobbing disputes.<sup>24</sup>

## **Corporate Practices**

A workplace bullying program is typically put in place by a company's human resource department, though drafting of such policies may include senior management and legal advisors. Implementation of the program usually involves participation from all levels of employees. Enforcement of the program varies depending on the company's structure, but can include employee managers, human resource employees, legal advisors, and senior management.

While companies are required to follow Serbia's governmental laws on workplace bullying and harassment, policies and programs put in place can go beyond those required and can be adapted to the company's culture and particular industry. For example, the healthcare profession, nursing in particular, has one of the highest rates of workplace bullying in Europe.<sup>25</sup> As a result, hospitals may develop stricter policies and programs on workplace bullying than required by law, or provide more detailed examples applicable to the profession on what constitutes bullying, in order to more effectively combat the problem.

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<sup>24</sup> The Republic Agency for Peaceful Settlement of Labor Disputes  
[http://www.ramrrs.gov.rs/?page\\_id=316&lang=en](http://www.ramrrs.gov.rs/?page_id=316&lang=en).

<sup>25</sup> Ariza-Montes et.al, Workplace bullying among Healthcare Workers, U.S. National Library of Medicine at  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3774428/>.

## △ Resources

### General

International Labour Organization, 2016. Workplace stress: a collective challenge

- [http://www.ilo.org/safework/info/publications/WCMS\\_466547/lang--it/index.htm](http://www.ilo.org/safework/info/publications/WCMS_466547/lang--it/index.htm)

International Labour Organization, 2003. Violence at Work

- [http://www.ilo.org/actrav/info/pubs/WCMS\\_111456/lang--en/index.htm](http://www.ilo.org/actrav/info/pubs/WCMS_111456/lang--en/index.htm)

Workplace Bullying and Harassment New developments in international law

Ellen Pinkos Cobb © 2017 – Routledge

- <https://www.routledge.com/Workplace-Bullying-and-Harassment-New-developments-in-international-law/Cobb/p/book/9781138204690>

### Europe

European Agency for Safety and Health at Work, 2014–15 campaign: Healthy Workplaces Manage Stress.

- <https://osha.europa.eu/en/healthy-workplaces-campaigns/healthy-workplaces-manage-stress>

European Foundation for the Improvement of Living and Working Conditions (Eurofound) Violence, bullying and harassment in the workplace, 2004

- <http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/violence-bullying-and-harassment-in-the-workplace>

### Serbia

Serbian Republic Agency for Peaceful Settlement of Labour Disputes, Information on Mobbing

- The Republic Agency for Peaceful Settlement of Labour Disputes introduced a service, SOS MOBBING, in 2016. This service is a joint project of the Ministry of Labour, Employment, Veteran and Social Affairs and the Republic Agency for Peaceful Settlement of Labour Disputes. It arose due to insufficient awareness of both the employees and employers regarding the provisions of the Law on Prevention of Abuse at Work.

By calling the toll-free number 0800-300-601 and selecting the appropriate push-button from 1 to 5, people will get accurate information about what mobbing is and what actions it implies, which models of protection from mobbing exist in the legal system of the Republic of Serbia, the court proceedings, and proceedings before the Republic Agency for Peaceful Settlement of Labour Disputes. Pressing 0 provides for the possibility to discuss the situation in direct communication with the legal department of the Agency.<sup>26</sup>

- [http://www.ramrrs.gov.rs/?page\\_id=437&lang=en](http://www.ramrrs.gov.rs/?page_id=437&lang=en)

The Republic of Serbia Ministry of Labour, Employment, and Social Issues

- The Labour Inspectorate, as an administrative body within the Ministry of Labor, Employment, Veteran and Social Affairs, performs inspections in the field of labor relations and health and safety at work and implements laws which include the Labour Law, the Law on Safety and Health at Work, and the Law on Prevention of Harassment at Work.
- <http://inspektoratrada.minrzs.gov.rs/cir/nadleznost-inspektorata>

Government of the Republic of Serbia

- <http://www.srbija.gov.rs/vesti/vest.php?id=71629>.

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<sup>26</sup> The Republic Agency for Peaceful Settlement of Labor Disputes  
[http://www.ramrrs.gov.rs/?page\\_id=316&lang=en](http://www.ramrrs.gov.rs/?page_id=316&lang=en).

## △ Attachment A – Audit Checklist

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
1.	<p>Does the employer, in order to create the conditions necessary for a healthy and safe working environment, organize work in a manner that prevents the occurrence of harassment at work, and provide working conditions which will not be subjected to abuse at work by the employer or the person employed by the employer?</p> <p>Note: Abuse, in terms of this Act, means any active or passive behavior against an employee or group of employees that are repeated, and aimed at or has the effect of undermining the dignity, reputation, personal and professional integrity, health situation of the employee and which causes fear or creates a hostile, humiliating, or offensive environment, deteriorates working conditions or leads to quarantine or employees indicate that on his/her own initiative, he/she is terminating or cancelling the contract or other agreement. Abuse, according to this law, is also the encouragement or inducement of others to behave in a way referred to above.</p>	The Law on Prevention of Abuse at Work, Art. 4		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
2.	Does the employer inform employees in writing, before they begin their work, about the prohibition of harassment and the rights, duties, and responsibilities of the employee and the employer in connection with the prohibition of abuse, in accordance with this law?	The Law on Prevention of Abuse at Work, Art. 7, 10, 36		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
3.	Does the employer, for the prevention of abuse, implement measures informing and training employees and their representatives to identify the causes, forms and consequences of abuse?	The Law on Prevention of Abuse at Work, Art. 7		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
4.	Does the employer protect the employee from harassment, in accordance with this Law?	The Law on Prevention of Abuse at Work, Art. 8		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
5.	Does the employer take responsibility for the damage that the responsible person or employee performing the assault causes another employee of the same employer?	The Law on Prevention of Abuse at Work, Art. 9		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
6.	Does the employer make the employee aware that he/she is obliged to refrain from conduct that constitutes harassment and conduct that constitutes an abuse of the right to protection from abuse?	The Law on Prevention of Abuse at Work, Art. 11  Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 8		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
7.	Does the employer make the employee aware that there are reasonable grounds to institute proceedings for protection from harassment?	The Law on Prevention of Abuse at Work, Art. 11		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
8.	Does the employer make employees aware that if they experience conduct they reasonably believe to be abuse, they have the right to initiate proceedings to protect against	The Law on Prevention of Abuse at Work, Art. 12		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
	abuse, informing the person authorized to submit the request to initiate the procedure, in accordance with this Law?			
9.	<p>Does the employer make the employee aware that if the abuse is not borne by the responsible person in the legal entity, or the employer in the capacity of a natural person, an employee who believes that he/she is exposed to abuse may submit a reasoned request to institute proceedings for the protection of abuse directly to that person?</p> <p>Note: The request may be submitted by a representative trade union, a person responsible for health and safety at work, an employee representative for Safety and Health at Work and the Committee on Safety and Health at Work, with the written consent of the employee who believes that he/she is exposed to abuse.</p>	<p>The Law on Prevention of Abuse at Work, Art. 13</p> <p>Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 20</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
10.	<p>Is the employer aware that if it is the alleged responsible abuser, an employee, without applying for initiation of a mediation process, may initiate proceedings in a competent court?</p>	<p>The Law on Prevention of Abuse at Work, Art. 14</p> <p>Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 19</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
11.	Does the employer, upon receipt of a request to institute proceedings for the protection of abuse, inform the parties to the dispute that they may submit to mediation as a way of resolving disputed relations?	The Law on Prevention of Abuse at Work, Art. 15  Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 23		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
12.	Does the employer maintain a list of mediators to conduct mediations on abuse in accordance with a collective agreement or with the authority, organization or institution for intervention?	The Law on Prevention of Abuse at Work, Art. 16		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
13.	Is the employer aware that an employee's right to apply for protection from abuse by the employer (Article 13 and Article 14, paragraph 1 of this Act) expires within six months from the date when the abuse occurred?  Note: The deadline referred to in paragraph 1 of this Article shall begin to run from the date when the last time committed conduct constituting abuse.	The Law on Prevention of Abuse at Work, Art. 22  Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 21		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
14.	Does the employer, if the mediation process fails and there is a reasonable suspicion that there has been abuse or the abuse of the right to protection from abuse, initiate proceedings to establish liability of the employee in non-compliance with the labor laws?	The Law on Prevention of Abuse at Work, Art. 23  Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
		Protection from Abuse at Work, Art. 25		
15.	<p>Is the employer aware that it may impose one of the following measures, in addition to sanctions prescribed by law, on employees who are not in compliance with the labor laws?</p> <p>(1) Warning;  (2) Working 4-30 days without compensation; or  (3) Permanent relocation to another working environment at the same or another business or place of work.</p> <p>Note: If an employee exercises abuse under the Law within 6 months of the last exercise of abuse, the employer may cancel the employee's contract or terminate his/her employment.</p>	The Law on Prevention of Abuse at Work, Art. 23		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
16.	<p>If an employee believes that he/she has been exposed to abuse that, in the opinion of occupational health services, poses a direct threat to his/her health or life or puts him/her in danger of irreparable damage, does the employer protect the employee by taking one of the following measures during the protection procedures?</p>	The Law on Prevention of Abuse at Work Art. 24		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
	<p>(1) Transfer the alleged abuser to another work environment or workplace to work on the same or other activities; or</p> <p>(2) Remove the alleged abuser from work with salary compensation in accordance with the law.</p>			
17.	<p>Is the employer aware that, if according to the occupational health services there is a direct danger to health or life, and the employer does not take the measures provided in Article 24, the employee has the right to refuse to work?</p> <p>Note: In this case, the employee shall, without delay, notify the employer and labor inspection on the refusal of work. During refusal, the employee is entitled to compensation in the amount the average salary realized in the previous three months.</p>	The Law on Prevention of Abuse at Work, Art. 26		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
18.	Does the employer forbid any kind of abuse at work and related to work, as well as the abuse of rights to protection from abuse?	Rule Book: Safety and Health at Work, General Provisions, 2013, Art. 25		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
19.	Does the employer, in order to create the conditions necessary for a healthy and safe work environment, organize the work in a way that prevents the occurrence of abuse and staff and provide working conditions which will not be subjected to abuse by the employer or the person employed by the employer?	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 2		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
20.	<p>Does the employer, in order to prevent abuse, implement measures informing and training employees and their representatives to identify the causes, forms, and consequences of abuse?</p> <p>Note: The employer can provide training, or training of a certain employee or employees to perform mediation, as a way of resolving disputes related to abuse.</p>	<p>Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 3</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
21.	<p>Does the employer inform the employee prior to the operation of the information on the prohibition of harassment and the rights, obligations and responsibilities of the employee and the employer in connection with the prohibition of harassment?</p>	<p>Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 4</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
22.	<p>Does the employer make at least two copies of the notice informing the employee about the prohibition of harassment, and is one copy kept by the employer and the other by employee?</p> <p>Note: If the employee refuses to sign the receipt of the notification, he/she shall be deemed to be familiar with its contents if it is a notice delivered in the manner and procedure prescribed by law.</p>	<p>Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 4</p>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
23.	<p>Does the prohibition of harassment notice referred to in Article 4 contain the following information?</p> <ul style="list-style-type: none"> <li>(1) It is forbidden and punishable to abuse, sexually harass and abuse the right to protection from such conduct;</li> <li>(2) What is considered abuse, sexual harassment, and abuse of the right to protection from such conduct (terms);</li> <li>(3) Information on the protection from abuse and sexual harassment from the employer (in the mediation process and the procedure of determining the responsibility of the employee) and before a competent court;</li> <li>(4) That an employee who believes or suspects that it he/she is exposed to abuse or sexual harassment, before addressing the court, should contact the person or persons responsible for the employer to protect against such behavior, but an employee who believes that he/she is exposed to sexual abuse or harassment from the employer, can directly address the court for protection from such conduct;</li> <li>(5) That the employer will make available information on persons authorized to institute proceedings for protection from abuse, a person to whom a request for protection from abuse and other persons who may be involved in the procedure for protection from harassment, and how;</li> </ul>	<p>Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 5</p>		<p><input type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Maybe</p>

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
	<p>(6) That the following is not considered abuse, nor can it trigger the procedure for protection from harassment in case of violation of the rights stipulated in other laws that provided the protection of those rights:</p> <ul style="list-style-type: none"> <li>(i) Work discipline that is a function of better organization of work;</li> <li>(ii) Activities undertaken that are justified for the achievement of health and safety at work and the occasional differences of opinion; and</li> <li>(iii) Problems and conflicts related to the performance of tasks and duties, unless they intend to harm or deliberately insult the employee, as well as other behaviors that cannot be considered molestation in accordance with the Law on prevention of harassment at work; and</li> </ul> <p>(7) Of the rights, obligations and responsibilities of the employee and the employer in relation to the prevention and protection from abuse prescribed by the law and the regulations.</p>			
24.	<p>Does an employer, for the purpose of exercising the right to their protection from abuse, make available to employees, information on the following?</p> <p>(1) The person to whom the employee who suspects that exposed the abuse can be addressed in order to</p>	<p>Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 6, 11</p>		<p><input type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> Maybe</p>

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
	<p>provide advice and support (hereinafter referred to as a support person);</p> <p>(2) Persons authorized to institute proceedings for protection from abuse (union representative, the person in charge of health and safety at work, employee representative for Safety and Health at Work and the Committee on Safety and Health at Work);</p> <p>(3) The person with the employer to whom the request for protection from abuse shall be made; and</p> <p>(4) The list of mediators maintained by the employer.</p> <p>Note: If there are employees with employers who are trained to carry out mediation, the employer may make available information about these persons.</p>			
25.	<p>To prevent abuse and to recognize abuse, is the employer aware that it may appoint a person to whom staff can send those suspected of being exposed to abuse, for advice and support.</p> <p>Note: The employer may request the opinion of trade unions on determining the support persons. A support person should listen to the employee, give him/her advice, and inform and support him/her with the aim of resolving contentious situations.</p>	<p>Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 7</p>		<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Maybe</p>

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
26.	Does the employer behave in a manner that respects the dignity of employees and does it strive, in good faith, to comply with the general rules of conduct at work?	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 10		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
27.	<p>Does the employer endeavor to do the following?</p> <ul style="list-style-type: none"> <li>(1) Provide a working environment of respect, cooperation, openness, security and equality;</li> <li>(2) Develop awareness among employees of the need for mutual respect, cooperation and teamwork in performing tasks;</li> <li>(3) Provide a good example by being kind to everyone, and to act with dignity and with respect;</li> <li>(4) Allow trade unions to participate and contribute to the training on prevention of abuse; and</li> <li>(5) Allow employees the right to express their opinions, views and suggestions relating to the performance of work, without suffering adverse consequences.</li> </ul>	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 10		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
28.	<p>Does the employer, to prevent abuse and sexual harassment refrain, and tell employees to refrain, from the following?</p> <ul style="list-style-type: none"> <li>(1) Behavior that inhibits communication;</li> <li>(2) Behaviors that can lead to a distortion of good interpersonal relationships;</li> <li>(3) Conduct that may be detrimental to the personal reputation of the employee;</li> </ul>	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Arts. 12		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
	<p>(4) Behavior which may be detrimental to the professional integrity of the employee;  (5) Conduct that may be detrimental to the health of an employee; and  (6) Conduct that could be considered sexual harassment.</p> <p>Note: See Article 12 for examples of each behavior and conduct.</p>			
29.	<p>Is the employer aware of what types of conduct are not considered abuse?</p> <p>Note: Refer to Article 13 for full list of conduct.</p>	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 13		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
30.	<p>Does the employer make the employee aware that if he/she is exposed to abuse, he/she should contact the alleged abuser and draw attention to their behavior in order to address the situation without initiating proceedings for protection from abuse?</p> <p>Note: The employee should also tell the alleged abuser that his/her behavior is unacceptable and legal protection will be sought if the behavior does not stop immediately.</p>	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 15, 18		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
31.	<p>Does the employer try to work with the abused employee to achieve protection before a lawsuit for protection is filed?</p>	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 19		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe

No.	Workplace Bullying Checklist Questions	Regulatory Citation	Auditor Comments	Compliance
32.	Is the employer aware that it is bound to the decision made in the procedure for determining the employee responsible for the abuse?	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 26		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
33.	Is the employer aware that an employee who has been exposed to abuse, and is not satisfied with the outcome of the mediation process or procedure for determining responsibility of the employee charged with abuse, can file a complaint with the court?	Rule Book: Rules of Conduct for Employers and Employees with Respect to Prevention and Protection from Abuse at Work, Art. 28		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe