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MOBBING IN THE WORKPLACE AMONG RESPONDENTS - TEACHERS EMPLOYED IN SECONDARY SCHOOLS OF THE CITY OF POZEGA, POZESKO-SLAVONSKA COUNTY, REPUBLIC OF CROATIA

Summary:

Initial research into the phenomenon of workplace mobbing dates back to 1972 and was conducted in Sweden. Of exceptional importance for determining the existence of mobbing, is a proper understanding of the behaviour that can be subsumed under the term as well as its clear distinction from the usual conflicts in the workplace and various forms of harassment. The aim of the present paper is to check the existence of mobbing in the workplace among respondents – teachers employed in secondary schools in the City of Pozega, Republic of Croatia. In this sense, the paper is divided into two parts in terms of content: theoretical and special part. In the theoretical part of the paper, mobbing will be conceptually defined and its distinction towards harassment as a form of discrimination will be analyzed. The theoretical part of the paper includes an overview of earlier research into mobbing in the EU and the Republic of Croatia and an analysis of the procedure for obtaining legal protection in the case of mobbing in accordance with applicable regulations of the Republic of Croatia. A special part of the paper is dedicated to the analysis of the results collected by the conducted empirical research. The mentioned research included 350 teachers employed in six secondary schools in the City of Pozega. These are the Gymnasium, the School of Economics, the Technical School, the School of Crafts, the School of Agriculture and Food and the Music School. At the end of the paper, the author presents concluding remarks in which she gives recommendations for improving the detected problems.

Keywords:

mobbing, workplace, secondary schools in the City of Pozega, Republic of Croatia

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1. INTRODUCTION ON MOBBING AND LEGAL PROTECTION OF VICTIMS OF MOBBING IN THE REPUBLIC OF CROATIA

Since the aim of the present paper is to check the existence of mobbing in the workplace among respondents-teachers employed in secondary schools in the City of Pozega, Republic of Croatia, this chapter focuses on theoretical approaches to this concept. The paper should therefore answer the question whether and to what extent respondents are exposed to mobbing in the workplace, whether and to what extent they are willing to seek protection of their rights in case of exposure to mobbing and what the most common reasons for not reporting mobbing in the workplace are. The answers to these questions will be presented and analyzed in a separate part of the paper.

1.1. MOBBING – BASIC DETERMINANTS

To define mobbing is not an easy or simple job, especially since some authors hold that “there is no true and accurate definition” of this term.¹ In terms of terminology, mobbing comes from the English word “mob” meaning crowd, scum and verb variants “to mob” meaning to attack someone, to attack the crowd, to call him/her derogatory. However, various terms appear in the literature to refer to mobbing-specific behaviour. The term mobbing is thus used in Swedish, German and Italian literature, while in English-speaking countries the term bullying is used. In the United States, the terms work abuse or employee abuse are used.² The analysis of available sources related to mobbing, whose authors come from different European countries, shows the representation of different terms. Thus Leymann uses the terms “mobbing” and “psychological terror”,³ Björkqvist, Österman and Hjelt-Bäck use the term “aggression”,⁴ Einarsen uses the term “bullying”⁵ and “victimization” and “harassment” are terms used by Einarsen and Raknes⁶ in their articles. However, despite the differences in terminology, all of the above terms encompass the same pattern of behaviour. This pattern of behaviour is characterized by systematic harassment of a subordinate, work colleague or superior, which if prolonged and frequent and can cause serious social, psychological and other problems for the victim exposed to such behaviour.⁷ The first research into mobbing in Europe was conduct-

¹ Oswald Neuberger, *Mobbing Übel mitspielen in Organisationen* (München, 1999) 11.

² Andreja Kostelić Martić, *Mobbing: psihičko maltretiranje na radnome mjestu* (Školska knjiga, Zagreb, 2005) 6 ; Frank Lorho and Ulrich Hilp ‘Bullying at work’ Working paper (European Parliament, August 2001) <<https://www.europarl.europa.eu/workingpapers/soci/pdf/108-en.pdf>> accessed 05 March 2022.

³ Heinz Leymann, ‘Mobbing and psychological terror at workplaces’ (1990 b) (5) Violence and Victims 119–126; Heinz Leymann, ‘The content and development of mobbing at work’ (1996) (5) European Journal of Work and Organizational Psychology 165–84.

⁴ Kaj Björkqvist, Karin Österman and Monika Hjelt-Bäck, ‘Aggression among university employees’ (1994) (20) Aggressive Behavior 173–84.

⁵ Stale Einarsen, ‘The nature and causes of bullying’ (1999) (20) International Journal of Manpower 16–27.

⁶ Stale Einarsen and Bjørn Inge Raknes, ‘Harassment at work and the victimization of men’ (1997) (12) Violence and Victims 247–63.

⁷ Dieter Zapf, Cameron Knorz and Matthias Kulla, ‘On the relationship between mobbing factors, and job content, the social work environment and health outcomes’ (1996) (5) European Journal of Work and Organizational Psychology 215–37.

ed in Sweden by the psychologist Heinz Leymann. Back in 1984, he gave the first definition of mobbing, according to which: "mobbing or psychological terror in the workplace refers to hostile and unethical communication that is systematically directed by one or more individuals towards mostly one individual who is pushed into a position in which he/she is helpless and unable to defend himself/herself and is held in it by constant mobbing activities. These actions occur very often (at least once a week) and over a long period (at least six months). Due to frequent and long-lasting hostile behaviour, such actions result in significant mental, psychosomatic and social suffering".⁸ A more complete definition of mobbing is contained in the French Act on social modernization, which states that: "mobbing is psychological harassment that is repeated through actions aimed at or resulting in degradation of a worker's working conditions which may cause an attack and harm human rights and human dignity, harm physical or mental health or compromise the victim's professional future".⁹ Mobbing includes unacceptable behaviour in the workplace, regardless of whether such behaviour originates from superiors (vertical mobbing) or from work colleagues (horizontal mobbing). Therefore, the question of whether unacceptable behaviour originates from a superior or a work colleague is important only for the distinction of whether it is vertical or horizontal mobbing in a particular case and in no case can affect the possibility of seeking and implementing protection against such behaviour.

It is important to emphasize that, unfortunately, in the Republic of Croatia there is no legal definition of the term mobbing. However, this term is commonly considered "any form of violence in the workplace over a long period, which is characterized by psychological or moral abuse".¹⁰ It is extremely important to establish the existence of mobbing and to provide adequate legal protection by distinguishing this from similar concepts, especially from the concept of harassment as one of the forms of discrimination. Harassment is "undesirable behaviour based on prohibited grounds of discrimination which has a purpose or effect in violation of a person's dignity and which causes a frightening, hostile, degrading or offensive environment".¹¹ It can be concluded from the above that two conditions must be cumulatively met in order for undesirable behaviour based on prohibited grounds of discrimination to be considered harassment. The first condition is that it has a purpose or effect in violating the dignity of the person, and the second that it causes a frightening, hostile, degrading or offensive environment.¹²

⁸ Leymann. SE 'The definition of mobbing at workplace' <<https://www.leymann.se/English/12100E.HTM>> _accessed 02 March 2022.

⁹ Loi de modernisation sociale n. 2002–73, Article 169, 170 <<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000408905/>> accessed 05 December 2022.

¹⁰ Ombudsman of the Republic of Croatia 'What To Do in Case of Workplace Mobbing or Unlawful Dismissal?' (Ombudsman of the Republic of Croatia 15 September 2020) <<https://www.ombudsman.hr/hr/sto-uciniti-u-slucaju-mobinga-na-radnom-mjestu-ili-nezakonitog-otkaza>> accessed 25 February 2022.

¹¹ Ivica Crnić and others, *Primjena antidiskriminacijskog zakonodavstva u praksi* (Centar za mirovne studije Zagreb, 2011) 35; Željko Potočnjak, Andrea Grgić 'Osnovni pojmovi i koncepte o zabrani diskriminacije u radnom pravu' in Željko Potočnjak, Ivana Grgurev and Andrea Grgić (eds), *Perspektive antidiskriminacijskog prava* (Pravni fakultet Sveučilišta u Zagrebu, 2009) 17.

¹² On the concept and elements of harassment, see in more detail in Goran Selanec, 'Oblici diskriminacije' in Tena Šimonović Einwalter (ed), *Vodič uz Zakon o suzbijanju diskriminacije* (Ured za ljudska prava Vlade Republike Hrvatske, 2009) 47–49; see also Snježana Vasiljević 'Izazovi suvremenog antidiskriminacijskog prava – svjetlo na kraju tunela' in Željko Potočnjak, Ivana Grgurev and Andrea Grgić (eds), *Perspektive antidiskriminacijskog prava* (Pravni fakultet Sveučilišta u Zagrebu, 2009) 267–308.

It should be emphasized here that harassment, as a form of discrimination, must be based on one of the prohibited grounds of discrimination. On the other hand, mobbing is conceptually broader than the concept of harassment as it is not, as harassment, necessarily related to the prohibited grounds of discrimination. However, if mobbing is based on any of the prohibited grounds of discrimination, it could be classified as harassment.¹³ Thus, mobbing involves harassment in the workplace on any grounds¹⁴, and can be defined as: "a negative form of behaviour between colleagues or between hierarchical superiors and subordinates, which repeatedly humiliates and attacks a person directly or indirectly by one or more persons for the purpose of alienating that person".¹⁵ Mobbing is characterized by psychological abuse or harassment, psychological terror or moral abuse.¹⁶

Taking into account the above definitions of mobbing, several of its essential elements could be highlighted:

- 1) multiple repetition of the act of abuse
- 2) the existence of abuse over a long period
- 3) the psychological character of abuse and
- 4) extremely negative reflection on the abused person (victim of mobbing).

1.2. MOBBING – THE PATH TO LEGAL PROTECTION IN THE REPUBLIC OF CROATIA

In this part of the paper, attention will be paid to the analysis of legal protection in the Republic of Croatia at the disposal of victims of workplace mobbing. At the outset, it should be emphasized that the Republic of Croatia still does not have a Law on Mobbing, although in 2007 the Committee on Gender Equality of the Croatian Parliament drafted a Bill on the Prevention of Harassment at Work, but it has never been passed. Distinguishing between harassment as one of the forms of discrimination and mobbing – behaviour that does not necessarily have to be based on one of the prohibited grounds of discrimination, is extremely important in the context of legal protection. In the case of harassment as a form of discrimination, workers enjoy protection under the provisions of a special law – the Labour Act¹⁷, but also based on the umbrella anti-discrimination law in the Republic of Croatia – the Anti-Discrimination Act.¹⁸ Therefore, such workers would, in accordance with the provisions of Article 134 of the Labour Act, which regulates the protection of the dignity of workers from harassment and sexual harassment, have the opportunity to submit their complaint to the employer. The em-

¹³ See details on mobbing in Šime Pavlović, 'Mobbing – oblik ljudske agresije, destruktivnosti, nečovječnog i ponižavajućeg postupanja' (2005) 5(1) Hrvatska pravna revija 112–16; see also Elvira Koić and Jadranka Apostolovski, *Mobbing* (Društvo psihologa Primorsko-goranske županije Rijeka, 2006)

¹⁴ Ivana Grgurev, *Zabrana diskriminacije u radnom pravu* (doktorska disertacija, Pravni fakultet Sveučilišta u Zagrebu, 2006) 60.

¹⁵ Ivo Rebac, 'Izravni i neizravni oblici diskriminacije na tržištu rada – Zaštita od diskriminacije u kolektivnim ugovorima u Republici Hrvatskoj' (2006) 7–8 Radno pravo, 6–28.

¹⁶ Renata Pražetina Kaleb, 'Oblici mobinga i sudska zaštita žrtava mobinga' (2012) 21(4) Policijska sigurnost 823.

¹⁷ (NN 93/2014, 127/2017, 98/2019) (HR)

¹⁸ (NN 85/2008, 112/2012) (HR)

ployer's action on the received complaint of the employee is limited to a period that cannot be longer than 8 days from the day of delivery of the complaint.¹⁹ However, if the employer does not take measures to protect the dignity of the employee within the specified period, or takes them, but they are inappropriate, the employee has at his disposal the right to stop to working. Pursuant to the said right, a worker who is harassed or sexually harassed has the right to suspend work until protection is provided to him/her, provided that he/she has requested protection before the competent court within a further period of 8 days.²⁰ Furthermore, pursuant to the provisions of the Anti-Discrimination Act, such a worker could protect his/her rights by filing some of the lawsuits available to him/her. Thus, the mentioned Act in Art. 17 allows the following lawsuits to be filed: lawsuit to establish discrimination²¹, lawsuits to prohibit or eliminate discrimination,²² claims for damages²³ and a lawsuit requesting that the verdict establishing the violation of the right to equal treatment at the expense of the defendant be published in the media. Litigation brought by workers for harassment is considered litigation from labour relations, and the rule on shifting the burden of proof is related to them. According to the above rule, if the employee as a plaintiff proves the existence of reasonable suspicion that there was harassment, the burden of proof is transferred to the employer who is obliged to prove that there was no harassment. However, when it comes to mobbing (which is not related to any of the prohibited grounds of discrimination), such special procedural rules on shifting the burden of proof do not exist. It follows that, in that case, the application of general procedural rules on the burden of proof would be possible, according to which each party to the dispute must prove the truthfulness of its claims. In view of the above, it is clear that the position of a worker who is exposed to mobbing is significantly less favourable than a worker who is exposed to harassment that can be classified as discrimination. The significantly more unfavourable position of a worker exposed to mobbing (which cannot be considered a form of discrimination because it is not related to any of the prohibited discriminatory grounds) clearly follows from the analysis of the provisions of the Labour Act and the Anti-Discrimination Act cited above, as these Acts do not regulate such behavior at all. More precisely, the analysis of the provisions of the Labour Act and the Anti-Discrimination Act clearly shows that only a worker who is exposed to behaviour the cause of which lies in one of the prohibited grounds of discrimination is considered a harassed worker. This has the consequence that a worker who is exposed to harassment that cannot be considered a form of discrimination is not entitled to the special protection provided by the Labour Act, as well as to that provided by the Anti-Discrimination Act. Such workers, however, could enjoy the protection of their rights under the provisions of the Constitution of the Republic of Croatia²⁴ since it contains an open list of prohibited grounds for discrimination. "Thus, those behaviours that construct mobbing, and at the same time cannot be subsumed under any of the legal grounds for prohibiting discrim-

¹⁹ See Labour Act (n 17) Article 134, paragraph 3.

²⁰ *Ibid*, paragraph 4.

²¹ A lawsuit asking the court to establish that the defendant has violated the plaintiff's right to equal treatment, i.e. that the action he/she has taken or omitted may directly lead to a violation of the right to equal treatment.

²² A lawsuit asking the court to prohibit actions that violate or may violate the plaintiff's right to equal treatment, or to perform actions that eliminate discrimination or its consequences.

²³ A lawsuit requesting the court to compensate property and non-property damage caused by violation of the rights protected by the said Act.

²⁴ (NN 56/1990, 135/1997, 8/1998, 113/2000, 124/2000, 28/2001, 41/2001, 55/2001, 76/2010, 85/2010, 5/2014) (HR)

ination in Croatian legislation, could be sanctioned, i.e. enjoy judicial protection by directly linking to the provisions of the Constitution".²⁵ Furthermore, the protection of such workers is possible in accordance with the provisions of the Law on Contracts and Torts.²⁶ It is the Law on Contracts and Torts that recognizes the right to compensation of damage to every employee without any distinction, if his/her rights of personality have been violated, as well as the right to demand the cessation of actions that violate the right of personality.²⁷ The courts of the Republic of Croatia are mostly of the opinion that a worker who is harassed by behaviour that is not caused by any of the prohibited grounds of discrimination cannot exercise his/her rights by invoking the provisions of Article 134 of the Labour Act and relevant provisions of the Anti-Discrimination Act. According to the courts, such a worker could exercise his/her rights on the basis of the provisions of the Labour Act concerning the employer's liability for damage, as well as the provisions of the Law on Contracts and Torts.²⁸

2. EARLIER RESEARCH INTO MOBBING IN EUROPE AND THE REPUBLIC OF CROATIA

This chapter will provide an overview of some of the research conducted in Europe and the Republic of Croatia in the context of workplace mobbing.

Einarsen, Raknes and Mattheisen in 1994 conducted a research that focused on the correlation between organizational and social working conditions and the occurrence of mistreatment and harassment in the workplace. Mistreatment and harassment are defined as a situation in which workers are systematically harassed by colleagues or superiors in a way that they have been exposed to repeated insulting remarks, ridicule, teasing, isolation and social exclusion. The survey involved 4,200 members of various unions and 500 representatives of Norwegian employers' associations. The results of the research showed that a low level of satisfaction with management structures, the social environment, and especially conflicts of roles in the workplace, are most strongly correlated with abuse.²⁹ A reseach conducted by Cemaloglu in 2007 is extremely important for the issue of exposure to teacher abuse in Turkey. Three hundred and fifteen teachers participated in the study, and the results showed that as many as 50% of Turkish teachers experienced harassment in the workplace and that there is a significant correlation between the frequency of harassment and the teaching branch.³⁰

²⁵ Mario Vinković, 'Hrvatski pravni okvir i njegove poteškoće – osnovne napomene' in Iris Gović Penić and others, *Priručnik o diskriminaciji i mobingu na radnom mjestu* (Sindikat naftnog gospodarstva i Udruga za pomoć i edukaciju žrtava mobbinga 2018) 23.

²⁶ (NN 35/2005, 41/2008, 125/2011, 78/2015, 29/2018, 126/2021) (HR).

²⁷ Article 1048.

²⁸ Iris Gović Penić, 'Uznemiravanje/diskriminacija i mobing kroz sudske praksu' in Iris Gović Penić and others, *Priručnik o diskriminaciji i mobingu na radnom mjestu* (Sindikat naftnog gospodarstva i Udruga za pomoć i edukaciju žrtava mobbinga 2018) 47.

²⁹ Stale Einarsen, Bjørn Inge Raknes and Stig Berge Mattheisen, 'Bullying and harassment at work and their relationships to work environment quality: an exploratory study' (1994) (4) European Work and Organizational Psychologist, 381–401.

³⁰ Necati Cemaloglu, 'The exposure of primary school teachers to bullying: An analysis of various variables' (2007) (35) 6 Social Behavior and Personality an international journal, 789–802

O'Moore and Crowley conducted a research, a unique study that focused on the personality of the respondents as a potential moderating factor of mental and physical health in relation to harassment in the workplace, and the results indicated increased overall "psychometric scores on all psychological and physical health inventories".³¹ It should be emphasized that the European Foundation for the Improvement of Living and Working Conditions and the research it conducts in this field are of exceptional value in the context of promoting workers' working conditions. In 2012, a research was conducted into the quality of working conditions in Slovenia. This research was conducted on the basis of the standard questionnaire of the European Working Conditions Survey, but also on the basis of a special Slovenian model aimed at researching mobbing, mistreatment and harassment in the workplace in the experience of respondents. The results of the research showed that every tenth respondent stated that he/she had experienced psychological violence in the workplace, all due to poor work organization or too much work.³² Three years later, in 2015, a research was conducted in the Czech Republic regarding workplace mobbing. The results of the research showed that almost every fourth Czech worker is exposed to mobbing and that women (27%) are more exposed to it than men (19%). Furthermore, out of the total number of respondents (589), 60% experienced mobbing by a superior, 25% mentioned their work colleague as an abuser, while 15% stated that they had been exposed to mobbing by both a superior and a colleague.³³ Compared to a similar research conducted in 2013, this research found that the incidence of workplace mobbing is on the rise. In 2015, the European Foundation for the Improvement of Living and Working Conditions conducted the sixth European Working Conditions Survey. The survey, the most comprehensive to date, covered almost 44,000 workers in 35 countries. The survey included 28 EU member states, five EU candidate countries (Albania, Macedonia, Montenegro, Serbia, Turkey) and Switzerland and Norway. The results of the survey showed that 16% of respondents stated they had been subject to negative social behaviour such as violence and harassment with potentially negative consequences for the worker and his/her further participation in work.³⁴ Six years later, in 2021, another European Working Conditions Survey was conducted. This research is special because, due to a pandemic caused by the Covid-19 virus, it was the first time we communicated with the respondents using the method of computer-aided telephone questionnaire. The survey covered more than 70,000 workers in 36 European countries and focused, *inter alia*, on the physical and social environment of workers, the social climate, health and safety at work. The first results of this research will be published in December 2022.³⁵

When it comes to earlier research into mobbing in the Republic of Croatia, it should be emphasized that in the Republic of Croatia the institute of mobbing was not significantly

³¹ Mona O'Moore and Niall Crowley, 'The clinical effects of workplace bullying: a critical look at personality using SEM' (2011) 4 (1) International Journal of Workplace Health Management, 67–83

³² Aleksandra Kanjuro-Mrčela and Miroslav Ignjatović, 'Psychosocial risks in the workplace in Slovenia' (Eurofound 24 September 2012) <https://www.eurofound.europa.eu/hr/publications/report/2012/slovenia/_working-conditions/psychosocial-risks-in-the-workplace-in-slovenia> accessed 02 March 2022.

³³ Renata Kyzlinkova, 'Czech Republic: Workplace mobbing increases for women' (Eurofound 17 December 2015) <<https://www.eurofound.europa.eu/hr/publications/article/2015/czech-republic-workplace-mobbing-increases-for-women>> accessed 02 March 2022.

³⁴ Agnes Parent-Thirion and others, 'Sixth European Working Conditions Survey – Overview report' (2017 update) <https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1634_en.pdf> accessed 04 March 2022

³⁵ Eurofound, European Working Conditions Survey 2021, <<https://www.eurofound.europa.eu/surveys/2021/european-working-conditions-survey-2021>> accessed 04 March 2021.

discussed until 2000, at the 8th Annual Conference of Croatian Psychologists in Zagreb. The research that was conducted in Croatia after that, and which focused on the incidence of mobbing, showed that mobbing does exist in Croatia. In 2018, the Union of the Oil Industry and the Association for Help and Education of Mobbing Victims conducted a research aimed at checking the extent to which respondents (270 union members and 21 companies) experience behaviours that can be related to mobbing. The results of the research showed that the respondents do not know how to recognize behaviour specific to mobbing, which is why it was concluded that such behaviour occurs more often than the respondents are able to identify it. Furthermore, the results showed that only 12.4% of respondents accurately explained the definition of mobbing.³⁶ The present paper will also refer to the research that was conducted using the survey method conducted in the 2007/2008 school year, and whose target group is similar to the one from the empirical research that was analyzed in a separate part of the present paper. It was a research on harassment, conducted on a sample of 764 primary and secondary school teachers in the Splitsko-Dalmatinska County. The results of the research showed that approximately 22.4% of respondents were harassed at least once in the last 12 months, and 31.7% of them witnessed such harassment at least once during the period. Furthermore, the results showed that there is a statistically significant correlation between age and exposure to harassment to the detriment of younger teachers.³⁷ The situation in the Republic of Croatia, when it comes to mobbing, is best illustrated by the data from the Annual Work Reports which are continuously prepared and published by the aforementioned Association for Help and Education of Mobbing Victims. Data from recent reports of the Association, more precisely from the Annual Work Reports for 2020 and 2021, will be presented here. From the report of the Association for 2020, it is evident that the Association received 859 complaints due to suspicion of mobbing, of which 381 were mobbing (abuse, mistreatment, harassment, humiliation ...). Out of 381 cases of mobbing, in 108 cases it was horizontal mobbing, vertical mobbing was in 268 cases, while 5 cases were related to reverse mobbing.³⁸ Furthermore, out of 381 cases in which the existence of mobbing was detected, in 292 cases women were exposed to mobbing, and men in 89 cases. A hundred and ninety-four persons who reported mobbing had completed secondary education, and 121 of them had completed higher education. Considering the division of persons who reported mobbing by age groups, it should be noted that 63 persons were aged 18 to 30, 198 persons were aged 31 to 55, while 120 persons were older than 55.³⁹ A year later, in 2021, 758 persons addressed the Association on suspicion of mobbing, and in 509 cases the existence of mobbing was found. Out of 509 cases of mobbing, vertical mobbing was in 389 cases, horizontal mobbing in 117 cases, while in three cases it was reverse mobbing.⁴⁰ Out of the total number of persons who reported mobbing (758), 387 were women and 122 were men. The largest number of persons, 300 of them, had

³⁶ Energypress.Net 'Mali broj radnika prepoznaće mobbing na radnom mjestu' (Energypress.Net 09 October 2018) <<http://sing.hr/wp-content/uploads/2018/10/ENERGETIKA.pdf>> accessed 06 March 2022.

³⁷ Andrea Russo and Toni Popović, 'Agresivnost na radnom mjestu: sekundarna analiza istraživačke prakse u Hrvatskoj' (2016) 58 (2) Sigurnost, 121–35.

³⁸ Association for Help and Education of Mobbing Victims 'Annual Report 2020' <<https://mobbing.hr/wp-content/uploads/2021/03/Godisnji-izvjestaj-2020.-Udruga-mobbing.pdf>> accessed 07 March 2022.

³⁹ *Ibid.*

⁴⁰ Association for Help and Education of Mobbing Victims 'Annual Report 2021' <<https://mobbing.hr/wp-content/uploads/2022/02/Godisnji-izvjestaj-2021.-Udruga-mobbing.pdf>> accessed 07 March 2022.

a secondary education, while 167 persons had a university degree. Eight percent of them were aged 18 to 30, as many as 70% were aged 31 to 55, while 22% of them were over the age of 55.⁴¹

3. EMPIRICAL RESEARCH – WORKPLACE MOBBING IN THE EXPERIENCE OF RESPONDENTS/TEACHERS EMPLOYED IN SECONDARY SCHOOLS IN THE CITY OF POZEGA⁴², REPUBLIC OF CROATIA

In this part of the paper, the results of an empirical research conducted through an online questionnaire sent to teachers of six secondary schools in the City of Pozega will be presented and analyzed: the Gymnasium Pozega, the Music School Pozega, the School of Economics, the Technical School, the School of Crafts and the School of Agriculture and Food. The online questionnaire was created on the Google form and sent to these respondents in the period from February 28, 2022 to March 14, 2022. Since the list of contacts or e-mail addresses of respondents are not available on the official website of secondary schools covered by this research, the online questionnaire was sent to the available e-mail addresses of schools and principals who then forwarded the questionnaire to the internal mailing lists of their teachers or placed it on a virtual chamber, making the questionnaire available to all teachers. According to the data available on the official website of the schools covered by the research, a total of 350 respondents (teachers) were identified.

3.1. METHODOLOGY

Data collection was carried out using an online questionnaire created on a Google form and sent to respondents in the period from 28.02. to 14.03.2022.

The questionnaire consisted of nine questions, one of which was open-ended and the remaining eight closed-ended (with pre-offered answers). Such a questionnaire was sent to the principals of six secondary schools in Pozega with a request to participate in the research. Namely, due to the unavailability of e-mail addresses of respondents on the official website of schools, the questionnaire was sent to publicly available e-mail addresses of schools and their principals, who then forwarded the same to their teachers. It is important to emphasize that the respondents were guaranteed the anonymity of their answers when asked to participate in the research. The anonymity, which was extremely important in this case due to the sensitivity of the topic, was complete, as the identity of the research participants could not be determined from their answers, nor could the Google form in any way enable the person who

⁴¹ *Ibid.*

⁴² The intention of the author was to investigate the existence of mobbing in the workplace among teachers employed in secondary schools in Pozesko-Slavonska County, but due to unwillingness to cooperate with the principals of only one secondary school i.e. secondary school in Pakrac, the same could not be realized so the remaining 6 schools in the city of Pozega were covered by this research.

posted the questionnaire to identify the person who filled it in (using IP addresses or in any other way), and which the respondents were familiar with.

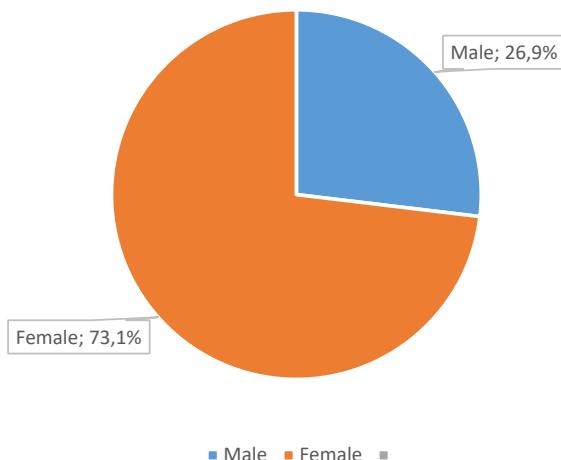
Within this research, due to the specific way of sending questionnaires via internal mailing lists of teachers or via a virtual chamber, there were no undelivered messages.

A total of 93 responses were received, which makes the response rate of 26.6%, that can be considered acceptable for this type of research. As part of the research, in addition to the frequency of answers to individual questions, demographic differences in the answers to questions were also investigated, with regard to gender, age and the legal basis of employment. A chi-square test was used to test the differences between the individual groups, bearing in mind that it was a two nominal variables association. A p-value of 0.05 was taken as the limit of statistical significance.

3.2. STRUCTURE OF SAMPLE

The following chart shows the gender structure of the respondents, and it can be seen that the majority of the sample were women (73.1%).

Chart 1. Structure of respondents with regard to gender

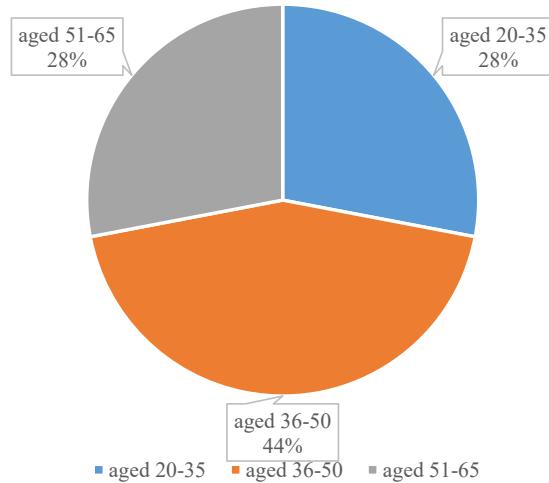


Source: Author's processing according to the results of empirical research

Chart 2 shows the structure of respondents according to their age group.

The majority of respondents, 44% of them, belong to the group aged 36 to 50.

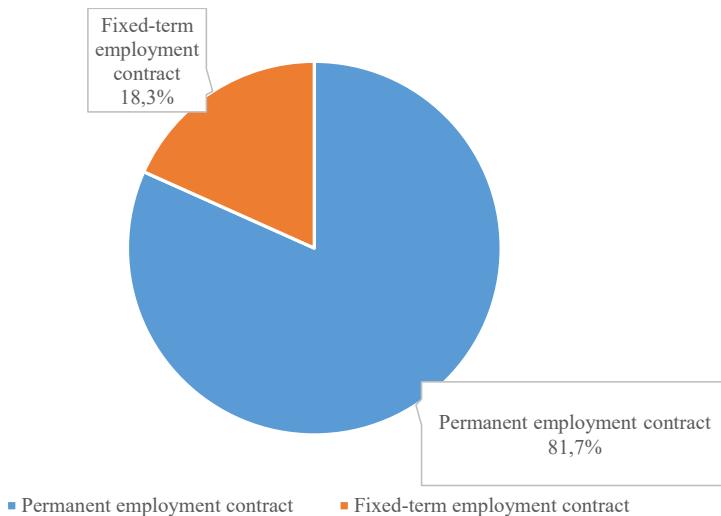
Chart 2. Structure of respondents with regard to their belonging to a particular age group



Source: Author's processing according to the results of empirical research

Looking at the structure of respondents with regard to the legal basis of employment, it should be emphasized that the majority of respondents, 81.7% of them, are employed under permanent employment contracts, which can be seen from the chart below.

Chart 3. Structure of respondents with regard to the legal basis of employment



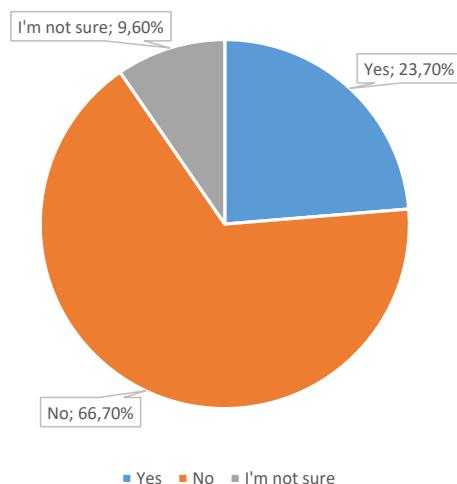
Source: Author's processing according to the results of empirical research

3.3. RESULTS AND DISCUSSION

3.3.1. Personal experience of mobbing in the workplace

In order to check whether and to what extent the respondents were exposed to mobbing in the workplace, they were asked: "Have you ever personally been a victim of mobbing in the workplace?" The results of the empirical research showed that 23.7% of respondents were victims of workplace mobbing.

Chart 4. Personal experience of mobbing in the workplace



Source: Author's processing according to the results of empirical research

Regarding the differences between men and women with respect to their own experience of workplace mobbing, it can be concluded that there is no statistically significant difference between respondents' gender and their exposure to workplace mobbing, i.e. that there are no gender-based differences. The survey showed that 28% of male respondents and 22.1% of female respondents were victims of workplace mobbing. (Table 1)

Table 1. Difference between gender and exposure to mobbing

| | | Have you ever personally been a victim of workplace mobbing? | | | Total |
|--------|--------|--------------------------------------------------------------|-------|-----------------------------|--------|
| | | YES | NO | I DON'T KNOW / I'M NOT SURE | |
| Gender | Male | 7 | 16 | 2 | 25 |
| | | 28,0% | 64,0% | 8,0% | 100,0% |
| | Female | 15 | 46 | 7 | 68 |
| | | 22,1% | 67,6% | 10,3% | 100,0% |
| Total | | 22 | 62 | 9 | 93 |
| | | 23,7% | 66,7% | 9,7% | 100,0% |

$$\chi^2 = 0,41; p = 0,8$$

Source: Author's processing according to the results of empirical research

The table below shows the difference between age and personal experience of mobbing in the workplace, and it is clear that there is no statistically significant difference between the affiliation of respondents to a particular age group and their exposure to mobbing. Respondents aged 20 to 35, aged 36 to 50 as well as those aged 51 to 65 experienced and were equally victims of workplace mobbing. (Table 2).

Table 2. Difference between age and exposure to mobbing

| | | Have you ever personally been a victim of workplace mobbing? | | | Total | |
|-------|-------------------|--------------------------------------------------------------|-------|-----------------------------|--------|--|
| | | YES | NO | I DON'T KNOW / I'M NOT SURE | | |
| Age | 20 – 35 years old | 3 | 20 | 3 | 26 | |
| | | 11,5% | 76,9% | 11,5% | 100,0% | |
| | 36 – 50 years old | 13 | 24 | 4 | 41 | |
| | | 31,7% | 58,5% | 9,8% | 100,0% | |
| | 51 – 65 years old | 6 | 18 | 2 | 26 | |
| | | 23,1% | 69,2% | 7,7% | 100,0% | |
| Total | | 22 | 62 | 9 | 93 | |
| | | 23,7% | 66,7% | 9,7% | 100,0% | |

$$\chi^2 = 3,78; p = 0,44$$

Source: Author's processing according to the results of empirical research

No statistically significant difference was found between the legal basis of the respondents' employment and their own experience of workplace mobbing. It can be seen from Table 3 that the respondents employed on the basis of n permanent employment contract as well as those employed on the basis of a fixed-term employment contract were victims of workplace mobbing to the same extent, i.e. that there is no difference regarding the legal basis of employment.

Table 3. Difference between the legal basis of employment and exposure to mobbing

| | | Have you ever personally been a victim of workplace mobbing? | | | Total | |
|----------|--------------------------------|--------------------------------------------------------------|-------|-----------------------------|--------|--|
| | | YES | NO | I DON'T KNOW / I'M NOT SURE | | |
| Contract | fixed-term employment contract | 3 | 11 | 3 | 17 | |
| | | 17,6% | 64,7% | 17,6% | 100,0% | |
| | permanent employment contract | 19 | 51 | 6 | 76 | |
| | | 25,0% | 67,1% | 7,9% | 100,0% | |
| Total | | 22 | 62 | 9 | 93 | |
| | | 23,7% | 66,7% | 9,7% | 100,0% | |

$$\chi^2 = 0,82; p = 0,67$$

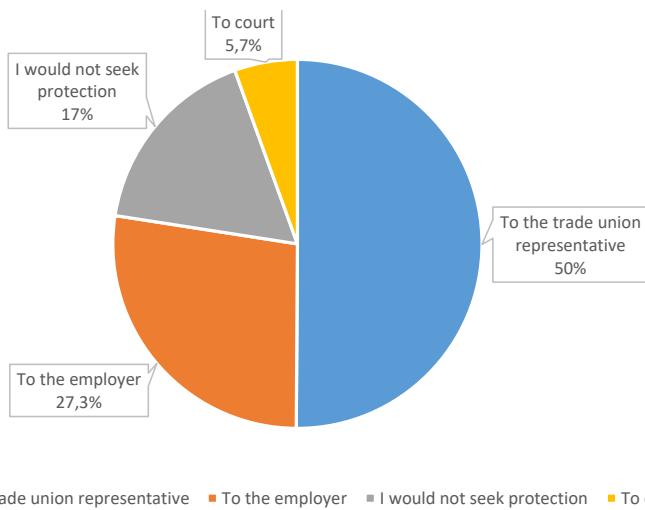
Source: Author's processing according to the results of empirical research

3.3.2. Willingness to seek protection from mobbing

In order to check whether and to what extent respondents who were exposed to workplace mobbing, as well as those who would be exposed to workplace mobbing in the future,

were willing to seek protection of their rights, they were asked: "If you were/would be a victim of mobbing in the workplace, who did/ would you turn to for protection of your rights?" The results of the survey showed that a significant percentage of respondents, 83% of them, would seek protection of their rights in the event of exposure to mobbing. As many as 50% of respondents would seek protection from the trade union representative, 27.3% from the employer, while only 5.7% of respondents would go to court to protect the violated right. (Chart 5)

Chart 5. Willingness to seek protection from mobbing



Source: Author's processing according to the results of empirical research

In view of the differences between men and women with regard to their willingness to seek protection from mobbing, it can be concluded that there is no statistically significant difference between respondents' gender and willingness to seek such protection, i.e. that there are no gender-based differences. The survey showed that 18.2% of male respondents and 16.7% of female respondents would not seek protection of their rights in the event of mobbing in the workplace. Furthermore, if respondents who would seek protection of their rights were taken into account, 31.8% of men and 25.8% of women would turn to the employer for protection, 50% of men and the same percentage of women would turn to the trade union representative, 7.6% of women and 0% of men would seek protection from the competent court. (Table 4).

Table 4. Difference between gender and willingness to seek protection from mobbing

| | | If you were/would be a victim of mobbing in the workplace who did/would you turn to for protection of your rights | | | | | |
|--------|--------|-------------------------------------------------------------------------------------------------------------------|----------------------|-------|-----------------------------|--------|--|
| | | employer | union representative | court | I would not seek protection | Total | |
| Gender | Male | 7 | 11 | 0 | 4 | 22 | |
| | | 31,8% | 50,0% | 0,0% | 18,2% | 100,0% | |
| | Female | 17 | 33 | 5 | 11 | 66 | |
| | | 25,8% | 50,0% | 7,6% | 16,7% | 100,0% | |
| Total | | 24 | 44 | 5 | 15 | 88 | |
| | | 27,3% | 50,0% | 5,7% | 17,0% | 100,0% | |

$\chi^2 = 1,91$; $p = 0,59$

Source: Author's processing according to the results of empirical research

In contrast, Table 5 shows that there is a statistically significant difference between age and willingness to seek protection from mobbing. Namely, persons from the age group 51 – 65 are the least willing to seek protection, i.e. 26.9% of them would not do so. This is followed by people aged 36 – 50, of whom 18.9% would not seek protection, and people in the age group of 20 – 35, of whom only 4.0% (one person) would not seek protection from mobbing. Cramer's V coefficient of association is 0.29, and Phi's coefficient is 0.41. This situation may be due to differences in the upbringing of respondents of different ages and the tendency of older respondents to "stand" ill-treatment in the workplace, possibly because they believe that their reporting can not change anything but resent the employer and lose their job. Younger workers, due to their upbringing, but also the growing influence of the media, are not prone to suffering from other people's behaviour and fear less for their jobs (possibly because they have not yet started a family or because they believe they will easily find another job) and are therefore more active in protecting and promoting their rights. Possibly, good awareness of younger workers about employment rights and rights related to employment, as well as their enthusiasm and belief that they can initiate significant changes with their reporting, also plays an important role here.

Table 5. Difference between age and willingness to seek protection from mobbing

| | | If you were/would be a victim of mobbing in the workplace who did/would you turn to for protection of your rights | | | | |
|-------|-------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------|-------|-----------------------------|--------|
| | | employer | trade union representative | court | I would not seek protection | Total |
| Age | 20 – 35 years old | 12 | 9 | 3 | 1 | 25 |
| | | 48,0% | 36,0% | 12,0% | 4,0% | 100,0% |
| | 36 – 50 years old | 6 | 22 | 2 | 7 | 37 |
| | | 16,2% | 59,5% | 5,4% | 18,9% | 100,0% |
| Total | 51 – 65 years old | 6 | 13 | 0 | 7 | 26 |
| | | 23,1% | 50,0% | 0,0% | 26,9% | 100,0% |
| | | 24 | 44 | 5 | 15 | 88 |
| | | 27,3% | 50,0% | 5,7% | 17,0% | 100,0% |

$\chi^2 = 14,71$; $p = 0,02$; Cramer's V = 0,29; Phi = 0,41.

Source: Author's processing according to the results of empirical research

Furthermore, Table 6 also shows the existence of a statistically significant difference between the legal basis of employment and the willingness to seek assistance. Namely, persons employed on the basis of a fixed-term employment contract would more often ask for help from the employer and the court, and persons employed on the basis of a permanent employment contract would ask for such help from the trade union officer. Cramer's V and Phi association coefficients are 0.36. These results are understandable if we take into account the fact that the respondents who are employed under a fixed-term employment contract are not members of the trade union, so they cannot even turn to the trade union representative for help. On the other hand, workers in the education system who are employed under permanent employment contracts are almost unexceptionally trade union members. Furthermore, trade union organizations in the education system of the Republic of Croatia are extremely well organized, and especially trade union assistance and support to their members is organized at an enviable level, so it is understandable and expected that respondents employed under a permanent employment contract will more often seek protection of their rights from the trade union representative.

Table 6. Difference between legal basis of employment and willingness to seek protection from mobbing

| | | If you were/would be a victim of mobbing in the workplace who did/would you turn to for protection of your rights | | | | | |
|----------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------------|-------|--------------------------------|--------|--|
| | | employer | trade union representative | court | I would not seek protection | Total | |
| Contract | fixed-term employment contract | 8 | 4 | 3 | 2 | 17 | |
| | | 47,1% | 23,5% | 17,6% | 11,8% | 100,0% | |
| | permanent employment contract | 16 | 40 | 2 | 13 | 71 | |
| | | 22,5% | 56,3% | 2,8% | 18,3% | 100,0% | |
| Total | | 24 | 44 | 5 | 15 | 88 | |
| | | 27,3% | 50,0% | 5,7% | 17,0% | 100,0% | |

$\chi^2 = 11,63$; $p = 0,01$; Cramer's V = 0,36; Phi = 0,36.

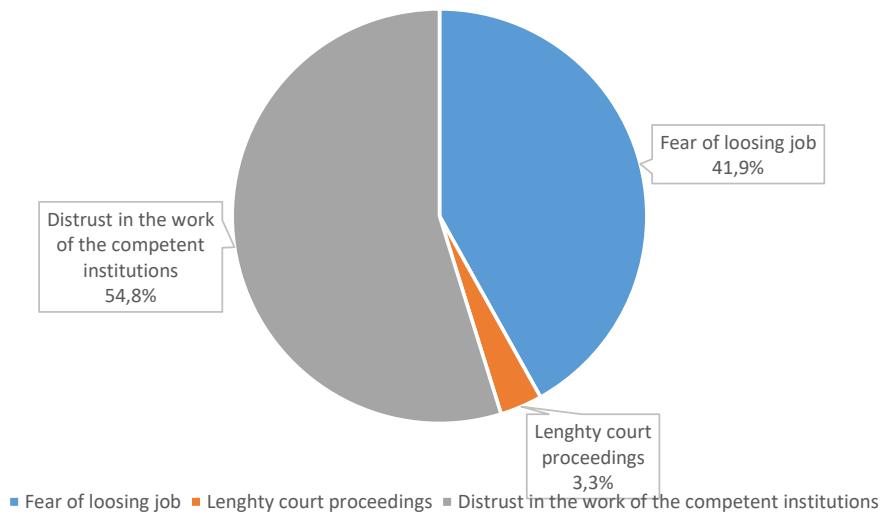
Source: Author's processing according to the results of empirical research

3.3.3. Reasons for not reporting mobbing in the workplace

In order to determine the reasons why victims of workplace mobbing do not report it, the respondents were asked: "What do you think is the most common reason for not reporting workplace mobbing?" The results of the conducted empirical research showed that 54,8% of respondents consider the distrust in the work of competent institutions the most common reason for not reporting mobbing, while as many as 41,9% of respondents believe that the fear of losing their job is what prevents people from reporting such impermissible behaviour. The extremely high level of distrust of the respondents in the work of the competent institutions is worrying, which indicates the need to take certain actions aimed at restoring faith in the institutions of the Republic of Croatia because the fear of losing a job, which is stated by almost 42% of respondents as one of the most common reasons for not reporting mobbing, also indicates that respondents do not believe that the competent institutions will provide them

with adequate legal protection if they report behaviour that can be classified as mobbing and which is committed by the employer.

Chart 6. Reasons for not reporting mobbing in the workplace



Source: Author's processing according to the results of empirical research

The table below shows the differences between men and women with regard to the reasons for not reporting mobbing in the workplace, and from the same it can be concluded that there is no statistically significant difference between respondents' gender and reasons for not reporting mobbing, i.e. gender-based differences. The survey showed that male respondents, as well as female respondents, believe that the main reason for not reporting mobbing is fear of losing their job (28% of men: 47.1% of women), and that they equally believe the main reason for not reporting mobbing is distrust in the work of the competent institutions (72% of men: 48.5% of women) and that they equally believe the main reason for not reporting mobbing is the lengthy court proceedings (0% of men: 4.4% of women). (Table 7)

Table 7. Difference between gender and reasons for not reporting mobbing in the workplace

| | | In your opinion, what is the most common reason for not reporting mobbing in the workplace? | | | Total | |
|--------|--------|---------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------|--------|--|
| | | fear of losing a job | lengthy court proceedings | distrust in the work of competent institutions | | |
| Gender | Male | 7 | 0 | 18 | 25 | |
| | | 28,0% | 0,0% | 72,0% | 100,0% | |
| | Female | 32 | 3 | 33 | 68 | |
| | | 47,1% | 4,4% | 48,5% | 100,0% | |
| Total | | 39 | 3 | 51 | 93 | |
| | | 41,9% | 3,2% | 54,8% | 100,0% | |

$$\chi^2 = 4,52; p = 0,10$$

Source: Author's processing according to the results of empirical research

Table 8 shows the difference between age and reasons for not reporting mobbing in the workplace, and it shows that there is no statistically significant relationship between the affiliation of respondents to a particular age group and the reasons for not reporting mobbing. Namely, respondents aged 20 to 35, aged 36 to 50 as well as those aged 51 to 65 equally believe that the main reason for not reporting mobbing is the fear of losing their job (42.3%: 43.9%: 38.5 %), they equally believe that the main reason for not reporting mobbing is distrust in the work of competent institutions (57.7%: 48.8%: 61.5%) and they equally believe that the main reason for not reporting mobbing is the lengthy court proceedings (0%: 7.3%: 0%).

Table 8. Difference between age and reasons for not reporting mobbing in the workplace

| | | In your opinion, what is the most common reason for not reporting mobbing in the workplace? | | | Total |
|-----|-------------------|---------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------|--------------|
| | | fear of losing a job | lengthy court proceedings | distrust in the work of competent institutions | |
| Age | 20 – 35 years old | 11 42,3% | 0 0,0% | 15 57,7% | 26 100,0% |
| | 36 – 50 years old | 18 43,9% | 3 7,3% | 20 48,8% | 41 100,0% |
| | 51 – 65 years old | 10 38,5% | 0 0,0% | 16 61,5% | 26 100,0% |
| | Total | 39 41,9% | 3 3,2% | 51 54,8% | 93 100,0% |

$$\chi^2 = 4,44; p = 0,35$$

Source: Author's processing according to the results of empirical research

There was no statistically significant difference between the legal basis of the respondents' employment and the reasons for not reporting mobbing in the workplace. Table 9 shows that respondents employed under permanent employment contract as well as those employed under a fixed-term contract, equally believe that the main reason for not reporting mobbing is the fear of losing their job (40.8%: 47, 1%), they equally believe that the main reason for not reporting mobbing is distrust in the work of competent institutions (56.6%: 47.1%) and they equally believe that the main reason for not reporting mobbing is the lengthy court proceedings (2.6 %: 5.9%).

Table 9. Difference between legal basis of employment and reasons for not reporting mobbing in the workplace

| | | In your opinion, what is the most common reason for not reporting mobbing in the workplace? | | | |
|----------|--------------------------------|---------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------|--------|
| | | fear of losing a job | lengthy court proceedings | distrust in the work of competent institutions | Total |
| Contract | fixed-term employment contract | 8 | 1 | 8 | 17 |
| | permanent employment contract | 31 | 2 | 43 | 76 |
| Total | | 39 | 3 | 51 | 93 |
| | | 41,9% | 3,2% | 54,8% | 100,0% |

$\chi^2 = 0,82$; $p = 0,67$

Source: Author's processing according to the results of empirical research

4. CONCLUDING REMARKS

The results of empirical research showed:

- 1) that 23.7% of respondents were victims of mobbing in the workplace
- 2) that a significant number of respondents, 83% of them would seek protection of their rights in case of exposure to mobbing. Fifty percent of respondents would seek protection from the union representative, 27.3% would seek protection from the employer, and only 5.7% would seek protection from the court.
- 3) that there is a statistically significant difference between age and willingness to seek protection from mobbing. People in the age group 51 – 65 are the least willing to seek protection (26.9% of them would not do so)
- 4) that there is a statistically significant difference between age and the legal basis of employment and readiness to seek help. Persons employed under fixed-term employment contract would more often ask for help from the employer and the court, and persons employed under permanent employment contract would seek help from the trade union representative.
- 5) that 54.8% of respondents believe that distrust in the work of competent institutions is the most common reason for not reporting mobbing, while as many as 41.9% of respondents believe that the fear of losing their job is what prevents people from reporting mobbing.

Since the conducted empirical research showed that a significant percentage of respondents personally experienced mobbing in the workplace, it is necessary to take measures aimed at eliminating such behaviours in the workplace. One of such measures concerns certain normative interventions in the Croatian legal system. This primarily refers to the need to regulate the institute of mobbing legally through the appropriate law. Such a law should cover those

forms of mobbing/harassment that are not based on any of the prohibited grounds of discrimination and should apply to all workers in the Republic of Croatia, regardless of whether they are employed in the private or public sector. It should be noted that in 2007 there was an initiative to pass a similar law, but the reasons why it has not been passed to date are not known. The need to enact a law on mobbing is necessary because the Croatian Labour Act as well as the Anti-Discrimination Act regulates only harassment as a form of discrimination, which as such is related to one of the prohibited grounds of discrimination. This implies that victims of mobbing come to an unenviable position if they cannot bring their harassment under one of the prohibited grounds of discrimination. Furthermore, the extremely high level of distrust of respondents in the work of competent institutions is worrying, which indicates the need to take certain activities aimed at restoring faith in the institutions of the Republic of Croatia since the fear of losing job, which was stated by 42% of respondents as one of the most frequent reasons for not reporting mobbing (that is also expected in conditions of high unemployment in the Republic of Croatia), also indicates that respondents do not believe that the competent institutions will provide them with adequate legal protection. The question is how to restore the citizens' faith in the work of the competent institutions of the Republic of Croatia? The problem is complex, so the measures to solve it must be complex. One of the steps that should yield positive results is certainly ensuring the independence of Croatian judges and taking measures that are more effective in the fight against corruption.

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MOBBING NA RADNOM MJESTU MEĐU ISPITANICIMA – NASTAVNICIMA ZAPOSLENIM U SREDNJIM ŠKOLAMA GRADA POŽEGE, POŽEŠKO-SLAVONSKA ŽUPANIJA, REPUBLIKA HRVATSKA

Sažetak

Inicijalna istraživanja fenomena *mobbinga* na radnom mjestu datiraju iz 1972. godine i provedena su u Švedskoj. Iznimnu važnost za utvrđivanje egzistiranja *mobbinga* ima pravilno razumijevanje ponašanja koje se može podvesti pod navedeni pojam kao i njegovo jasno razlikovanje od uobičajenih sukoba na radnom mjestu i različitih oblika uznemiravanja. Cilj rada je provjeriti postojanje *mobbinga* na radnom mjestu među ispitanicima – profesorima zaposlenim u srednjim školama grada Požege, Republika Hrvatska. U tom smislu rad je u sadržajno podijeljen na dva dijela: teorijski i poseban dio. U teorijskom dijelu rada pojmovno će se odrediti *mobbing* te analizirati njegova distinkcija prema uznemiravanju kao obliku diskriminacije. Teorijski dio rada obuhvaća i pregled dosadašnjih istraživanja *mobbinga* u EU-u i Republici Hrvatskoj te analizu postupka ostvarivanja pravne zaštite u slučaju *mobbinga* sukladno važećim propisima Republike Hrvatske. Posebni dio rada posvećen je analizi rezultata prikupljenih provedenim empirijskim istraživanjem. Navedeno istraživanje obuhvatilo je 350 nastavnika/profesora zaposlenih u šest srednjih škola u gradu Požegi. Riječ je o Gimnaziji, Ekonomskoj školi, Tehničkoj školi, Obrtničkoj školi, Poljoprivredno-prehrambenoj školi i Glazbenoj školi. Na kraju rada autorica iznosi zaključna razmatranja u kojima daje preporuke za poboljšanje detektiranih problema.

Ključne riječi: mobbing, radno mjesto, srednje škole grada Požege, Republika Hrvatska



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