

MORAL HARASSMENT: A PORTRAIT OF NORTHERN BRAZIL BASED ON LAWSUITS

¹Marcia Medina, ²Wilson Amorim, ³Michele Ruzon & ⁴Amyra Sarsur

ABSTRACT

Purpose: To investigate moral harassment on northern Brazil through the lens of lawsuits.

Design/methodology: Statistical analyses on lawsuits from 2012 to 2018 issued at Labor Court, 11th Region, which includes states of Amazonas and Roraima. It also provided a qualitative discussion, based on semi-structured interviews with main actors (judges, prosecutors, and lawyers).

Findings: A representative volume of legal actions was found, signaling the presence of moral harassment in the region. There was a higher proportion of vertical harassment (management over employees), a large concentration in industry and banks, a predominance of men as harassers and great difficulty in proving the harassment.

Originality/value: This article addresses the topic of moral harassment from a lens that is still little explored, lawsuits, considering a geographic delimitation without many studies – the northern region of Brazil.

Theoretical/methodological contributions: The northern Brazil presents similar characteristics regarding moral harassment to those found in other regions of the country, reinforcing the understanding of a social phenomenon under the influence of the institutional environment.

Practical implications: The findings reinforce the need to debate and review how reporting channels about moral harassment are structured in the country, as it is a phenomenon that is difficult to delimit and prove but has a profound impact on the lives of its victims.

Keywords: Moral Harassment. Labor Court. Northern Brazil.

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¹ Universidade do Estado do Amazonas - UEA, Amazonas, (Brasil). E-mail: marcianerymedina@gmail.com
Orcid id: <https://orcid.org/0000-0001-6483-175X>

² Faculdade de Economia, Administração, Contabilidade e Atuária da Universidade de São Paulo - FEA/USP, São Paulo, (Brasil), E-mail: wamorim@usp.br Orcid id: <https://orcid.org/0000-0002-0983-1447>

³ Faculdade de Economia, Administração, Contabilidade e Atuária da Universidade de São Paulo - FEA/USP, São Paulo, (Brasil), E-mail: michele.ruzon@gmail.com Orcid id: <https://orcid.org/0000-0003-4678-312X>

⁴ Faculdade de Economia, Administração, Contabilidade e Atuária da Universidade de São Paulo - FEA/USP, São Paulo, (Brasil). E-mail: asarsur@hotmail.com Orcid id: <https://orcid.org/0000-0003-1491-0622>

A ASSÉDIO MORAL: UM RETRATO DO NORTE DO BRASIL A PARTIR DAS AÇÕES JUDICIAIS

RESUMO

Objetivo: Investigar o assédio moral no norte do Brasil sob a lente das ações judiciais.

Método: Análise estatística das ações judiciais sobre assédio moral no período de 2012 a 2018 na Justiça do Trabalho, 11^a região, que abrange os Estados de Amazonas e Roraima. Também foi proporcionado um debate qualitativo, a partir de entrevistas semiestruturadas com atores relevantes (juízes, promotores e advogados).

Principais resultados: Encontrou-se um volume representativo de ações judiciais, sinalizando a presença de assédio moral na região. Observou-se maior proporção do assédio vertical (chefia sobre empregados), grande concentração na indústria e em bancos, predominância de homens como assediadores e grande dificuldade para comprovação da situação de assédio.

Relevância/originalidade: Este artigo aborda o tema de assédio moral sob uma lente ainda pouco explorada, as ações judiciais, considerando uma delimitação geográfica sem muitos estudos – a região norte do Brasil.

Contribuições teóricas/metodológicas: O norte do Brasil apresenta características semelhantes sobre assédio moral às encontradas em outras regiões do país, reforçando a compreensão de um fenômeno social sob influência do ambiente institucional.

Contribuições sociais / para a gestão: Os achados reforçam a necessidade de debater e revisar como os canais de denúncia sobre assédio moral estão estruturados no país, visto que se trata de um fenômeno de difícil delimitação e comprovação, mas com impacto profundo na vida de suas vítimas.

Palavras-chave: Assédio moral. Justiça do Trabalho. Norte do Brasil.

1. INTRODUCTION

The first article of the Universal Declaration of Human Rights (UN, 1948) states that human beings are “born free and equal in dignity and rights” and “should act towards one another in a spirit of brotherhood.” However, employment relationships sometimes do not observe such precepts, and employees’ honor and morals are disrespected. In this context, it is crucial to identify, discuss, and act on events of moral harassment, characterized by

employees' exposure while working to embarrassing situations that offend their dignity and psychological integrity in a repetitive and prolonged manner.

Identifying moral harassment is a great challenge since it is under a sensemaking process, that is, the victim must conclude he or she has been experiencing a mobbing situation in work environment and that it must not be understood as a regular work condition (Claybourn, 2011; Olson-Buchanan & Boswell, 2008). Such sensemaking is under cultural, social, and legal influence (Loriol, Dassisti, & Grattagliano, 2020), thus, to further theory over moral harassment, it is essential to embrace a wide range of regions and industries. Unfortunately, Brazil has yet a long way to run. Bibliometric studies show a sharp concentration of research on Southeast Region and none on Northern Region (Costa et. al, 2015; Mendonça, Santos, & Paula, 2018), which may hold back the creation of national public policies to deal with the subject.

Additionally, we must acknowledge that once the victim recognizes the moral harassment, the dilemma begins: to whistleblow or remain in silence (Allen, 2014). Lawsuits are formal individual voice mechanisms that allows employees to whistle the blow according to regulated procedures and rites, providing security and avoiding possible retaliation against those who complain (Pohler & Luchak, 2014). Its effectiveness depends on national regulation, which has not been the foci of Brazilian research on moral harassment (Mendonça, Santos, & Paula, 2018). There is few specific legislation on psychological violence at work in Brazil, although there is a growing trend toward legal recognition of the topic (Barbosa & Bender, 2019).

This article aims to broaden our comprehension of Brazilian moral harassment by investigating the North Region through the lens of lawsuits. This research offers a panel of lawsuits for moral harassment at work started at the Labor Court of the 11th Region, covering the Brazilian states of Amazonas and Roraima. The study considered lawsuits filed between 2012 and 2018, aiming to understand the phenomenon from the perspective of legal operators and the characteristics of the actors involved. This study was conducted within the scope of the interinstitutional doctorate, an academic cooperation program designed to train graduate students from peripheral regions of Brazil, such as the north, less consolidated in terms of teaching and research than the central part of the country.

The Manaus Free Trade Zone (ZFM), located in the Northern Region, attracts organizations that seek to increase their competitive advantages through tax incentives (Ham, Costa, & Soares, 2017), not disregarding that competitive differentiation is favored by low

labor costs (Ferreira & Botelho, 2014). The ZFM was an economic development model proposed to integrate the northern region with the other regions, reconciling socio-economic development with protecting the Amazon rainforest. However, the occurrence of situations of moral harassment is, in this context, fertile ground for research.

In addition to this introduction, the article contains the following topics: the theoretical framework (including five propositions associated with the consulted authors), methodology, results, analysis and final considerations.

2. THEORETICAL FRAMEWORK

The conflict of interests between employers and employees and the perverse results of an unbalanced power relationship can be identified since the industrial revolution (Braverman, 1974; Kaufman, 2014). However, the recognition of humiliating and embarrassing actions under the classification of moral harassment is a recent phenomenon arising from the efforts of different actors to build more equitable employment relationships. The effervescence of the theme in the academy occurred in the 1990s, with the German psychologist Heins Leymann (1990). He used the term mobbing to describe severe forms of harassment in organizations. The concept spread in Scandinavian countries and, after its translation into other languages, from 1996 onwards, it spread worldwide. The International Labor Organization (ILO) published a report in 1996 defining violence at work as a global problem. In Brazil, the seminal reference was the translation into Portuguese of the work by the French psychoanalyst and victimologist Marie-France Hirigoyen (2001).

Generally, moral harassment at work has its roots in the subordination relationship between employers and employees, occurring when the employer extrapolates their role and confuses control and humiliation. That is the vertical descent moral harassment, when perpetrated by the boss, or the organizational moral harassment, which encompass organizational culture. However, it is known that moral harassment may happen in other dimensions (Guedes, 2008), such as horizontal – practiced by colleagues; vertical ascending – practiced by subordinates toward their boss; and mixed – committed by the boss and colleagues concurrently, in the so-called group effect, when the group follows the leader even if the leader’s behavior is harmful (Hirigoyen, 2001).

It may be argued that vertical descent moral harassment is the easiest to be identified by the victims because the sensemaking process is embedded on cultural and social dimensions.

Individuals compare the situation they are living to previous incidents or those of others and their consequences, in such a way that recurring violent acts through the organization without any censure may be understood as a regular work condition (Olson-Buchanan & Boswell, 2008). If the violent action is isolated, that is, committed only by the victim's boss, individuals can more easily identify it. Indeed, research has pointed that it is more difficult to victims to identify mobbing when working for organizations highly hierarchical, with great management discretionary and a repressive organizational culture (Bretas, Neto, & Moura-Paula, 2020).

Proposition 1 – *It is expected a higher number of lawsuits on vertical descent moral harassment than on any other moral harassment dimension (organizational, horizontal, or mixed).*

Moral harassment may occur in any organization, no matter its industry, once it is an interpersonal event. However, Brazilian research indicates that nurses are the most vulnerable group in the Southern Region (Costa, et. al, 2015) and that bank services are marked by aggressive goals which are usually seem like moral harassment – moreover, it is addressed in collective labor agreements (Netz & Mendes, 2006; Amorim, Cruz, Sarsur, & Fischer, 2017; Katrein & Mello, 2021).

Proposition 2 – *It is expected lawsuits over all industries, especially health and bank services.*

Considering the interpersonal dimension, moral harassment can be a manifestation of discrimination, when individual differences are not accepted. Its victims suffer a harmful impact, denouncing the need not only to “curb discriminatory conduct but also to act incisively at the roots of this social phenomenon, an arduous task that demands the combination of equally important tools” (Bernardes & Freitas Júnior, 2020, p. 216, our translation). Young, elderly, women, disabled, and homosexual, are usually under discrimination attack and may be the most vulnerable group in Brazil.

Proposition 3 – *Victims profile are most frequently vulnerable groups.*

Employee relations and labor market influence whether the victim will whistleblow or remain in silence. Research on Brazil points that moral harassment is more frequently voiced through legal procedures by employees from private companies than public organizations because they usually resign while public servers keep working with their harasser during year and, thus, remain in silence (Costa, et. al, 2015).

Proposition 4 – *It is expected a higher number of lawsuits against private companies than against public organizations.*

The decision to report through formal channels depends on assessing the severity of the situation and the perception of the channel's effectiveness in granting the desired repair, resembling a cost/benefit assessment (Kaufman, 2015). Severity indicates the magnitude of the consequences of the situation and how harmful the event is in the perception of those who voice it (Cassematis & Wortley, 2013; Valentine & Godkin, 2019). The channel's effectiveness represents the chance of obtaining the desired repair. The visible harms of moral harassment on the body and mind (Pizarro, 2021) allow for a consensual severity analysis. However, the effectiveness of the voice mechanism depends on the regional laws and rules and how workers perceive them.

From the Brazilian legal point of view, moral harassment is recognized when there is unequivocal proof of the fact, damage generated, psychological impact, assessment of the causal link fact-damage, and contextualization (Vasconcelos, 2015). These elements consider psychological, historical, socio-economic, and institutional variables. The difficulty in proving the facts makes it difficult to penalize the perpetrators of moral harassment, leading to the perpetuation of impunity and the naturalization observed today (Paula, Motta, & Nascimento, 2021). In everyday life, even though recognizing the relevance of the effects on the individual, the literature does not point to a solution for the problem. Thus, the development of specific legal programs and instruments is still recommended (Andrade & Assis, 2018).

Proposition 5 – *It is expected a significant number of dismissed lawsuits.*

3. METHODOLOGY

This exploratory-descriptive research aims to describe moral harassment at work based on a lens not yet systematically explored in the literature (i.e., that of filed lawsuits). A quantitative-qualitative approach was adopted to collect objective data such as the number of lawsuits, the compensation amount established, and the size of the company sued. Data was gathered considering the perception of the actors involved (judges, prosecutors, and lawyers).

The quantitative approach focused on the lawsuits for moral damage due to harassment in the Labor Court of the 11th Region in Brazil (TRT 11) between 2012 and 2018. This period was chosen due to the beginning of data access availability. In addition, this is a period whose

institutional conditions had not yet been affected by the changes brought about by the 2017 labor reform on labor lawsuits. This rule discourages workers from filing labor claims due to the implicit financial risk. The initial database made available by TRT 11 contained more than 18,000 lawsuits. The research selected only first-degree processes – those in progress in the Labor Courts (excluding the processes in progress in appealing courts, i.e., second-degree). Thus, 6,693 processes were listed. The filter of these processes was made with the subject “moral damage” and “moral damage due to moral harassment” (term to be registered by the plaintiff’s attorney when filing the lawsuit). Therefore, there may be processes of moral harassment not identified in this survey but not in a number that would alter the research findings.

From this sample, only upheld lawsuits (at least to one of the claims and not necessarily the request for compensation for damage due to moral harassment) were selected, which delimited a set of 1,755 lawsuits submitted to document analysis. A team of law students read each lawsuit (initial petition, defense, court hearing, and judgment, when available) and systematized the relevant information for this research, categorized into 25 variables (Table 1). Only 473 lawsuits contained all relevant information, which is the basis for the description of the moral harassment put forward in this article, referring to northern Brazil.

Table 1 – List of variables to select cases

1. Lawsuit code	6. Defendant type (person, group, organization)	11. Defendant type of capital (private, public owned)	16. Lawsuit length	21. Value of the case
2. Lawsuit year	7. Defendant national ID ('CNPJ')	12. Moral harassment request (yes/no)	17. Victim level of education	22. Value of moral harassment request
3. Labor Court	8. Defendant main economic activity	13. Type of moral harassment (descendent, ascendent, etc)	18. Victim marital status	23. Lawsuit status
4. Lawsuit admission date	9. Defendant governance (corporation, association, etc)	14. Perpetrator gender	19. Victim inhabitancy (city or countryside)	24. Lawsuit result
5. Plaintiff type (person, group, organization)	10. Defendant size (measured by tax framework)	15. Victim gender	20. Other requests beside moral harassment (yes/no)	25. Value of sentence

Source: Research data

In this phase of the work, descriptive statistics were used in search of the frequency of occurrences, and occasionally, Spearman correlation was used. In addition, regional

quantitative data were collected from the databases of regulatory bodies – Ministry of Labor and Industry online portals.

Six semi-structured interviews were conducted with key actors in moral harassment lawsuits in the northern Brazil - judges, prosecutors, and lawyers. These interviews allowed to seek more details not revealed when reading the processes and getting a better context for the analyzed data, to discuss and deepen the results identified in the quantitative analysis (Table 2).

Table 2 – Profile of Interviewees

Interviewee	Profile (Gender, time in the function)
Labor court judge – LJ1	Male, more 20 years
Labor court judge – LJ2	Male, 05 years
Public prosecutor – PP1	Male, 10 years
Public prosecutor – PP2	Female, 10 years
Lawyer – LAW1	Male, more than 20 years
Lawyer – LAW2	Female, 10 years

Source: Research data

Interviews comprised three main issues on northern Brazil: general comprehension about moral harassment in the region (*is there a pattern on victims or perpetrators’ profile?*), general comprehension about moral harassment lawsuits (*can you explain the main lawsuits’ results?*) and legal trend on moral harassment. They were all recorded and transcribed. Once in text form, they were subjected to content analysis. The next sections present the quantitative and qualitative results subsidizing the analyses.

4. RESULTS

4.1 Characterization of the region

In 2018, the Brazilian state of Amazonas employed 97,912 people in the manufacturing industry and 183,144 in the service industry. ZFM concentrates the highest number of employees in Amazonas, and these workers received a monthly average of BRL 6,491.35 in 2018 (SUFRAMA, 2021). It must be highlighted the number of employees in public administration, defense, and security (33.8%) and commerce (28.3%) in this state (RAIS, 2019).

Roraima employed 3,671 in manufacturing and 23,860 in services (RAIS, 2019). This is the state with the lowest Gross Domestic Product (GDP) in Brazil (R\$16 billion in 2020, corresponding to 0.2% of the Brazilian economy, compared to R\$116 billion in Amazonas, 1.52% of the national GDP). Its tertiary sector employs around 90% of formal workers, concentrated in public administration, defense, and security (48.9%), commerce (14.5%) and education (3.4%) (RAIS, 2019), although Freitas (2017) recognizes the economic relevance in the region of sectors such as manufacturing and extractive industries (timber and mining).

In both states, there is a large proportion of women in the work force. In Amazonas, 42,5% of workers are women and in Roraima, 50,3% (RAIS, 2019).

4.2 Moral harassment dimensions

The most recurrent moral harassment dimension in the north of Brazil is the vertical descent one (73,45%). There was also organizational moral harassment (26,55%), but none of horizontal, ascent or mix dimensions.

4.3 Profile of organizations sued

The most frequent defendants in moral harassment processes in the north of Brazil are limited companies (57.9%), private capital (95.3%, against 0.8% of public organizations and 3.8% of mixed ones), and medium or large companies (92.6%).

Taking the National Classification of Economic Activities (CNAE) as a reference, there is a prevalence of lawsuits against organizations in the manufacturing industries (23.3%) and financial activities, insurance, and services (20.1%), followed by commerce, and repair of motor vehicles and motorcycles (19.9%). Health services were only 3.1% of the cases. If considered only organizational harassment, banks are responsible for more than half (51.7%) of the cases. As for cases of vertical harassment, they are more frequent in organizations in the manufacturing industry (27.5%), followed by commerce and repair of motor vehicles and motorcycles (23.1%). The lawsuit data only mirrors the proportion by sector of the local companies' employees.

The data presented in the following sections cover only limited companies, privately held corporations, and medium or large companies, seeking to examine a more homogeneous sample.

4.4 Profile of perpetrators

The information available in the processes only allows the identification of the gender of the harasser in cases of vertical harassment. Organizational harassment is a collective event in which there is no single harassing subject. In this sense, harassment is predominantly carried out by men (76.5%). There were no other data available to feature the harasser.

4.5 Profile of victims

Regarding the victim, the survey identifies that organizational harassment affects men (52.1%) and women (47.9%) in similar proportions (Table 3) and that vertical harassment is more directed at the male public (60.8%) (Table 4). Regarding 52.1% of employees are men and 47.9% are women in the states surveyed, the lawsuit data only mirrors the gender ratio of employees in the region.

Table 3 – Gender of the Victims of Organizational Harassment

Gender	%	% Accumulative
Female	47.9	47.9
Male	52.1	100.0
Total	100.0	

Source: Research data

Table 4 – Gender of the Victims of Vertical Harassment

Gender	%	% Accumulative
Female	39.2	39.2
Male	60.8	100.0
Total	100.0	

Source: Research data

Organizational harassment is reported more frequently by married professionals (54.3%) and young professionals (mean age 33 years). As for vertical harassment, the focus is on single professionals (48.6%) and young professionals (average age 35 years). There were no other data available to feature the victims.

4.6 Characterization of lawsuits

The lawsuits were characterized as upheld or dismissed. A great amount of the analyzed lawsuits were dismissed (for organizational harassment, 46.8%, and vertical descent

harassment, 41.5%). Among the lawsuits upheld, those for vertical harassment were 56.2%, and for organizational harassment, 46.8% (Table 5).

Table 5 – Results of Lawsuits for Organizational and Vertical Descent Harassment

Result	Organizational harassment (%)	Vertical descent harassment (%)
Charges dropped	1.1	0.8
Absence of harassment	2.1	0.8
Settlement	3.2	0.8
Dismissed	46.8	41.5
Upheld	46.8	56.2
Total	100.0	100.0

Source: Research data

The amounts requested as compensation for moral harassment vary according to the type of harassment, with an average value of BRL 113,359 for cases of organizational harassment (SD 144,843) and BRL 157,014 for vertical harassment (SD 1,244,610) (Table 6), showing a range of amounts for vertical harassment greater than that observed in lawsuits for organizational harassment.

Table 6 – Amount of Compensation per Type of Harassment (BRL) (*)

Type of process	Minimum	Maximum	Average	Standard deviation
Organizational harassment	5.000	1.257.654	113.359	144.843
Vertical harassment	00	20.000.000	157.014	1.244.610

Source: Research data

(*) nominal values

5. ANALYSIS OF RESULTS

The analysis of results obtained from documentary research was complemented by data gathered from interviews with legal operators working in northern Brazil (listed in Table 2). The analysis examines the data considering the conceptual approach and understanding that complex social phenomena need to be taken from quantitative data and their meanings.

5.1 Profile of organizations, perpetrators, and victims

There were a higher number of lawsuits on vertical harassment than organizational harassment, which confirms proposition 1. Organizational harassment is a collective phenomenon resulting from management methods adopted by companies; it is not inflicted by

a specific individual. Banks account for more than half of lawsuits for organizational harassment lawsuits (51.7%), while vertical harassment is more frequent in the manufacturing industry (27.5%). In the interviewees' perception, the significant presence of banks as defendants may be due to the pressure to achieve goals (Netz & Mendes, 2006; Amorim, Cruz, Sarsur, & Fischer, 2017; Katrein & Mello, 2021). This confirms propositions 2 and 4, that bank services would be among the most sued industry and that most of the cases would be against private companies.

It must be highlighted that instead of health service, in the Northern Region, manufacturing industry is among the industry with more lawsuits. The pressure put on employees to achieve goals has also been growing in the manufacturing industry, especially in the large automakers in the industrial center of Manaus. One of the interviewees (PP1) warned that although bank employees most denounce harassment, it should be recognized that the sales sectors of different organizations also count a great number of lawsuits. As JT1 mentions, *"in the inner state cities, banks have the most harassing lawsuits, and in Manaus, the big industries and larger companies in the industrial center have the most cases."* PP1 reinforces that most complaints were in the banking industry, but also observed in sales and the manufacturing industry where there is high demand for productivity.

The interviewees' perceptions corroborated the result showing that harassment is carried out predominantly by men (76.5%). According to the interviewees, these perpetrators have a university degree and occupy management positions, which suggests that neither education nor hierarchical positions inhibit harassing behavior.

Organizational harassment affects men (52.1%) and women (47.9%) in similar proportions, while vertical harassment is more targeted at the male audience (60.8%). This result, however, differs from the interviewees' perspective, as they perceive a higher incidence of female victims. The same can be said concerning the literature that mentions more harassment of women (Hirigoyen, 2017; Irigaray & Vergara, 2009). On the other hand, it is difficult to say, with conviction, which gender is most affected by organizational harassment since not all victims expose their experiences, and this fear of exposure is accentuated in the behavior of men, for example, because it hurts their masculine identity (Heloani, 2004; Heloani & Barreto, 2018). Because it is gradual aggression, it is also common that the victims, when they realize the situation, are already in a depressive state and do not have the strength to react (Heloani, 2004; Heloani & Barreto, 2018; Pizarro, 2021).

In cases of vertical harassment, in the intersection between the variables gender of the harasser and the harassed, it is observed that vertical harassment is more frequently carried out by men, both against male and female victims. Harassment by women suffered by men is rare (13.3% of cases among harassed men). Based on Spearman's correlation calculations between vertical harassment processes, a significant correlation is observed between the genders of the victim and the harasser, with a positive relationship of moderate strength (0.299). This indicates that men tend to be more harassed by other men, while women tend to be more harassed by other women (39.2% of cases among harassed women).

The victims' age ranged between 15 and 79 years old, with an average of 35 years old. Such data accompany the distribution of occupations by age group within the labor market. At the extremes of the sample, processes occur with both very young workers (15 years old) and older workers (79 years old). Thus, it is possible to say that harassment also affects temporary activities since the age of 15 is compatible with hiring young professionals in apprenticeship programs and among retirees who continue to work.

The analysis of the data related to the processes showed a greater presence of men as harassed. This situation is certainly linked to the higher proportion of men among employees in organizations in the region. Nonetheless, the interviewees complement the description of the harassed person's profile by reporting that they are usually part of a minority group (disabled people, people from the LGBTQA+ community, and obese people). Under these conditions, they present personal weaknesses that become the target of the harasser, corroborating Bernardes and Freitas Júnior (2020) when they mention that victims of stereotypes suffer a harmful impact from harassment and partially confirming proposition 3.

This was observed in the speech of one of the interviewees (LAW1) “[the harassment of] *people of the same level... The most common cases are nicknames or disdain for some disabilities. In the case of superiors to subordinates, it is the form of treatment, calling them incompetent.*” This perception is complemented by PP2 when she states that “*subordinates usually involve vulnerable groups, historically women, people with disabilities, and black people.*”

PP2 mentions that the harasser “*is usually male... and the harassed are mostly female. And people with disabilities.*” Also reinforced by LJ1, who states, “*people who were overweight, from the LGBT community [...] the harassed person has a personal fragility, and the harasser takes advantage of that.*”

The analysis based on the victims' education was challenged since the information on education in the documents analyzed was often omitted. However, considering the available data (higher and high school education), it can be deduced that the most frequent victims are those with low education. The interviewees confirm this aspect, indicating that vertical harassment is common between a superior manager and an employee without an undergraduate degree. This fact is reinforced by LAW2 when she mentions that *"if the harasser has higher education, the harassed person does not have higher education."*

5.2 Characterization of processes

Based on the data of the legal proceedings alone, it was not possible to verify whether there were reasons to indict the harasser or not or whether the decisions handed down in the trial agreed with the evidence presented. A finding that draws attention is that more than 50% of the lawsuits were considered valid. However, only a documental analysis of each process would allow interpreting the causes for 41.5% being dismissed, which confirms proposition 5. However, this was not possible to guarantee the anonymity of both interviewees and those involved in the lawsuits.

According to the interviewees, the high number of dismissed harassment cases stems from the difficulty in materializing evidence and the attitude of judges in demanding a clear demonstration of harassment. In the experience reported in the courts, moral harassment is a subjective request and difficult to prove because, in most cases, it occurs covertly, making it difficult to judge based on the plaintiff's allegations. The worker who denounces moral harassment depends a lot on the judge's understanding, as mentioned in the interviews. Evidence of harassment requires testimonies from colleagues who have seen recurring harassing behavior. Due to the exposure of these people and the possibility of retaliation, many victims do not manage to include witnesses in their processes.

The interviewees, such as PP2, mentioned how *"it is difficult to provide evidence because people end up not being able to bring witnesses... The judiciary understands that it must be something very proven but does not take into account any other evidence or statistics that are important... if that company is laying off a certain group or a certain group is resigning, these would be signs, isn't it?"*

This aspect is reinforced by LJ2 when mentioning that *"the problem of harassment is the issue of systematic proof. You must prove many facts, many consecutive or alternating days..., the witness has to have seen it many times. The difficulty is in the production of*

evidence, in the lawyer's technique in knowing how to produce the evidence and its purpose, isn't it?"

In this sense, the evidence element may be excessively valued by magistrates and judges to the detriment of immaterial aspects of moral harassment and the investigation of other evidence of organizational reality.

In addition, the interviewees point out a lack of legal/technical quality and that plaintiff's attorneys do not always master less evident legal issues, such as the difference between moral damage and moral harassment. As mentioned by Branch, Ramsay, and Barker (2012), the phenomenon's complexity can make it challenging to identify its elements and foundations. The interviewees cite insufficient legal training in the country, as in the speeches by LJ2, *"the [poor] legal quality is both in poorly written, poorly substantiated, and in the absence of fact,"* and by PP2, *"Sometimes the labor lawyer asks as if they were asking God. We see exorbitant requests, things that are not harassment and being considered harassment; then they disbelieve a little. And the judiciary [system] will say 'here it comes; it is another [lawsuit] for harassment, we know that it is not harassment."* In some cases, as reported by LJ1, *"...it is just a case of moral damage, without reiterated facts and psychological terror..."*

In short, interviewees perceive much frustration with the results from lawsuits and believe in other paths, such as restorative justice. According to LAW2, *"...today indemnities are so ridiculous that, honestly, the pedagogical character is zero."* In addition, as discussed by LJ2, *"Our court applies very low amounts... it condemns a bank that earns billions, to 10,000 reais in moral damages, for harassment... the current measures we have are totally ineffective."*

Regarding the compensation amounts, it should be noted that the lawsuit without claiming an amount as compensation was possible until the enactment of law 13467/2017. After the law, all lawsuits had to present an amount the victim considered acceptable compensation, established by the plaintiff's attorney or by a court official.

5.3 Trends on moral harassment lawsuits and other findings

The research took place during the COVID-19 pandemic. In this context, interviewees were asked about their perception of trends related to moral harassment processes. They mentioned the possibility of new formats and more competitive contexts. According to LJ1, *"we will have new forms of harassment because we are moving toward a world where it will*

be clear the issue of who has a modern job, right, and who will have to work picking up the garbage in society.”

There was also mention of workers’ greater awareness of their rights and, therefore, a different level of demand from companies and society regarding better working conditions and environments and fairer reparations. PP1’s statement reflects this aspect saying that the companies will tend to organize themselves to have contexts with a lower incidence of harassment, seeking best management practices.

According to data from the Brazilian Superior Labor Court (TST), the total number of lawsuits judged showed consecutive increases from 2010 to 2017. However, since 2018 it has shown decreases: in 2018, 1,158 cases were judged; in 2020, 775, 30% less (TST, 2020). This fact would need to be monitored and considered in the trend analysis of the phenomenon.

One aspect that stands out is the processing time of legal proceedings, which can be considered relatively short. The large majority (90.4%) of lawsuits had already been dismissed by 2020, the year in which the research data was received from the TRT 11. This could be related to the speed of justice or, on the contrary, the little importance given to this type of process, suggesting the cases were not deeply analyzed.

Also noteworthy in the interviews of those working in the bodies that make up the system (Court and Public Prosecutor’s Office) is the possibility that they and their colleagues have committed harassment in their eagerness to meet the goals of the National Council of Justice (CNJ). Such bodies are implementing channels of information, communication, and committees to deal with the subject internally, thus reducing occurrences or eliminating them. The legislators see themselves as actors in this context and subject to denouncement.

The issue of legislation is relevant because, due to the lack of specific law, it is possible to invoke other norms (Civil Code and the Brazilian Penal Code, the Consolidation of Labor Laws, and the Brazilian Federal Constitution) to charge perpetrators for damages caused to the victim (health, moral, financial, and other damages). However, it is not possible to measure this use. The Chamber of Deputies approved a project that makes moral harassment in the workplace a crime, with a stipulated penalty of detention of one to two years and a fine, which can be increased by up to a third if the victim is under 18 years old. In addition, abuse of power constitutes a form of moral harassment, as it violates law 4898, which regulates the Right to Representation and the process of Civil and Criminal Administrative Responsibility in cases of abuse of authority.

6. FINAL CONSIDERATIONS

This research offers a panel of lawsuits for moral harassment at work started at the Labor Court of the 11th Region, covering the Brazilian states of Amazonas and Roraima. The study considered lawsuits filed between 2012 and 2018 to understand the phenomenon from the perspective of legal operators, observing the characteristics of the actors involved. The findings obtained from the examined lawsuits filed in the northern region of Brazil contributed to learning about the reality of moral harassment and how it is legally addressed in the country. Propositions were confirmed, which shows that this region experience and deals with moral harassment in similar ways as other Brazilian regions, as expected.

The hundreds of cases identified in the study, even if half were dismissed, reinforce that moral harassment is an issue to be addressed in workplaces in the north of Brazil. The documentary research revealed a high frequency of these cases in banks, financial institutions, and the manufacturing industry. In most cases (three in four cases), the harasser is a man, and the victims are men and women in a similar proportion.

In addition to data characterizing organizations, perpetrators, and victims, the study identified important aspects regarding the researched phenomenon. First, it is challenging to establish a solid database on the subject, confirming the literature regarding the evidence of situations of harassment in lawsuits. This difficulty stems from the very nature of harassment as an event of a private, even intimate nature, whose material evidence sometimes does not exist, although it psychologically marks the victims.

Second, the poor legal quality of a significant part of the lawsuits filed is an important issue. The research attested to the enormous number of obscure documents regarding the information about the parties involved – harassed and harassers – people or companies. The high dispersion of the amount of compensation claimed in the lawsuits and the lawsuits claiming negligible amounts point to the little precision of the lawsuits studied. Interviews with legal operators confirmed this. In a nutshell, perhaps therein lies one of the main challenges to the manifestation of the workers' voice: plaintiff's attorneys who mistranslate the workers' cases and prosecutors or judges with little sensitivity or little knowledge about these cases.

In any case, the awareness of workers and legal practitioners shows that workplace moral harassment is beginning to be recognized as a conflict. Lawsuits seeking reparation for damages caused to the parties is undergoing a change of mindset in the courts, including the recognition of moral harassment within the legal system, which is a practical manifestation of

the voice of the harassed. However, it is worth noting the high number of dismissals (for organizational harassment, 46.8%, and vertical descent harassment, 41.5%), ratifying the need for regulation.

This study offers a methodological path to support further research. Despite limitations, it revealed a reality often debated but little demonstrated with material information. From an optimistic perspective, the recognition and proof of harassment situations warn organizations and public authorities to fight and prevent them through punishment and changing the culture in work environments.

In this sense, it is crucial to put forward a research agenda that encompasses dialogue with the parties involved in moral harassment, including victims and managers of sectors where the phenomenon manifests. Such an agenda could include studies replicating the method in the other 23 Labor Courts in Brazil, contributing to increasing the understanding of these lawsuits nationwide.

This research agenda suggests the need for exhaustive research, but it is essential since suffering from workplace harassment is morally intolerable. The voice of the victims will not be silenced.

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