

# INFORMATION GUIDE



## PREVENTION AND FIGHT AGAINST HARASSMENT AT THE WORKPLACE: A SELFREGULATION SUPPORT INSTRUMENT

**Harassment at work: knowing, preventing, fighting**

**CITE**

COMISSÃO PARA A IGUALDADE  
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## **Information guide for prevention and fight against harassment at the workplace: a selfregulation support instrument**

### **HARASSMENT AT THE WORKPLACE: KNOWING, PREVENTING, FIGHTING**

#### **The grounds for this information guide**

The current guide is merely informative in its nature, and is intended to be a support instrument for employers of every sector and dimensions, public or private, who wish to voluntarily follow an active policy to prevent, fight and eliminate behaviours likely to be viewed as harassment at the workplace.

The main goal of this guide is not to define new duties for employers, private or public, but exclusively to contribute to their workers' and their own enlightenment regarding the sexual and moral harassment phenomenon at the workplace.

This guide is a support instrument designed to help identify harassment and inspire the stimulation of procedures to prevent and fight this kind of phenomena at the workplace. This can only be achieved with the commitment and compromise between the representatives of the public or private employers and the workers' representatives, who should whenever possible, involve the security and health services in this issue.

## I

### KNOWING

#### 1 – What is harassment at the workplace?

It is a wrongful conduct (gesture, word, attitude, etc.) performed with some degree of recurrence and aiming at or producing the effect of affecting a person's dignity or creating an intimidating hostile, degrading, humiliating or destabilizing atmosphere.

**Harassment is moral** when it consists of verbal or physical assault with offensive or humiliating contents, or of subtle acts which may include physical and/or psychological violence designed to lower the victim's self-esteem and ultimately their disengagement from their workplace

**Harassment is sexual** when this wrongful conduct, of a verbal or physical nature, takes on a sexual character (invitations with a sexual undertone, sexually suggestive text messages, attempts to make disturbing physical contact, blackmail for the purpose of obtaining a job or career progression in exchange for sexual favours, obscene gestures, etc)

#### 2- Essential elements for the classification of a situation as harassment:

- It is a **process, not a phenomenon or an isolated fact**, serious as it may be (it may even be a crime if it is an isolated act but it is not harassment). It always involves a set of acts or behaviours which are more or less linked and which occur repeatedly;
- The aim is to **affect the victim's dignity and the deterioration of his/her moral and physical integrity**, which may eventually lead to the decrease of his/her resistance capacity regarding something they do not wish, and make them surrender.

- It is the **exploitation of the victim's weakness or fragility** or their professional subordinate position or the precariousness of their labour situation and the need to ensure their subsistence;
- The aggressor may have the intention to get rid of the victim. This would be the result of **systematic behaviour**.

### 3. Examples of acts and behaviour which are likely to be classified as harassment at the workplace:

#### 3.1 Moral harassment

- Consistently depreciating the work of co-workers or subordinates;
- Promoting the social isolation of co-workers or subordinates;
- Directly or indirectly mocking a physical or psychological trait of co-workers or subordinates;
- Recurrently threatening with dismissal;
- Consistently setting unachievable goals and objectives or establishing impractical time limits;
- Systematically assigning functions which are strange or inadequate to the professional category;
- Systematically not assigning any functions to the worker – lack of effective occupation;
- Regularly taking ownership of co-workers or subordinates' ideas, proposals, projects and work without identifying the author;
- Despising, ignoring or humiliating co-workers or subordinates and forcing their isolation from other co-workers or hierarchical superiors;
- Repeatedly withholding information necessary for the performance of other co-workers or subordinates' functions or related to the functioning of the organization, public or private, while providing the contents of that information to the rest of the workers;

- Regularly spreading malicious rumours and comments or reiterated criticism of co-workers, subordinates or hierarchical superiors;
- Consistently giving confusing and imprecise work instructions;
- Systematically demanding unnecessary urgent work;
- Regularly criticizing co-workers, subordinates or other hierarchical superiors publicly;
- Consistently implying that a worker or co-worker has mental or family problems;
- Transferring the worker to another sector with a clear intention to promote his/her isolation;
- Systematically shouting so as to intimidate people;
- Registering the number of times and the length of time a worker takes in the toilet;
- Frequently making jokes with offensive contents referring to other co-workers or subordinates' gender, race, sexual orientation or religious belief, physical disability, health problems, etc;
- Systematically commenting on other people's lives;
- Consistently creating concrete stressful situations in order to cause the victim's loss of control.

### **3.2 Sexual harassment**

- Systematically repeating suggestive remarks, jokes or comments about appearance or sexual condition;
- Repeatedly sending unwanted or sexually related cartoons, drawings, photos or Internet images;
- Making unwanted phone calls, sending letters, text messages or e-mails of a sexual nature;
- Promoting unsolicited or excessive intentional physical contact, or provoking unnecessary physical approaches;

- Sending persistent invitations to participate in social or recreational programs when the addressee has made it clear that the invitation is unwanted;
- Producing invitations and requests for sexual favours associated to a promise to obtain a job or improve working conditions, work or professional career stability, whether this relationship is direct or implied;

#### **4. Situations which must not be mistaken for harassment:**

It is important to refer that not all existing conflicts at the **workplace** are harassment.

What makes the difference between labour conflict and harassment, namely moral harassment, is the intention. Behind any harassment attitude, there is always an unwanted behaviour, performed with the objective or effect to affect the person's dignity or create an intimidating, hostile, degrading, humiliating or destabilizing environment. There may ultimately be the intention to get rid of the victim. These result from a systematic conduct, which does not happen in a mere conflict or in an impulsive act, even though it may cause uneasiness or be an offence (be it disciplinary, criminal or labour).

For example, the following are not moral harassment:

- An occasional labour conflict;
- Legitimate decisions resulting from the work organization as long as they are in conformity with the employment contract;
- Occasional physical or verbal aggressions (which, although they may be a crime, are not typified as harassment because they do not have a repetitive character);
- The legitimate exercise of hierarchical and disciplinary power (for example: performance assessment, the opening of disciplinary proceedings, etc.);
- The pressure resulting from the exercise of high responsibility functions.



For example, the following situations are not sexual harassment:

- Freely reciprocal romantic involvement between co-workers or involving hierarchical superiors, as long as it is not unwanted or repealed;
- Occasional praise.

## **5 – Who can be a victim of harassment?**

Any person, woman or man, in any kind of workplace, can be a victim of moral or sexual harassment.

## **6 – Who can be a harasser?**

Every person, woman or man, with access to the workplace:

- Direct and indirect hierarchical superiors;
- Co-workers;
- Service providers;
- Suppliers;
- Clients.

## **7 – Circumstances which may leverage moral or sexual harassment**

These are some of the facts which may increase the possibility of harassment:

- An organizational culture which does not sanction intimidating behaviours;
- Sudden transformations at organization level;
- Insecurity in the job;
- Unsatisfactory relationships among the staff and between the workers and the senior staff;
- Excessive work demand;
- Conflicts due to functions in the organization;
- Discriminatory behaviours and intolerance;
- Personal problems and drug or alcohol abuse.

## **8 – Some consequences of harassment**

Even if it is not assumed or reported, harassment, be it moral or sexual, corrupts the work environment and may have a devastating effect both on the victims and on the organization itself, along with a financial impact on the National Health Service and the Social Security System.

Victims are usually affected in their health, confidence, morals and professional performance, which causes a decrease in their labour efficiency and even their absence from work due to health issues (victims have lower incomes when on sick leave or they may even lose their job). In some cases people can no longer behave normally both at work and in their daily lives. Harassment can cause post-traumatic stress, loss of self-esteem, anxiety, depression, apathy, irritability, memory and sleep disturbances and digestive problems. It may even induce suicide.

On the organization side, public or private, there is an unusual increase in costs resulting from a rise in absenteeism, a sudden reduction in productivity and higher rates of staff rotation.

For the social security system this means a boost in the number of workers on sick leave due to psychiatric disease paid by the social security budget.

## II

### PREVENTING AND FIGHTING

#### 1 – What can be done to prevent harassment?

In the first place it is essential to assess the risks in order to identify psychosocial risks, which can be done by the internal and external health and security services. The goal is to know the reality and put appropriate measures in place. These can include the definition of a policy to fight harassment which will ensure conflict management and the preparation of senior staff, the recasting of the work environment, as well as the establishment of a support system for future victims of harassment (for example: the creation of counseling centres, hotlines and the formal definition of report procedures).

The following are some of the factors which can enhance the success of the fight against harassment at the workplace:

- The joint commitment of the organization and the workers' representatives, as well as of all the workers to create a violence-free work environment;
- The joint production of documents where it is expressly referred that acts of harassment at the workplace are forbidden and will not be tolerated;
- Regular circulation among all the staff of all professional levels on the harassment prevention policy the organization is committed with;
- Implementation of training sessions on the prevention of harassment at the workplace addressed to all the workers including the senior staff;
- Prohibition of calendars, literature, posters or any material with sexual contents;
- The enactment of rules forbidding access to pornographic sites or inappropriate use of electronic mail to send messages with sexual contents;

- The publication of information on what harassment is, its consequences and the sanctions it may entail;
- The indication of the place and manner for harassment victims to obtain help;
- A pledge to guarantee that there will be no retaliation against the claimant;
- The creation of formal complaining procedures regarding harassment;
- The supply of information on counseling and support services;
- The creation of an anonymous hotline inside the organization designed for this purpose;
- The involvement of internal and external health and security services designed to prevent and fight harassment at the workplace;
- Confidentiality guarantee.

## **2 – The prohibition of harassment at the workplace in the Labour Code and in the Public Functions Employment Contract Regime**

The Labour Code forbids harassment and sanctions it as a very serious infringement (article 29.).

Performing acts of harassment is a disciplinary offence whatever the perpetrator's function.

The Public Functions Employment Contract Regime establishes that the harassment of a jobseeker/worker is discrimination (article 15).

## **3 – Institutions which can assist in the prevention and fight against harassment**

### **Comissão para a Igualdade no Trabalho e no Emprego (CITE)**

Rua Viriato, nº7, 1º-3º  
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Linha Verde 800204684

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www.cite.gov.pt

### **Autoridade para as Condições do Trabalho (ACT)**

www.act.gov.pt

### **Law Courts**

www.citius.mj.pt

### **Trade Union Federations**

#### **CGTP - Confederação Geral dos Trabalhadores Portugueses – Intersindical Nacional**

Rua Victor Cordon, Nº 1  
1249-102 Lisboa  
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#### **UGT – União Geral de Trabalhadores**

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