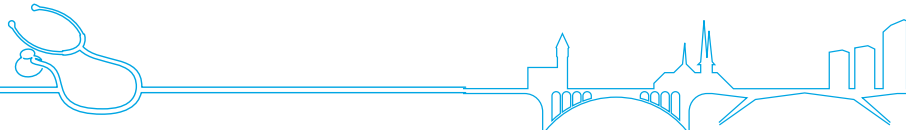




MORAL HARASSMENT

Grand Ducal Regulation of 15.12.2009



WHAT IS MORAL HARASSMENT?

The Convention of 25 June 2009 signed by the UEL, OGB-L and LCGB on harassment and violence at the workplace defined harassment as “repeated and deliberate, wrongful actions whose purpose or effect is to violate the rights and dignity of the worker, damage his working conditions or jeopardize his professional future by creating a hostile working environment and/or injuring his physical or mental health.” Violence may take the form either of a single action of some gravity or of several actions of an identical or different kinds. Although they may be deliberate, harassment practices are not always so; hence the desirability of discussing the matter to prevent the

situation from deteriorating.

Why moral harassment?

Harassment has existed for a long time, but the situation has worsened in recent years because of the intensity of economic activity and the fragility of the employment market. In a good many cases, harassment originates from a conflict which has been badly resolved and, had it been dealt with at the right time, would not have had the same consequences. It is aggravated by silence: both yours and that of other people, often through fear of being seen in a bad light. There is nothing reprehensible about being the victim of harassment – you must talk about it!

What forms does harassment take?

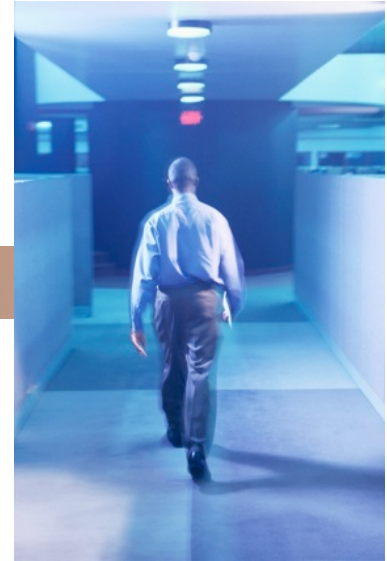
Moral harassment has a thousand and one faces. It may be perpetrated

- by a hierarchical superior in relation to one or more employees;*
- by an employee to another employee of the same level;*
- by an employee to a hierarchical superior;*
- by a client to an employee.*

Who is harassed?

Absolutely anyone may be harassed in life! The victims of harassment are not inherently more fragile than others, they are simply placed in a situation of fragility!

IMPACT ON THE BUSINESS



Why must action be taken to prevent harassment?

The cost of harassment is impairment of your health. In general terms, it can cause damage and generate problems of three kinds:

your mental state: depressive mood, irritability, lethargy, insomnia, thoughts of suicide, nightmares, melancholy, anxiety, lack of initiative...

your state of health: heart problems, high blood pressure, stomach pains, loss of hair, ulcers, headaches, muscle and joint pains, dermatitis, weight loss ...

your behaviour: increased consumption of alcohol, pharmaceuticals, tobacco, social isolation, nutritional problems, sexual malfunctions, aggressive reactions to yourself and others...

What impact can this have on the business?

Moral harassment is harmful to the operation of any business. Over and above the suffering which it causes to the victim of harassment, it also brings costs to the company (absenteeism, loss of productivity, early retirement, staff turnover, complaints). It causes the working climate throughout the business to deteriorate and damages its corporate image. Every action taken to remedy this problem must be regarded as an integral part of the organizational development of a robust, healthy and competitive business. No company is immune to violence at the workplace, but giving thought to the problem before it actually occurs is the best method of prevention.

When can moral harassment be said to have occurred?

For a case of moral harassment to have occurred, certain actions must have been observed. Five main categories of action which constitute harassment can be identified. These are actions which

prevent an individual from expressing himself: verbal or written threats, unfounded criticism of his professional and private life, continuous interruptions, ignoring the presence of an individual by talking only to other persons, refusing all contact with him, terrorising the victim by making telephone calls or screaming at him;

isolate a member of staff: no longer speaking to a particular individual, entrusting him with tasks which set him apart from

Circumstances

the group, prohibiting some or all members of the team from speaking to the scapegoat, ignoring his physical presence;

debase an individual among his colleagues: spreading rumours about him, ridiculing or slandering him, obliging him to perform a humiliating task, contesting all of his decisions, attacking him on the subject of his political convictions, religious beliefs, physical appearance, ethnic origins or sexual orientation, insulting him in obscene or degrading terms, treating him as mentally deficient, harassing him sexually (by words or gestures);

jeopardize the health of an individual: obliging the victim to perform tasks which are either dangerous or damaging to health and threatening him with physical violence;

discredit a colleague in his work: no longer

entrusting any work to a particular person and making sure that he cannot find any activities of his own, constantly assigning him to new tasks, obliging him to perform pointless, absurd or humiliating tasks, entrusting him with tasks which fall far short of his skills or, at the other extreme, demand far higher skills.

For a case of moral harassment to be held to have occurred, these actions must be repetitive. For example, entrusting someone from time to time with a task which falls short of his skill-set does not constitute or amount in itself to an act of harassment. It is the repeated nature of the malicious actions or signs which turn a "normal" work situation into one of harassment.

When does moral harassment not occur?

A number of practices are inherent in the working environment and are not regarded as situations of moral harassment:

routine management of discipline, performance at work or absenteeism, allocation of tasks, application of sanctions with varying degrees of severity and even dismissal;

stress associated with the working activity;

employment conflicts (disagreements, occasional friction, conflicts of interest or personality);

employment conditions and difficult professional constraints, organizational changes when they are justifiable for economic or technological reasons and when they affect staff in a manner which is not arbitrary.



How to respond?

Isolation and silence are the weapons of harassment: do not turn in upon yourself, talk to people around you about what is happening, meet with professional experts before alerting the hierarchical superiors in your business to prepare an effective response.

Encourage the person who is harassing you to leave evidence of his behaviour, keep a daily record of the incidents of which you are a victim. This will enable you to refine your arguments and view matters more objectively.

Do not accept insults and other vexatious forms of conduct: ask the person who is harassing you to justify his comments if you regard them as unfair or if they touch upon your private life. Do not hesitate to warn him off firmly but without violence by reminding him that you are

to be judged by your working performance alone.

The Grand Ducal Regulation

The Grand Ducal Regulation of 15.12.2009 is designed to prevent all forms of violence and stipulates that they must not be tolerated in the business situation. It makes provision for:

the prohibition of acts of harassment at work;

creation of an awareness among workers and managers;

the proposal of preventive measures;

internal evaluation of the measures put in place or envisaged;

definition of a procedure to manage acts of harassment;

putting in place actions and penalties directed against the perpetrator of the acts of harassment;

protection of the victim and witnesses of acts of harassment.

Whom should I contact?

You may alert the designated employee or the human resources department of your business in an attempt to put an end to the situation.

You may also contact your occupational physician who is aware of, and involved in, the prevention of suffering at the workplace. Your file will be dealt with in complete confidence and no action will be taken without your prior agreement.