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Mobbing as an example of unethical behaviours at work^{*}

Abstract

Currently, in the workplaces, the issues of behaviours classified as unethical or a violation of an employee's dignity and personal rights are on the rise. Mobbing is one of the manifestations of such behaviours, described in the provisions of the Labour Code. The phenomenon of mobbing refers to the quality of interpersonal relationships at work and affects the operation of the entire organizational structure. This is a severe example of the violation of personal rights because such harassment is no less than a psychological terror affected by one or more persons against (typically) a single individual. The aim of this study is an analysis of mobbing, especially as regards the employer's obligation to oppose mobbing practices. Ethical behaviour towards staff is not only a condition for observing the principles of community life in the work environment but it is the building block for creating a positive image of the employer in the business community. Mobbing behaviour impacts an organization's image and poses several financial costs.

Keywords: mobbing, the Labour Code, workplace

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1. Introduction

Mobbing, according to article 94³ of the Labour Code are actions or behaviours pertaining to or directed against an employee that involve persistent and long-term harassment and threats to an employee. Mobbing may also include humiliating or ridiculing the employee, isolating them or excluding them from the group of co-workers. Such behaviours result in the lowered evaluation and professional usefulness on an employee. From this perspective, mobbing is the most harmful sign of an infringement of one's moral rights as it is a form of a persecution or psychological terror against the targeted employee. Judicial decisions see mobbing as a Labour Code tort¹, and the regulations of the Code clearly point to the employer as the subject normatively responsible for counteracting such practices (Cieślak & Stelina, 2004, p. 68).

The occurrence of mobbing in the workplace speaks poorly of the quality of interpersonal relations and has a negative effect on the functioning of the entire organisational structure of the employer. For this reason, it seems beneficial to build the relations in the workplace in a way that is not only in accord with legal but also ethical standards. Law, as a regulator of human behaviour, can be insufficient a tool if we want to eliminate potential tensions or conflicts which can eventually lead to the occurrence of pathological practices in the workplace. Contemporary standards for treating employees constitute an element of building a good reputation of the employer in business, which facilitates the economic success of their enterprises.

The goal of this paper is to show that mobbing is an undesired behaviour in the workplace. An employer, equipped with tools available to them within the scope of their management, is obliged to build the relationships within the workplace to prevent the occurrence of psychological violence or other pathogenic practices.

2. The legal and non-legal basis for protecting employees against mobbing

John Paul II (1983, p. 29) asserted,

[...] work is a good thing for people. It is not only good in the sense that it is useful or something to enjoy; it is also good as being something worthy, something that corresponds to one's dignity, which expresses this dignity and increases it. To define the ethical meaning of work clearly, it is this truth that one must par-

¹ Mobbing is undoubtedly a qualified violation of labour law and the sanctions for mobbing fall in the domain of labour law where courts opine mainly based on labour law articles (article 943 § 1-5 LC), even though they also use civil judicial decisions in the case of financial compensations (article 445 § 1 CC and article 448 CC) as well as compensation for health disorders (article 444 § 1 CC). Cf. The sentence of The Supreme Court from March 29, 2007, II PK 228/06.

ticularly keep in mind. Work is a good thing for people—a good thing for their humanity—because through work one not only transforms nature, adapting it to one's own needs, but also achieves fulfilment as a human being and indeed, in a sense, becomes more a human being.

A man who works becomes richer and nobler in spirit; is empowered, and becomes more of a human (cf. Świątkowski, 1991, p. 12). For most people work is their fundamental activity in life, defining their social status and developing their humanity.

Legal norms are in turn a fundamental factor in defining the type and scope of an employer's actions towards their employees in the workplace. Therefore, we should expect those at managerial positions to have at least basic knowledge of the Labour Code. In management education (Skrzypek, 2010) a more important role is attributed to its ethical aspect that results in the transplantation of ethical norms into human resources management. Managing human resources also involves solving ethical dilemmas, which requires, among others, the capacity to just and equal treatment. It has to correspond to the accepted social norms, i.e. the practices and rules of conduct accepted and approved in the society. All these elements contribute to the creation of the s-called ethical company, which is a community of people building a stable and strong culture based on respecting human rights and privacy. Such a company employs managers who treat their employees in an ethical manner (Zbiegień-Maciąg, 1997, p. 63 et seqq.). To many practitioners, business ethics means just the feeling of ethical responsibility for the manager. Entrepreneurs and managers have a powerful tool—the company, in which, apart from the capital invested in it, material goods of certain value, we find invaluable goods—its people. Certainly, the management is responsible for realising the task of distributing goods or:

- (1) hiring employees (recruiting and selecting the staff),
- (2) assigning tasks and positions,
- (3) assessing deserved remuneration,
- (4) evaluating, rewarding, promoting, firing, etc.

Equipped with such extensive capabilities, managers often become the “masters of destiny” to, for example, the fired employees. Law protects employees against their freedom to act as they see fit, but only to an extent. Beyond it lies the domain of ethics, which creates a moral barrier through, among others, social responsibility.

The knowledge and convictions of workers regarding the way they are treated in the workplace let them foresee which actions will be rewarded, which will be ignored and which punished (Dusiński, 2003, p. 170 et seqq.). When both sides of employment (the management and the employees) obey the legal and widely accepted ethical norms, there is harmony at work and respect for the staff resulting in economic gains. For this reason, one should look at the importance of the principles of community life (see article 8 of the Labour Code), which constitute in the workplace a criterion delineating the scope of executing one's rights (subjective rights) in the relations regulated by labour law. Judicial decisions see it as a set of

social norms, i.e. commonly obeyed patterns of behaviour which the power of social habit considers as binding, and a set of moral norms axiologically grounded in evaluating behaviour as proper, good (Supreme Court sentence from 15.07.1998, II UKN 123/98, OSNP 1999, No. 13, point 435). Nowadays, community life principles are almost as important as non-legal moral and social norms shaping the relations between employers and employees in small, medium-sized, big companies and in collective employment. This general concept encompasses, among others, clauses in civil and trade law from the interwar period collected under the term “good practices” and “practices of honest exchange” (Celeda et al., 2009).

According to article 94 point 10 of the Labour Code, the employer should take part in shaping the principles of community life in the workplace, which corresponds with the employee’s duty to obey them (article 100 § 2 point 6 of the Labour Code). The principles of community life are usually in the form of socially accepted moral norms, and following these is a common responsibility. Therefore, the article 94 point 10 of the Labour Code does not pertain to the principles of community life but to the principles that are appropriate for the conditions in which the staff operates. Such principles lead to a harmonious cooperation and an atmosphere of mutual kindness and support. The employer can shape the workplace community by leading through example of their own behaviour towards the staff, which can later be used as a template and applied in the relations between the managers, between the workers, and the relations between the two groups.

A necessary condition for the credibility of such a model is obeying the principles of labour law (Supreme Court sentence from July 15, 1987, I PRN 25/87, OSNCP 1988, No. 12, point 180). Article 11¹ of the Labour Code, according to which the employer is obliged to respect the employee’s dignity and their other personality rights, has an especially momentous effect on shaping community life principles in the workplace. In employment relationship, the obligation to respect the employee and their other personality rights is a fundamental responsibility of the employer elevated to a legal obligation expressed in article 11¹ of the Labour Code. Literature rightly claims that dignity manifests itself in one’s feeling valuable and one’s expectation of being respected by others (Góral, 2011, p. 137; cf. also Dörre-Nowak, 2005, p. 28 et seqq.). In the employer-employee relationship, the employee is the weaker party and this is why the matter of their dignity and respect by the employer becomes especially significant. From it stems the employer’s responsibility to refrain from practices involving any direct interference with the employee’s legally protected personality rights², and the obligation to engage in positive actions aiming at the creation of appropriate work conditions, free from the potential threat of or the infringement of their personality rights. The employer, by violating their personal duty, also violates the employee’s personality rights—they have the right to their work in an environment that is free from mobbing practices (cf. Pisarczyk, 2004, p. 57). Worker’s dignity can be violated by various behaviours of the employer, e.g. by offensive commands, spreading

² The perspectives on singling out workers’ dignity are varied (cf. Jończyk, 1965, p. 133 et seqq.; Liszcz, 2006, p. 81 et seqq.; Piszczek, 2005).

false information about them, or delegating tasks to them that do not match their professional qualifications. Often such supervisory practices are enough to be labelled as mobbing. The Supreme Court opined that every employer should be expected to respect their employees and to consider their feeling of dignity and personal worth. The employer cannot communicate with their employees negatively without proper justification and speak of them in a way that would humiliate them in the eyes of the staff (Supreme Court sentence from 3.03.1975, I PR 16/75, LexPolonica No. 318105). In a different sentence (from 6.12.1973, I PR 493/73, LexPolonica No. 301123), the Supreme Court opined that

[...] the employee's personal dignity is not violated by a critical evaluation of the tasks delegated to them, even if the evaluation turns out to be unjust, as long as it does not result in the harmful for the employee professional disqualification and does not contain improper expressions not necessary in the context of the actions undertaken within the scope of the employer's responsibility (article 23 of the Civil Code).

The employer's duty to counteract mobbing is further supported by the rules regarding their responsibility to provide their employees' with safe and hygienic work conditions. Within European law, we should note the 89/391/WE Framework Directive from 12.VI.1989 concerned with introducing measures to encourage improvements in the safety and health of workers at work (Journal of Laws WE L 183 from 29.VI.1989). Article 6 of the directive describes the employers' obligations in the context of recognising risks and acting to ensure employees' safety and health protection. It lacks, however, any regulations specifying if these risks also include psychological and social work environment factors. Nevertheless, it is commonly believed that such a directive helps combat mobbing (Szewczyk, 2003/2004, pp. 138–139). Beside the directive, I would like to mention autonomous agreements made by European social partners: the European Framework Agreement from 8.X.2004 regarding work-related stress and the Framework Agreement from 26.IV.2007 concerning harassment and violence in the workplace. The agreements came into force in the form of Wspólna Deklaracja Partnerów Społecznych (Joint Declaration of Social Partners) from 14.XI.2008 concerned with preventing and counteracting work-related stress and the Wspólna Deklaracja Partnerów Społecznych from 24.III.2011 concerned with harassment and violence in the workplace. For the present analyses, the agreement from 2007 is especially important as it describes the anti-mobbing procedures and individual and collective workers' rights in the face of harassment and violence (Surdykowska, 2007, 2011, pp. 11–17). According to the agreement, harassment is systematic and intentional offending, threatening or humiliating workers or supervisors in work-related contexts. Violence is defined there as the violation of the physical integrity or personal dignity of the worker or supervisor in work-related contexts. We should also mention article 31 the Charter of Fundamental Rights of the EU, which states that every worker has the right to working conditions that respect his or her health, safety and dignity.

In Polish labour law, we find articles 15 and 94 point 4 of the Labour Code, which guarantee the worker safe and hygienic working conditions. The goods protected by these regulations are workers' health and life. For the employer to meet the requirements stated article 15 of the Labour Code they must:

(...) create such an environment using not only legal but also technical, technological, and organisational instruments that the worker's life, health, and psychological welfare are not at risk. (Gersdorf, Rączka & Skoczyński, 2007, p. 57)

The way it can be achieved is described in article 94 point 4 of the Labour Code, which obliges the employer to provide their employees with safe and hygienic work environment and with regular health and safety trainings and in article 207 § 2 of the Labour Code concerned with protecting the health and life of the employee (Zych, 2007, pp. 39–40). We can assume that safe and hygienic work conditions also depend largely on whether the atmosphere in the workplace is free from discrimination or mobbing. These undesired practices not only harm the worker's dignity, affect their work efficiency negatively and violate the principle of equal treatment; they also threaten the worker's health, at least in the psychological sense. Therefore, any employer who tries to restrict or eliminate them to an insufficient extent does not meet the fundamental criteria of safe and hygienic work conditions. As a result, the literature of the subject rightly observes that the responsibility to counteract mobbing corresponds with the duty to protect the worker's life and health by providing them with safe and hygienic work conditions (article 207 § 2 LC) (cf. e.g. Kuba, 2012, p. 156).

3. The concept of mobbing

When analysing mobbing from the perspective of terminology, we note that it was defined much earlier than in article 94³§3 of the Labour Code within non-legal sciences, especially social science and human resources management. Mobbing is usually defined as long-term, systematic psychological harassment of an individual by one or several individuals with a muted consent or indifference of other members of the group. The term *mobbing* comes from the English verb *to mob*, which means 1) large crowd of people, especially one that is disorderly and intent on causing trouble or violence, 2) Crowd round (someone) or into (a place) in an unruly way. In the 1960s, Peter-Paul Heinemann used this term with respect to people when analysing hostile practices in children at schools. From today's perspective, the most accurate definition did not appear until H. Leymann in the 1980s, who coined it thanks to his research on psychosocial relations in the workplace:

psychological terror in the professional life characterised by hostile and unethical practices that are systematically undertaken by one or several individuals and aimed against usually one individual who, as a result, is deprived of any chance

for help or defence. These practices occur very often (at least once a week) and for a long time (at least six months). Large frequency and long duration of the hostile behaviour results in serious mental, psychosomatic, and social problems. (Leymann, 1996)

Bechowska-Gebhardt and Stalewski (2004, p. 16) define mobbing as:

[...] unethical and irrational from the organisation's perspective practices consisting of long-term, repetitive and unjustified harassment of a worker by their supervisors and co-workers. It means subjecting the victim to economic, psychological, and social violence in order to threaten or humiliate them and restrict their capacity to defend themselves. It is a subjectively experienced phenomenon but it can be intersubjectively confirmed. It is a multi-step process in which a mobber uses methods of manipulation starting from the most subtle ones and imperceptible to the victim to most drastic ones, causing the victim's social isolation, their auto-depreciation, sense of grievance, helplessness, and rejection by their co-workers and, as a consequence, severe stress and somatic and mental disturbances

In management, mobbing is also understood as:

unethical, malicious harassment of one or a group of staff members by an executive worker or a worker from a higher position in the group hierarchy. It means subjecting an individual to practices aiming at humiliating them or restrict their capacity to defend themselves. (Bańka, 2007, p. 241)

In legal context, mobbing, according to article 94³ § 2 of the Labour Code is defined as practices or behaviour affecting or aimed against an employee, consisting in persevering and long-term harassment or threatening of the employee, resulting in lowered sense of professional worth, causing or aiming at humiliating or ridiculing the employee k.p., oz, isolating or eliminating them from the staff. The conditions that qualify the employer's practices or behaviour as mobbing indicate that the object of the mobber's practices is their employee as defined in the labour law. Other indications include perseverance and long duration. In the doctrine (cf. Bury, 2007, p. 71 et seqq.; Cieślak & Stelina, 2004; Gładoch, 2006, p. 18; Szewczyk, 2009, p. 124 et seqq.), it is emphasised that the perseverance and long duration of mobbing are difficult to ascertain, which can lead to difficulties in classifying given behaviours as mobbing practices. We should note the particularly meaningful in this context decisions of the Supreme Court (cf. sentences from January 17, 2007, I PK 176/06, OSNP 2008, No. 5–6, point 58), in which it opined that the long duration of harassment or threatening of an employee as defined in article 94³ § 2 of the Labour Code should be considered individually and in the light of specific circumstances of the given case. It is then not possible to state unequivocally any minimum time limit for the practices to be recognised as mobbing. Perseverance is interpreted in the context of repetitive practices of the perpetrator (i.e. it does not pertain to one-time incidents) and their attitude (ill will) (Szewczyk, 2009, p. 124 et seqq.). According to article 94³ § 2 of the Labour

Code, their behaviour and practices are meant to cause the victim to lose their belief in their professional usefulness, cause or aim to humiliate or ridicule the employee, isolate or eliminate them from the staff. This part of the definition has been criticised in research because the consequences presented here are not always of primary significance and it was observed that the “main consequences of mobbing consist in preventing the victim from effectively doing their work and, afterwards, the victim’s psychological and psychosomatic disorders” (cf. Jędrejek, 2010, p. 36; Zych, 2006, p. 194).

The mobber’s behaviour has to be reprehensible, not grounded in moral norms or principles of community life because other work-related practices such as disciplinary actions or giving orders are not illegal and can be justified (Supreme Court sentence from April 22, 2015, II PK 166/14). The definition of mobbing under article 94³ § 2 of the Labour Code also does not require harassing or threatening of the employee to be an exceptional, unusual practice in the workplace (Supreme Court sentence from January 17, 2007, I PK 176/06, OSNP 2008, No. 5–6, point. 58). The Supreme Court clearly supported the possibility of recognising mobbing in the case of unintentional behaviour of the perpetrator (lack of intent) (Supreme Court sentences from May 7, 2009, III UK 2/09, OSNP 2011 No. 17–18 point 230; from March 16, 2010, I PK 203/09, OSNP 2011, No. 17–18). The consequences of the mobber’s behaviour, which constitute an important part of the definition can, but do not have to be intended. The Supreme Court ruled (sentence from October 20, 2016, I PK 243/15, *Legalis* No. 1564914) that behaviour qualified as mobbing neither require behaviour to be aimed at achieving a certain goal nor does it have to have consequences. It is sufficient for the employee to be an object of a practice that can be objectively recognised as resulting in one of the consequences listed in article 94³ § 2 of the Labour Code.

Another element of the definition of mobbing, the one concerning humiliating or ridiculing them and isolating or eliminating them from the group of employees is associated with creating hostile and unsafe work environment (Szewczyk, 2006, p. 258 et seqq.). It is claimed that mobbing occurs only when the victim’s isolation is caused by unethical practices bearing the hallmarks of harassment, threatening, humiliation and ridicule (Wyka, 2012, p. 133). It does not directly refer to unlawful practices infringing on legally protected rights such as the worker’s dignity, health, physical and mental integrity, even though mobbing usually leads to such consequences (Szewczyk, 2010, p. 8).

According to judicial decisions, the statutory conditions as presented in article 94³ § 2 have to be collectively fulfilled, moreover, the burden of proof lies on the employee (article 6 of the Civil Code) (Supreme Court sentences from 5.12.2006, II PK 112/06, *Lex Polonica* No. 1614447; Supreme Court sentence from 12.12.2000, V CKN 175/00, OSP 2001/7-8/116).

4. A review of conditions facilitating mobbing in the workplace

Much of the research is devoted to analysing the factors facilitating and affecting the occurrence of practices or behaviour qualified as mobbing. First, it is assumed that a personal conflict in the workplace can lead to mobbing. Therefore, we should look more closely at the causes and reasons for the occurrence of a phenomenon defined as

a conflict between two or more members of groups, resulting from the necessity to share limited resources or duties or from their different positions in the hierarchy, different goals, values or ideas. Within the conflict, the members of the organisation or its departments act to make their goals or viewpoint outweigh the goals or viewpoints of others. (Penc, 2001, p. 124)

The symptoms of conflicts in the workplace are: workers' dissatisfaction, frequent complaints, anonymous denunciations, malicious criticism, ironic comments, demonstrative absences, acts of violence, rape, battery or fights (Ratajczak, 2007, pp. 106–111). Usually, the hidden causes of conflicts pertain to remuneration, material gains, privilege, insecurity, an unclear division of roles in the team. The very conflict between individuals in a group is natural and occurs in every organisation, even those well-managed and employing workers' participation mechanisms. Here we should emphasise that the

fundamental difference between an ordinary conflict and mobbing consists in the former having limited duration and the parties becoming sooner or later interested in constructively resolving it, while in the latter the active party (the perpetrator) acts as long as is necessary for them to successfully humiliate the victim and make them leave the organisation or to achieve other goals [...]. (Marciniak, 2008, p. 42)

The employer is responsible for counteracting mobbing, i.e. for creating such work conditions, including work atmosphere, that mobbing will not occur. Because of this regulation, the employers are also responsible for their employees being mobbed by other members of their staff even when they are not aware that mobbing practices are present in their company. Potentially, mobbing practices do not have to be perpetrated by the employer; these can be the behaviour of an individual who is higher up in the company's hierarchy, or by other co-workers. We can list three directions of mobbing (Zych, 2006, pp. 21–22):

- (1) slanting mobbing—superiors against their inferiors, most commonly occurring,
- (2) horizontal mobbing—one employee against another employee,
- (3) vertical mobbing—inferiors against their superiors, less commonly occurring.

The course of mobbing practices changes with the changing conditions in the community, however, it is quite predictable when it reaches such a stage (Kijowski & Goździewicz, 2009, pp. 585–586).

The factors that stimulate the occurrence of mobbing in the workplace include: the atmosphere in the organisation, management style manifested by the superior or environmental conditions. The reasons for mobbing can be found in rigid community structures that enable managing people from the position of power. Typically, the negative characteristics of an organisation where psychological violence occurs include: unfilled posts, little time for dealing with urgent tasks, purposeless commands, holding employees responsible for tasks while limiting their decision-making possibilities, underappreciating the lower-level employees, low morale and a lack of friendly atmosphere, a lack of support from co-workers resulting in anxiety and insecurity all increase the risk of mobbing occurrence (Centralny Instytut Ochrony Pracy). The reasons for psychological harassment can be found in the personality of the mobber, the personality of the victim, and the structure of the company. However, we can assume that the dominant factors lie in organisational conditions (working routine, organisational culture, management style) that facilitate the emergence of attitudes and practices violating the employee's well-being (Radzka, 2012, p. 32 et seqq.; Warszewska-Makuch, 2005, p. 6). Acts of psychological terror can be traced back to the norms and values approved by certain organisations.

The most susceptible are small, formal groups based on emotional bonds, where their members have defined positions and roles. The more sophisticated a given hierarchy, the more excluded are those who do not want to agree to follow certain rules, which exposes them to harassment. An enterprise with a rigid and fossilised structure with extensive internal control mechanisms and poor communication and flow of information is often a fertile ground for distorted relations between individuals. Indifferent management, narcissistic executives, bad work organisation or creating the image of a person based on a single negative event often are at the root of workplace harassment (Kmieciak-Baran & Rybicki, 2003, pp. 39–41). Many undesired consequences result from an autocratic or interfering company management style. The former consists in the manager trying to retain all competences in their own hands, is domineering, despotic and preemptory. Their employees must obey them absolutely, no partner relationship is possible with the superior who is in the dominant position and in case of resistance uses various forms of punishment as tools of control. In the latter, there is no real management. The manager avoids making decisions, does not interfere in the actions of their inferiors, and leaves them much freedom. As a result, they do not see or ignore conflicts. Such a situation is a perfect opportunity for one who is seeking power as such an individual is free to fight any potential competition (Ratyński, 2005, pp. 164–165).

5. Counteracting mobbing as a fundamental responsibility of the employer

The employer's duty to combat mobbing is expressed in article 94³ § 1 of the Labour Code in chapter I of part four, which contains a list of fundamental duties of the employer and for this reason we treat it as a legal responsibility of the parties of an employment relationship. The responsibility for counteracting mobbing is contractual, fundamental and general in nature (cf. Supreme Court sentence from August 3, 2011, I PK 35/11, LEX/el. No. 1001278), refers to performing other duties towards the employee. The place of article 94³ § 1 has a significant influence on the employer's scope of responsibility regarding the occurrence of mobbing in the workplace. It is in their own interest to create preventive mechanisms against mobbing because the lack of such plans can result in their being held responsible in the form of compensation for the victim suffering from health disorders. Moreover, the mobbed employee can also use their right to terminate their employment with immediate effect pursuant to article 55¹ § 1 of the Labour Code with the right to additional compensation (Dörre-Kolasa, 2014).

The employer can use organisational and persuasive means and, when they turn out to be ineffective, can apply sanctions described in labour law (e.g. within disciplinary liability). In order to realise their duty, the employer should prevent psychological violence from occurring in the workplace, provide the victim with support and eliminate mobbing practices in the work environment (Muszalski, 2009, pp. 365–366). Preventive action should be tailored to match the type of employer, their size, organisational structure or their business profile. Some methods will be effective in the case of small organisations, others, in more complex structures (Dörre-Kolasa, 2014). A recommended instrument, regardless of the character of the organisation, is a local anti-mobbing procedure, which allows the problems to be effectively resolved and to minimise the risk of their future reoccurrence. It is useful to include an anti-mobbing procedure into the collective agreement in the workplace, which can make the staff treat it as a special source of labour law—pursuant to article 9 § 1 of the Labour Code, i.e. as a source of rights and obligations of the parties in the employment relationship.

Actions taken when mobbing occurs in the workplace involve taking steps against the individual who has been shown to use psychological violence. Besides that, the employer should investigate if the circumstances that enabled such practices still exist. If so, then it becomes necessary to undertake appropriate action to eliminate them or decrease their influence in the work environment in the future.

Article 94³ § 1 of the Labour Code suggests that the employer bears legal responsibility for not counteracting mobbing even when they are not personally involved in the use of violence and even when they are not aware it occurs in their workplace. Therefore, the employer can be held responsible for actively harassing their employees as well as not performing their duty to counteract the occurrence of psychological terror in the workplace (Abramowska & Nałęcz, 2004, p. 182). The aggrieved employee can claim from the employer: compensation for health

disorders caused by mobbing (art. 94³ § 3 LC), compensation for employment termination caused by mobbing (art. 94³ § 4 and 5 LC) and compensation for immediate employment termination pursuant to article 55 § 1¹ LC. Thus, if the mobber's practices can be also qualified as a violation of the victim's personal rights, he or she is liable under personal rights violation of civil law code.

6. Conclusions

Mobbing as a special case of employees' personal rights violation and a form of psychosocial threat in the workplace bears very serious consequences not only for the individuals affected by it but also for the company and the whole of society. The consequences include the rise of sickness absence, staff retention issues, decreased work quality, a decrease in work productivity, a reduction of engagement, creativity, and lowered morale of the staff. The workplace affected by mobbing often faces good reputation on the market and financial losses resulting from the costs of investigation and potential compensations for the victims. The burden of workplace mobbing also falls on the societies that are responsible for the costs of treatment, rehabilitation, and social allowances for the mobbing victims.

Mobbing practices are rooted in organisational factors, especially in their hierarchical form, individual characteristics of both the mobbing victims and its perpetrators. It makes it significantly more difficult for the employer to realise their duty to counteract mobbing because they are expected to identify such practices and react immediately if pathological practices occur. In such circumstances, it seems to be a good idea to take advantage of the possibilities provided by ethical normalisations expressed in, among others, codes of good practices and anti-mobbing procedures implemented in the workplace. Moreover, we should try to improve the quality of organisational culture in the workplace by means of implementing positive models and appropriate pieces of training.

Mobbing has been researched for long but qualifying certain practices or behaviour as mobbing is still controversial, which shows how difficult it is to apply regulations in practice. Therefore, it is still necessary to further develop and utilise various research methods to better analyse the complex nature of mobbing and, based on the findings, we need to create effective means of counteracting and dealing with this serious threat in the workplace.

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