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PSYCHOLOGICAL HARASSMENT IN CORPORATE LIFE: MOBBING!



Highlights of this issue

The Reasons of Mobbing • Phases of Mobbing • The Fight Against Mobbing

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PSYCHOLOGICAL HARASSMENT IN CORPORATE LIFE: MOBING!

“Mobbing” is a term derived from “mob” which means gang, rabble, collective attack in English; and in recent years, it is introduced us in business life. Mobbing is a process of psychological harassment, psychological violence and disturbance of the targeted worker.

Mobbing drives the targeted worker to defenselessness and despair; and since it is repeatedly committed by the employer; the worker cannot get rid of such systematic harassment actions. In order to define an action as mobbing; the action must be repeated systematically and continued for a certain period of time.



THE REASONS OF MOBING

Reasons Related To Mobbing Victims

Sometimes, the victims of mobbing might be chosen as a target due to their significant characteristics such as being successful, intelligent, active, have high creative intelligence and career goals. According to the surveys, more than 80% of the victims of mobbing have high emotional intelligence level, and 70% of them are female employees.

Reasons Related To Mobber

The employers engaging in mobbing have mostly over-controlled personality and tend to hold all the reins. It is possible to say that most of such employers are egocentric, ambitious and not having self-confidence; they have no regular family life and low emotional intelligence.

Reasons Arising From Organizational Culture

According to the recent research, lack of leadership in organizations, inconsistent requests, uncertainty and injustices in the workplace are triggering mobbing. In addition, ignoring the mobbing incidents and silencing the victims instead of seeking a solution increase the numbers of mobbing incidents.

PHASES OF MOBBING



THE FIGHT AGAINST MOBBING

It can be said that the legal sanction of mobbing is not directly regulated under Turkish Law. However, “Labor and Social Security Communication Center - Alo 170 Line” has been established in order to support psychologically abused people in our country. Finally, trade-unions and trade-union representatives might be involved in mobbing preventative activities in the workplace.

At this point, it is necessary to mention that Turkish Code of Obligations imposes an obligation on employers; which is taking necessary precautions in order to prevent employees from suffering mobbing

and avoid the victims of mobbing from further damages. Otherwise, it is stated that the compensation of the damages resulting from such mobbing incidents shall be subject to the provisions of liability arising from the breach of contract.



In the light of the settled jurisprudence of Court of Appeals, the rights of the victims of mobbing are as follows:

- Termination with just cause,
- Non-performance of his/her obligations arising from the employment agreement,
- Claiming for Non-Pecuniary Damages,
- Claiming for Discrimination Compensation.

Regarding the use of foregoing rights, the Court of Appeals’ recent jurisprudences have indicated that there is no need for “gross breach” of personal rights for confirming of the existence of mobbing; whereas it is sufficient to show the violation of personal rights. In addition, there is no need for “substantive, concrete evidences” to prove the mobbing allegations. Accordingly, the only need for the employee to prove his/her claims is showing the doubt on existence of mobbing. In other words, the burden of proof to show that mobbing incident did not occur is on the employer.

Answers. Not theories.

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