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# Mobbing And Cybermobbing: Risk Aspects Of (Digital) Communication In The Workplace And Possibilities Of Legislative And Non-Legislative Protection Under The Conditions Of The Slovak Republic

## ABSTRACT

The paper deals with the issue of negative phenomena related to the field of communication in the workplace and has the character of an interdisciplinary study using knowledge from the theory of law, personnel management, psychology, theory of communication and media studies. The main aim of the paper is to examine the issue of communication in the workplace with a specific emphasis on mobbing and cybermobbing as negative aspects and consequences of this communication, and the legislative and non-legislative options for protection against them. In the paper, we present a reflection of the basic theoretical background and defining frameworks from various author's perspectives. In this paper, we focus on the origin of mobbing, its forms, and manifestations, as well as a brief description of cyberspace as a determinant for the transformation of mobbing into the virtual environment. The dominant part is the second section of the paper, where the current possibilities of legislative protection in the context of victims of mobbing and cybermobbing are identified regarding various manifestations and selected types of aggressive communication and behaviour.

## KEY WORDS

Mobbing. Cybermobbing. Legislation. Protection. Prevention. Employee. Cyberspace.

# 1. Introduction

A democratic society brings an open debate on the importance and acceptance of human rights and the rule of law. In the context of complex interpersonal relationships in the private and especially work areas, space has therefore been created for the emergence of a specific form of aggression and bullying –so-called mobbing. This is one of the most serious problems of the present, which can affect anyone, regardless of gender, education, occupation, or social status. With the constant expansion of modern communication technologies and digital media, aggression is also shifting to cyberspace, where the potential for defence is even more difficult.

It is obvious that the basic elements of a functioning corporate culture are correct relationships in the workplace. It may also be the result of media content, but violence is generally becoming a common part of our lives, becoming literally „anaesthetic“ to it – insensitive. Therefore, even in the work environment, the negative phenomena presented in this paper are occurring more and more often. According to statistics available from The European Foundation for the Improvement of Living and Working Conditions in 2000, approximately four percent of employees have been victims of physical violence in the workplace.<sup>1</sup> Several recent researches indicate that in Slovakia approximately a third of employees encounter mobbing or its forms<sup>2</sup>, the results of Holubová's research<sup>3</sup> confirm that up to two thirds of employees have had such experiences. Other data even show that up to 80% of employees witness such behaviour<sup>4</sup>, in the Czech Republic more than 30% of employees are victims.<sup>5</sup>

Given the seriousness and topicality of the phenomenon of mobbing, we have subjected this issue to a deeper analysis, and in the conclusion, we propose several preventive measures to eliminate it.

## 2. Theoretical background

From the etymological point of view, the term mobbing has its origin from the English term „to mob“, which means to oppress, humiliate, harass, attack.<sup>6</sup> Kratz defines mobbing as „a series of negative communicative acts committed by an individual or several people against a person over a longer period of time.“<sup>7</sup> Mobbing can also be defined as a form of hostile, spiteful and unethical communication that is systematically controlled by an individual or a group of people, especially against a particular individual.<sup>8</sup> Çelîkôz-Çelîkôz add that this is most often an emotional attack manifested by disrespectful and inappropriate behaviour, which includes discrediting and ridicule.<sup>9</sup> The definition by the Czech author Halík, who defines mobbing very expressively, is also interesting, but this statement is very appropriate: „*Mobbing is malicious manipulation, systematic humiliation, psychological terror, manoeuvres aimed at inducing stress.*“<sup>10</sup> However,

<sup>1</sup> STEFFGEN, G.: Physical violence at the workplace: Consequences on health and measures of prevention. In *European review of applied psychology – Revue européenne de psychologie appliquée*, 2008, Vol. 58, No. 4, p. 287.

<sup>2</sup> See e.g. ONDREJKOVIČ, P.: Násilie – spoločensky nežiaduci jav. In *Sociológia*, 2008, Vol. 40, No. 5, p. 401.; KONČEKOVÁ, L.: Prieskum mobbingu u pracovníkov troch slovenských miest. In KUBÁNI, V. et al.: *Psychologická revue III*. Prešov : Prešovská univerzita v Prešove, 2009, p. 127-131.

<sup>3</sup> HOLUBOVÁ, B.: Šikanovanie? Zažili ho už dve tretiny ľudí. In *Hospodárske noviny*, 2007, Vol. 43, No. 22, p. 14.

<sup>4</sup> OLŠOVSKÁ, A.: *Mobbing a bossing na pracovisku*. Bratislava : Inštitút pre výskum práce a rodiny, 2013, s. 8.

<sup>5</sup> WAGNEROVÁ, I.: *Psychologie práce a organizace: Nové poznatky*. Praha : Grada, 2011, s. 131.

<sup>6</sup> NOVÁK, T., CAPPONI, V.: *Sám sobě psychologem*. Praha : Grada, 2003, s. 73.

<sup>7</sup> KRATZ, H. J.: *Mobbing, jak ho rozpoznat a jak mu čelit*. Praha : Management Press, 2005, s. 16.

<sup>8</sup> DUFFY, M., SPERRY, L.: *Mobbing*. New York : Oxford University Press, 2012, s. 42.

<sup>9</sup> ÇELİKÖZ, M., ÇELİKÖZ, N.: Exposure to Mobbing: Perceptions of Primary School Teachers. In *Journal of Education and Practise*, 2017, Vol. 8, No. 3, p. 195.

<sup>10</sup> HALÍK, J.: *Vedení a řízení lidských zdrojů*. Praha : Grada, 2008, s. 108.

in the context of mobbing, it is often simply referred to as bullying and harassment in the workplace. It can also be the case where a superior terrorizes a subordinate to cover up his own shortcomings. Howard<sup>11</sup> states that workplace violence can be spoken of when inappropriate behaviour reduces the safety of employees, superiors, or the organization as a whole.

However, mobbing is not a modern phenomenon or behaviour; on the contrary, it has existed as long as work itself. However, as an undesirable phenomenon, this process of behaviour was described and further investigated in the 1980s. In this context, mention may be made of the Swedish scientist and work sociologist H. Leymann, who introduced the concept of mobbing in the field of social sciences and created a definition of mobbing on the basis of intensive research (1984). Theoretical frameworks of the issue state that mobbing can be spoken of if the victim is attacked at least once a week by one or more people for a period of at least half a year. However, it is obvious that this phenomenon cannot be explicitly expressed metrically, so it can therefore be, for example, a shorter but more intense period of attacks. It is a deliberate humiliation of human dignity, damage to a specific employee by active permanent psychological pressure. As early as 1999, Zapf<sup>12</sup> stated in the context of workplace mobbing that this is an extreme type of social stress at work. In Slovakia, the first research on bullying in the workplace was carried out in the 1970s by psychologists Zelin and Palovkin. The essence of these systematic attacks is the will to harm, humiliate, destroy or sabotage the victim's work, as well as make working conditions uncomfortable so that the victim is unable to do a good job and perform quality work, most often through psychological terror. „It is a severe disorder of communication or relationships in a team of co-workers, a form of unwanted aggression in interpersonal relationships, the most serious distortions of social relationships, roles and norms of life.“<sup>13</sup> Kowal & Gwiazda-Sawicka consider mobbing to be the most dangerous and destructive phenomenon in the workplace, the presence of which is drastically increasing.<sup>14</sup>

Despite the fact that the definition of the term mobbing and its complex definition varies from author to author, it is always possible to see the consensus that it is a systematic violation of the rights of another person in the workplace. Mobbing causes enormous psychological suffering to victims, which can damage their mental health and often has lasting consequences. The main aim is also the effort of victims to leave from given job. Several leading U.S. businesses and companies have identified workplace violence as one of the most significant security threats they face.<sup>15</sup> In this context, one can also agree with Rasool et al.<sup>16</sup>, who cites a reduction in work productivity and, in particular, a reduction in morale and unity amongst co-workers and colleagues as risks of mobbing in the workplace.

Forms of mobbing can have different character, indications, and courses in practice. According to Drgoňová<sup>17</sup>, these are the following:

1. Bossing – when a manager exerts pressure and attacks a subordinate to force their adaptability or obedience, or to force them out of the job.

<sup>11</sup> HOWARD, J.L.: Workplace Violence in Organizations: An Exploratory Study of Organizational Prevention Techniques. In *Employee Responsibilities and Rights Journal*, 2001, Vol. 3, No. 2, p. 59.

<sup>12</sup> ZAPF, D.: Organisational, work group related and personal causes of mobbing/bullying at work. In *International Journal of Manpower*, 1999, Vol. 20, No. 1-2, p. 70.

<sup>13</sup> RITOMSKÁ, M.: *Mobbing, história a príčiny vzniku*. [online]. [2020-04-17]. Available at: <<https://euractiv.sk/section/podnikanie-a-praca/opinion/mobbing-historia-a-priciny-vzniku-017785/>>.

<sup>14</sup> KOWAL, J., GWIAZDA-SAWICKA, G.: Mobbing as a problem in management ethics. In *Annales. Ethics in Economic Life*, 2018, Vol. 21, No. 5, p. 132.

<sup>15</sup> HUNT, M. L., HUGHEY, A. W.: Workplace Violence: Impact and Prevention. In *KCA Journal of Business Management*, 2010, Vol. 29, No. 1, p. 40.

<sup>16</sup> RASOOL, S. F., et al.: Sustainable Work Performance: The Roles of Workplace Violence and Occupational Stress. In *International Journal of Environmental Research and Public Health*, 2020, Vol. 17, No. 3, p. 912. [online]. [2020-08-19]. Available at: <<https://www.mdpi.com/1660-4601/17/3/912/html>>.

<sup>17</sup> DRGOŇOVÁ, Z.: Mobbing a ďalšie nové formy násillia na pracovisku. In *Zamestnanosť a sociálna politika*, 2009, Vol. 11-12, p. 4.

2. Staffing – these are attacks by employees on managers or management. The goal of staffing (in English, staff means management) is to destroy the superior, management or personnel or corporate policy.
3. Bullying – represents tyrannizing, intimidation, abuse. It is derived from the noun „bully“, which means brutal „man“ or „tyrant, despot, grobian.“ It is an obvious and situationally conditioned direct manifestation of the bully’s aggression. It takes place between two people and is not as destructive as mobbing.<sup>18</sup>
4. Stalking – (in English, stalking means hunting, chasing, persecution) means harassment, persecution by telephone terror, threats of violence and public scenes.
5. Chairing – (in English, it means chair, sofa) is a specific form of unfair attacks at the level of top leaders, a kind of „fight for the chair“, while top management has a number of specific tools and methods that it can use.
6. Defaming – similarly to shaming, it means ridicule, slander, defamation. It is an open and unfair attack, especially on the reputation of an individual, group or organization in public.
7. Shaming is tied to a specific gossip; defaming can hit the worker unexpectedly. The destructive roles are played mainly by the media.
8. Hightech-mobbing – is behaviour in which computer files are deleted and exchanged, or via the sending of anonymous threat emails or viruses. Some authors use the terms mobbing and bullying synonymously, others include both terms under the Slovak term bullying.
9. Bullying-mobbing – is generally not made public at all because it is not reported and made public by victims who do not ask anyone for help. This creates an increased risk because the aggressor is not afraid of punishment, does not worry about it at all, and similar acts continue to be overlooked and tolerated in the future.

Mobbing is a long-term process that is characterized by immense dynamism. It consists of several developmental stages that describe the origin, course, and end of this undesirable behaviour. Leymann defined four basic phases of mobbing:

1. Mobbing mostly begins with an unresolved conflict on the part of the victim and the aggressor.
2. There is a deepening and intensification of attacks, other people also join in, this is a phase of systematic psychological terror.
3. The victim is exposed to almost unbearable stress. Under the influence of the escalation of attacks, there is room for the occurrence and repetition of errors, to which personnel management is already responding.
4. Resignation of the victim and their departure from the workplace.<sup>19</sup>

In addition to the above phases, it is important to note that situations and events outside the premises and outside standard working hours, but with negative motives focused on the work performance and abilities of the employee, may also be part of mobbing and violence in the workplace.<sup>20</sup>

The consequences for victims of mobbing are very serious; in addition to socio-economic interventions (e.g. dismissal at work), the result of psychological terror in the workplace are also health problems (stomach problems, headaches, insomnia and others), as well as poor mental health (anxiety, nervousness, stress, fear, depression, self-destruction, etc.). For victims,

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<sup>18</sup> Compare to: MAKAROVA, E. A. MAKAROVA, E. L. MAXIMETS, S. V.: Intentional Concepts of Verbal Bullying and Hate Speech as a Means of Expressing Intolerant Attitude to the Speech Object. In *Media Education (Mediaobrazovanie)*, 2020, Vol. 60, No. 3, p. 445-446. ISSN 1994-4160.

<sup>19</sup> KALLWASS, A.: *Das Burnout-Syndrom*. Stuttgart : Kreuz Verlag, 2007, p. 19.

<sup>20</sup> HOWARD, J. L.: Workplace Violence in Organizations: An Exploratory Study of Organizational Prevention Techniques. In *Employee Responsibilities and Rights Journal*, 2001, Vol. 13, No. 2, p. 61.

the end of working hours is often a time of redemption when the mobbing ends. However, there are also cases where mobbing does not stop and limit itself to the workplace but continues and blends into cyberspace and the virtual environment. In this case we are talking about so-called cybermobbing. The 21st century has confirmed the massive increase in the influence of the Internet on all areas of life – in cyberspace we communicate, work, have fun, and live virtual lives. It is therefore possible to agree with Gálik, who in this context defines it as a new existential dimension of man.<sup>21</sup> Cybermobbing, as a negative phenomenon of cyberspace, therefore represents a specific type of cyberbullying, which is connected to the work area. It is therefore a modified form of mobbing implemented in cyberspace using information and communication technologies, digital media, and the Internet. In this context, Kohut also offers an interesting opinion: „Technologies provide treacherous weapons that have no limits, no boundaries, no conscience. The Internet has changed the world of the information society and made life in industrialized countries easier. However, it is a psychological weapon of unimaginable power”<sup>22</sup> In the context of cybermobbing as one of the forms of cyberbullying, the aggressor is offered much more powerful and insidious weapons in the form of ICT resources.<sup>23</sup> Positive and optimistic approaches to the Internet are widespread, as it can be considered the most popular medium that facilitates communication and provides various forms of entertainment.<sup>24</sup> However, it is also important to point out its negative aspects and risks, among which cybermobbing can undoubtedly be included.

Cybermobbing therefore belongs to a group of different forms and manifestations of cyberbullying with a specific link to work and employment, so we consider it important to state Belsey's classic definition that cyberbullying „involves the use of information and communication technologies to encourage intentional, repetitive and hostile behaviour by an individual or group, aimed at harming others.”<sup>25</sup>

Hollá<sup>26</sup> defines cyberbullying, to which cybermobbing undoubtedly belongs, as behaviour that involves the harassment, threat, humiliation, persecution, or other negative behaviour of an individual or group using the Internet, interactive and digital technologies or mobile phones. The purpose of this behaviour is to harm victims through the use of general insults, homophobic, sexist, racist and other discriminatory prejudices, with a significant mismatch in ICT skills between cybermobber and victim, and the victim has long been exposed to negative online material and attacks. An interesting view is also provided by Smith et al.<sup>27</sup>, who consider cyberbullying to be a type of aggressive and deliberate behaviour that is regularly repeated at a given time through the individual or group use of electronic and digital devices against the victim who cannot easily defend himself. Therefore, it can be stated that in both forms – mobbing and cybermobbing, it is possible to indicate common characteristic attributes, which include intention, repetition, disproportionate forces, and damage.

The nature and character of cybermobbing are determined by the very characteristics of cyberspace. „How one behaves there depends on the interaction of these traits with the personality characteristics of each individual.”<sup>28</sup> Several experts (Vybiral 2002; Šmahaj 2003;

<sup>21</sup> GÁLIK, S.: Influence of cyberspace on changes in contemporary education. In *Communication Today*, 2017, Vol. 8, No. 1, p. 31.

<sup>22</sup> KOHUT, M.: *The complete guide to understanding, controlling, and stopping bullies: a complete guide for teachers&parents*. US, Florida, Ocala : Atlantis Publissih Group, 2008, p. 26.

<sup>23</sup> HLADÍKOVÁ, V., GÁLIKOVÁ-TOLNÁIOVÁ, S.: Cyberagressors, their motives, emotions and behavioural tendencies in the process of cyberbullying. In *AD ALTA*, Vol. 9, No. 2, p. 73.

<sup>24</sup> GÁLIK, S., GÁLIKOVÁ-TOLNÁIOVÁ, S.: Influence of the internet on the cognitive abilities of man. Phenomenological and hermeneutical approach. In *Communication Today*, 2015, Vol. 6, No. 1, p. 6.

<sup>25</sup> BELSEY, B.: *Cyberbullying*. [online]. [2020-04-15]. Available at: <<http://www.cyberbullying.ca/>>.

<sup>26</sup> HOLLÁ, K.: *Kyberšikana*. Bratislava : Iris, 2013, p. 4.

<sup>27</sup> SMITH, P. K. et al.: Cyberbullying: Its nature and impact in secondary school pupils. In *Journal of Child Psychology and Psychiatry*, 2008, Vol. 49, No. 4, p. 368.

<sup>28</sup> DIVÍNOVÁ, R.: *Cybersex: forma internetové komunikace*. Praha : Triton, 2005, p. 25.

Hulanová 2012; Šmahel 2003) characterize cyberspace and with it the Internet as an environment without barriers, which can have a negative effect. This is mainly related to the attribute of anonymity, which further enhances the whole character of cyberspace and is incredibly attractive for many participants in the virtual environment – especially aggressors. Although anonymity in cyberspace plays an important role in selected situations and also has positive consequences, it is often the factor that encourages immoral behaviour and supports the criminal activity of users.<sup>29</sup> As Šmahel says: „...if an Internet user has confidence in his anonymity, and therefore in his security, he behaves differently than if he does not have that trust.“<sup>30</sup> In correlation with anonymity and the character of cyberspace as an environment without barriers, it is undoubtedly possible to combine the disinhibitory effect, which is one important element of online communication. The effect of disinhibited behaviour can be described as the loss of social barriers. Psychology has been recording this concept since the 1960s – it is not a completely new concept, which is put into context exclusively with the virtual environment.

Holdoš refers to Zimbard (1977), who characterizes this type of behaviour as „any behaviour that is characterized by a reduction in fear of self-presentation and condemnation of others.“<sup>31</sup> It can therefore be the opposite of social inhibition, which includes impulse control, non-expression of emotions and overall social control. In general, according to Holdoš, we can understand disinhibited behaviour on the Internet as behaviour that is less socially hampered than comparable behaviour outside cyberspace. According to Horská et al. disinhibition in the virtual environment means „greater relaxation and audacity of participants in electronic communication, loss of inhibitions, embarrassment, doubts. It thus becomes a source of greater openness and straightforwardness.“<sup>32</sup> At the same time, language is changing and being released, as users often present their personal experiences, feelings and moods through an anonymous virtual environment and online communication.<sup>33</sup>

In the context of cybermobbing, it can also be stated that, according to Vybíral<sup>34</sup>, the following can be considered as typical manifestations of disinhibition:

- loss or postponement of inhibitions, shame, shyness, feelings of embarrassment and inadequacy;
- circumvention of censorship (nothing is forbidden, everything is allowed);
- turning off the conscience (turned off „call to responsibility“, I can give passage to immorality);
- no restraint, impatience, speed (I don't have to tame, control);
- interest in taboo topics (violence, extremism, paedophilia, etc.);
- increased curiosity;
- instinctive behaviour, impulsive decision-making;
- allowing the forces of „ID“ (unconsciousness): behaviour is driven by an urge to pleasure or destructiveness (desire to enjoy, desire to harm);
- exhibitionism;
- departure from reality and escape to the world of fantasy.

The consequences of disinhibited behaviour can also include increased aggressiveness in communication in cyberspace, manifested, for example, in discussions under articles, blogs or videos on the web, partly also the boom of pornography on the Internet, superficiality, lack

<sup>29</sup> SARDÁ, T. et al.: Understanding online anonymity. In *Media Culture & Society*, 2019, Vol. 41, No. 4, p. 560.

<sup>30</sup> ŠMAHEL, D.: *Psychologie a internet. Děti dospělými, dospělí dětmi*. Praha : Triton, 2003, p. 14.

<sup>31</sup> HOLDOŠ, J.: Disinhibičný efekt uživatelův internetu v čase sociálních sítí. In *ALUMNI Conference of Graduates*, Ružomberok : Verbum, 2016, p. 64.

<sup>32</sup> HORSKÁ, B. et. al.: *Internet jako cesta pomoci*. Praha : Sociologické nakladatelství, 2010, p. 18.

<sup>33</sup> SÁMELOVÁ, A., STANKOVÁ, M.: Some Ideas On Facts and No Facts Within Media Language. In *European Journal of Media, Art & Photography*, 2018, Vol. 6, No. 2, p. 121.

<sup>34</sup> VYBÍRAL, Z.: Výzkum disinhibice u mladých uživatelů chatu. In PLAŇAVA, I., PILÁT, M. (eds.): *Deti, mládež a rodiny v období transformace*. Brno : Barrister&Principal-studio, 2002, p. 27.

of interest in others, selfishness or lies. There is also an increased willingness to accept risky behaviour, either with oneself or with others (e.g. flirting with strangers, illegal downloading, spreading spam and hoaxes, intolerable content, etc.).

Disinhibitory behaviour can be both positive and negative. Suler<sup>35</sup> gives a basic division into the benign and the harmful, and toxic disinhibition. The first type allows us to better understand ourselves by losing barriers, because it allows us to express ourselves as we would like, but in the offline world, for example, we would not dare to behave in this way. Thanks to this, users in cyberspace sometimes behave more positively than the live world – they are more supportive and express their understanding and praise.

Thus, one of the biggest positives of benign online disinhibition is primarily the social consequences, e.g. philanthropic gestures, counselling, emotional support, and greater self-disclosure.<sup>36</sup> Harmful disinhibition is the opposite – it includes aggressive behaviours and negative emotions, harsh criticism, hatred, threats, etc. It is obvious that if we deal with cybermobbing and cyberbullying, the second type of disinhibitory behaviour is essential for us.

Mobber – an attacker from the workplace does not only limit their activities and attacks to the physical space at work, but also continues to attack via the Internet. It is not a new phenomenon, but its digital form is governed by different laws and has other consequences:

1. Cybermobbing can take place almost continuously – the constant availability of digital media and the Internet enables the possibility of carrying out online attacks and at the same time prevents the victim from escaping from them. Unlike mobbing, it does not end after leaving the workplace. However, if all virtual accounts are blocked to avoid contact with the cybermobber, it can also have a negative consequence and can cause some form of social exclusion, as well as access to information, etc.
2. Cybermobbing reaches a wide audience – social networking sites, e-mails or SMS messages enable rapid and immediate dissemination of negative content to the public. As soon as some data is published on the Internet, it is exceedingly difficult to delete it. Since the memory of the Internet is unlimited, even deleted data could have been previously copied and archived. Attacks or the spread of negative content can be carried out very actively and easily, so there exists an endless audience.
3. Cybermobbing can also take place anonymously – aggressors often hide behind fictitious identities. On the one hand, it can reduce disinhibitory behaviour – cybermobbers do not have to face the reactions of victims face to face and often do not realize the consequences of their attacks on victims. On the other hand, the anonymity of attackers is another source of fear and insecurity for victims of cybermobbing.<sup>37</sup>

There is ambiguity in the classification of individual manifestations of mobbing and cybermobbing in professional literature. By synthesizing and comparing several relevant sources and studies (Hollá, Šmahaj, Horváth, Ritomská, Dvončová, etc.), we created the following lists of possible forms and manifestations of mobbing in offline and online environments:

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<sup>35</sup> SULER, J.: *The Online Disinhibition Effect*. [online]. [2020-04-19]. Available at: <<http://users.rider.edu/~suler/psycyber/disinhibit.html>>.

<sup>36</sup> LAPIDOT-LEFLER, N., BARAK, A.: The benign online disinhibition effect: Could situational factors induce self-disclosure and prosocial behaviors? In *Cyberpsychology: Journal of Psychological Research on Cyberspace*, 2015, Vol. 9, No. 2, Article 3. [online]. [2020-08-20]. Available at: <<https://cyberpsychology.eu/article/view/4335/3402>>.

<sup>37</sup> *Aktiv gegen CyberMobbing*. [online]. [2020-04-13]. Available at: <[https://www.saferinternet.at/fileadmin/categorized/Materialien/Aktiv\\_gegen\\_Cyber\\_Mobbing.pdf](https://www.saferinternet.at/fileadmin/categorized/Materialien/Aktiv_gegen_Cyber_Mobbing.pdf)>.

MOBBING	CYBERMOBBING
<p><b>1. Defamation</b> – by defamation the attacker gives false information about the other person (victim of mobbing), and thus tries to „win“ a better position for themself, while the topic of defamation may be from the private life of the affected person or from the work environment.</p>	<p><b>1. Flaming</b> – internet debate, fiery quarrel, in which offensive, vicious language, insults and threats are used. It usually takes place in a public communications environment, e.g. discussion forums, chat rooms, etc.</p>
<p><b>2. Laughter</b> – the target of ridicule can be a hairstyle, clothing, certain characteristics, and physical defects (stuttering, squinting, obesity, etc.). After a longer period, the victim of mobbing starts to avoid the collective and thus gets into isolation, which can affect their work performance.</p>	<p><b>2. Harassment</b> – harassing the victim by repeatedly sending offensive, insulting, or threatening messages via SMS/MMS, e-mail, chat, social networking sites. The aggressor sends a huge number of messages, is one-sided, lasts a long time and causes the victim's emotional distress.</p>
<p><b>3. Retention of important information</b> – by withholding important information necessary for the performance of the work function, the bully tries to artificially create stressful situations for the other person, with people working under stress being more prone to make mistakes, making wrong decisions, whereby the bully tries to form an image of the opponent as unreliable and an incompetent worker, so the mobber tries to strengthen their position.</p>	<p><b>3. Defamation, slander</b> – publishing and disseminating verbal, graphic or audio content about the victim and the results of their work, which are derogatory, untrue, offensive, ridiculing. The victim is not a direct recipient of messages, the aim is to destroy their reputation, name and disrupt friendships, or cause possible social harm to the victim or exclusion. This includes e.g. photomontages of victims that are hurtful or sexual in nature.</p>
<p><b>4. Isolation of the worker</b> – the result of slander, ridicule, or so-called voluntary isolation of the victim to avoid negative attacks.</p>	<p><b>4. Imitation, identity theft</b> – the aggressor introduces himself or herself and acts on behalf of the victim, uses negative communication, insults, slanders others, sends inappropriate, misleading, derogatory information or files as if sent by the victim themself. This can communicate with the victim's friends and cause significant damage or even the destruction of social relationships. This is a kind of hacking activity.</p>
<p><b>5. Administrative and work measures</b> – they are used mainly by superiors. At short intervals, the employee is transferred to another workplace, where they perform menial work that does not correspond to their qualifications. The consequence of these measures is the loss of the employee's interest in the assigned work.</p>	<p><b>5. Uncovering secrets and fraud</b> – disclosure of private, secret, intimate information about the victim without their consent. This is data that embarrasses the victim, damages their reputation or name. In this context, we can also talk about the so-called disinformation (fabricated) and misinformation (based on facts) aimed at deliberately and intentionally harming the victim.<sup>38</sup></p>
<p><b>6. Excessive workload</b> – this can be the assignment of unnecessary and pointless tasks or the assignment of constantly new and newer tasks beyond the abilities and competencies of the worker. The result is the overwork of an employee who is under constant pressure, stress. This is one of the ways in which a superior try to „remove“ or „disable“ a more capable subordinate, who is, for instance, trying to get their position. Excessive workload is not always related to mobbing, but can be a sign of poor work organization by the superior, which can contribute to the creation of an atmosphere that supports the emergence of mobbing</p>	<p><b>6. Exclusion and ostracization</b> – intentional exclusion from the online group or online meetings, online conferences, etc. It is about directly and purposefully ignoring the victim, preventing access to digital data and materials.</p>

<sup>38</sup> KAČINOVÁ, V.: The Topic of Media-Disseminated Mis-Information and Dis-Information As An Integral Part of General Education in Slovakia. In *Media Literacy and Academic Research*, 2020, Vol. 3, No.1, p. 19.

<p><b>7. Excessive criticism</b> – this method is used by superiors as well as workers at the same level. Excessive and constant criticism is frustrating and raises doubts in the victims about their abilities, lowers self-confidence. Criticism can be justified or often unjustified and generalizes over time. Ultimately, it leads to apathy, resignation, insufficient performance of assigned tasks and, in the worst case, to „voluntary“ or „involuntary“ leaving the workplace.</p>	<p><b>7. Persecution</b> – this is about stalking, sharing, or persecuting the victim and their loved ones through ICT means. Cybermobber repeatedly sends harassing and threatening messages, including extortion. These messages are extremely hurtful, offensive, and humiliating. An aggressor can often hide their identity behind anonymous means of communication.</p>
<p><b>8. Sexual harassment</b> – mainly women, rarely men, are exposed to sexual harassment by their superiors. It is important to distinguish between expressing sympathy and actual harassment, which can take various forms, e.g. verbal – slander, making suggestions for sexual intercourse; conative – stroking against the will of another person, in more serious cases also violent coercion of sexual intercourse, etc.</p>	<p><b>8. Happy slapping</b> – this is a specific phenomenon when the victim is recorded (most often on a smartphone) at moments when he or she is ridiculed or physically assaulted. Subsequently, this record is published on the Internet and distributed virally. An alternative is to take the victim out of self-control by indecent behaviour and then filming and publishing their uncontrollable reaction. It has fatal consequences that can lead to suicide of victims. For aggressors, it is a form of fun and prestige.<sup>39</sup></p>
<p><b>9. Physical attacks</b> – they rarely occur in the workplace, because physical assault, in contrast to the above points, is punishable by law.</p>	<p><b>9. Cyber threats</b> – these are electronic materials that either generally or specifically raise concerns that their author intends to cause harm or violence. We also include technological attacks: hacking attacks, sending viruses, malware, creating automatic programs for simultaneous sending of thousands of e-mail messages, which will cause the e-mail box to collapse, or account blocking, etc. Cyber threats also include phishing and pharming (trying to obtain passwords, especially for bank accounts, online banking, etc.).</p>

**TABLE 1:** *Manifestations of mobbing and cybermobbing*

Source: own processing

The Internet can now be considered an absolute matter of course in our lives, and it can undoubtedly be described as the largest and most powerful medium today.<sup>40</sup> Although the virtual world is often referred to as parallel to the real world, it has its own rules and specifics that make it significantly different from reality in certain ways. The presented phenomena cannot always be said to affect the entire population of cyberspace participants and in all circumstances. They also differ in their influence according to different types of communication environments. We therefore tried to show the ways in which people can perceive cyberspace and the communication in it, what type of „filter“ they put over their eyes when they enter this environment. This „filter“ then influences their behaviour and the overall perception of the virtual world.

It can be stated that the digitization of relationships and people has changed the boundaries in the mutual perception of interactions. Digital media and online communication have brought many opportunities on the one hand, but also several risks and negative phenomena on the other.<sup>41</sup> Therefore, the behaviour of people in cyberspace is quite different from their behaviour in real life. Hence, we consider it important to point out that in cyberspace, in addition to the perception of others, the perception of oneself also changes, often with negative inclinations and consequences for other users.

<sup>39</sup> CHAN, S. et al.: Understanding ‘happy slapping’. In *International Journal of Police Science & Management*, 2012, Vol. 14, No. 1, p. 44.

<sup>40</sup> HUBINÁKOVÁ, H., MIKULA, M.: The Importance of the Internet in the Life of Students of Media Studies. In *Media Literacy and Academic Research*, 2018, Vol. 1, No. 1, p. 32.

<sup>41</sup> GÁLIK, S., HLADÍKOVÁ, V., PAVLÁK, L.: Cyberbullying and Opportunities for its Prevention. In *Media Literacy and Academic Research*, 2018, Vol. 1, No. 1, p. 7.

### 3. Material and Methods

The aim of the paper is to examine in more detail the issue of communication in the workplace with a specific emphasis on mobbing and cybermobbing as negative aspects and consequences of this communication and the possibilities of legislative and non-legislative protection against them. Based on the defined main aim, partial goals were also defined:

- to define the issue of mobbing as a risk phenomenon in the context of personnel management;
- to define the issue of cybermobbing as a risky aspect of communication in cyberspace and as a consequence of the negative atmosphere in the workplace;
- to analyse and to define the possibilities of the currently valid legislative protection in connection with mobbing and cybermobbing;
- to analyse non-legislative options for mobbing solutions;
- to set levels of prevention for mobbing and cybermobbing;
- to define solutions and possibilities of prevention and elimination of mobbing in the context of the hierarchy of a company unit or organization;
- to define proposals for a society-wide solution to the issue of mobbing and cybermobbing.

The main method used in the article was the hermeneutic method<sup>42</sup>, which includes the understanding and interpretation of texts and the phenomenological method<sup>43</sup>, through which we examined the nature and basic structure – *the eidos* of specific phenomena. We believe that it is the phenomenological method that complements the hermeneutic method within the theoretical basis. Using qualitative methods, we defined individual research problems, and we used critical in-depth analysis, descriptive method, as well as other general cognitive methods.

### 4. Results and discussion

#### Legislative aspects of mobbing and cybermobbing

It is obvious that mobbing and all its forms and manifestations can be described as a serious social problem. Given that the issue of mobbing generally concerns the dignity of the employee (human in general) and the protection of human rights, it is possible to derive the protection of the victim of mobbing from this general regulation. Many states that have not specifically adapted for mobbing in their legislation also rely on discriminatory legislation or occupational safety and health legislation. The basic context of the solution to mobbing in the workplace is also enshrined in labour law regulations, or in collective agreements or other internal regulations of the employer and companies.

Given that the legislation of the Slovak Republic does not explicitly contain legislation on mobbing and cybermobbing, it is necessary to proceed from the above sources of law and those legal regulations that affect this issue (e.g. Civil Code governing the protection of personality, Criminal Code if mobbing would reach such an intensity that the characteristics of some crimes would be fulfilled).

The basic source of law in our country is the Constitution of the Slovak Republic (No. 460/1992 Coll.). In relation to issues of mobbing and its legal protection, the following may be mentioned in the context of the Constitution of the Slovak Republic:

- Art. 12, which guarantees fundamental human rights and freedoms, does not, however, directly regulate relations between persons within the framework of private law relations.

<sup>42</sup> *Hermeneutika*. [online]. [2020-08-19]. Available at: <<http://film.ff.cuni.cz/rozcestnik/metodika/hermeneutika.pdf>>.

<sup>43</sup> VYDROVÁ, J.: Fenomenologický a estetický postoj. Poznámky k ich svojbytnosti a prekryvaniu. In *Filozofia*, 2008, Vol. 63, No. 7, p. 619.

- Art. 16, par. 1, according to which the inviolability of the person and their privacy is guaranteed and par. 2 – no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.
- Art. 19, par. 1, according to which everyone has the right to respect for human dignity, personal honour and reputation and to the protection of their name.
- Art. 19, par. 2, according to which everyone is guaranteed the right to protection against unauthorized interference with private and family life.
- Art. 36, according to which employees have the right to fair and satisfactory working conditions, in the context of mobbing, especially par. c, protection of safety and health at work.<sup>44</sup>

The basic legal framework for protection against mobbing and its forms and manifestations is contained in Act no. 311/2001 Coll. The Labour Code as amended (hereinafter also referred to as the „*Labour Code*“). This protection is mainly related to the application of the principle of equal treatment, which is already reflected in the basic principles of the Labour Code (Article 1). The aggressor often abuses their position in the workplace, using the means and force resulting from their job position to intimidate, humiliate or endanger the victim of mobbing. In this context, it is appropriate to mention Art. 2 of the basic principles of the Labour Code, according to which the exercise of rights and obligations arising from employment relationships must be in accordance with good morals, no one may abuse these rights and obligations to the detriment of the other party to the employment relationship or co-employees.

Furthermore, the provision of § 13 par. 1 to 3, stipulates the obligation of the employer to treat employees in accordance with the principle of equal treatment with reference to the Anti-Discrimination Act. At the same time, it prohibits discrimination against employees on nine explicitly listed grounds. The prohibition of bullying is defined in paragraph 3: „*The exercise of rights and obligations arising from employment relationships must be in accordance with good morals. No one shall abuse these rights and obligations to the detriment of the other party of the employment relationship or co-workers.*“<sup>45</sup> The Labour Code also stipulates that no one may be persecuted or otherwise punished in the workplace in connection with the performance of employment relationships for filing a complaint, lawsuit, motion to prosecute or otherwise report crime or other anti-social activity against another employee or employer.

Every employee, as well as every manager, must behave in accordance with good morals and must not abuse their rights and obligations to the detriment of another employee. However, the abstract definition of good manners is perceived differently and is therefore the most common problem. Good manners have an exclusive ethical dimension and are assessed individually for each specific situation. If the employee in any way considers that the principle of equal treatment regulated in the Labour Code as well as the provisions of § 13 par. 3 of the Labour Code have been violated, **they have the right to file** under § 13 par. 6 complaint to the employer in the said case. The employer is obliged to respond immediately to the complaint in question, make a correction, refrain from such action, and eliminate its consequences.<sup>46</sup>

Among other things, in the event of a violation of their rights, the employee can also go to court and demand the protection provided by the Anti-Discrimination Act. The provision of § 2a par. 4 of Act no. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on Amendments to Certain Acts (Anti-Discrimination Act) contains

<sup>44</sup> Zákon č. 460/1992 Z. z. Ústavný zákon. [online]. [2020-04-22]. Available at: <<https://www.zakonypreludi.sk/zz/1992-460>>.

<sup>45</sup> Zákon č. 311/2001 Z. z. *Zákonník práce*. [online]. [2020-04-21]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/311/20200617>>.

<sup>46</sup> Zákon č. 311/2001 Z. z. *Zákonník práce*. [online]. [2020-04-21]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/311/20200617>>.

a definition of harassment as a potential form of mobbing or bossing. It defines it as „such behaviour as a result of which an intimidating, hostile, embarrassing, degrading, humiliating, abusive or offensive environment is or may be created and which intends or may result in an interference with freedom or human dignity.“<sup>47</sup> At the same time § 2a par. 6 contains, for example, another potential form of bossing, **where the superior instructs the subordinate to discriminate against a third party**. Mobbing can also be involved if a worker encourages other workers to discriminate against a third party. „Incitement to discrimination is the persuasion, affirmation or incitement of a person to discriminate against a third party“ (§ 2a (7) of the Anti-Discrimination Act).<sup>48</sup>

As Dvončová<sup>49</sup> points out, in the above cases, the employee has the right to go to court and seek legal protection in accordance with the provisions of the Anti-Discrimination Act. In doing so, they may claim that the person who has infringed the principle of equal treatment:

1. dismisses their action,
2. if possible, rectify the infringement or provide adequate redress,
3. in the case of non-compliance with the principle of equal treatment due to the reporting of crime or other anti-social activities, they may also claim the invalidity of a legal act whose effectiveness has been suspended pursuant to a special regulation.

In serious cases if adequate satisfaction is not sufficient, non-pecuniary damage may also be claimed. The amount of **compensation for non-pecuniary damage in money** is determined by the court, considering the seriousness of the non-pecuniary damage incurred and all the circumstances under which it occurred.

It is possible to agree with Olšovská<sup>50</sup>, who states that there are few litigations concerning mobbing and its forms, therefore in the context of mobbing and the application of the protection of the law in accordance with the Anti-Discrimination Act, the existing court decisions can also be mentioned as interesting, such as decisions of the Regional Court of Banská Bystrica in this area. In it, the Court distinguishes between bullying and discrimination, while the Decision declares that bullying is not enshrined in the Labour Code and, by analogy, bullying can therefore be considered a specific type of abuse of law.

At the same time, we consider it important to mention Act no. 18/2018 Coll. on the protection of personal data and its provisions according to which the dissemination of personal data without the consent of the employee and for other purposes, for which the consent was given, is not possible.<sup>51</sup>

Above, we have listed several options and alternatives for the legal protection against mobbing and its forms in the offline environment. As the subject of our interest is also mobbing in cyberspace, we also introduce the possibilities of legal protection against **cybermobbing**. We stated that cybermobbing can be defined as one of the forms of cyberbullying. If we talk about the legislative regulation of cyberbullying – and therefore also cybermobbing – in the Slovak Republic, we can state that the Slovak legislation does not recognize the term cyberbullying. At present, there is no law in Slovakia that records the concept of cyberbullying,

<sup>47</sup> Zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon). [online]. [2020-04-21]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/20160102>>.

<sup>48</sup> Ibid.

<sup>49</sup> DVONČOVÁ, M.: *Mobbing a bossing – právny rozmer a prostriedky právnej ochrany*. [online]. [2020-04-17]. Available at: <<https://www.pravnenoviny.sk/mobbing-a-bossing-pravny-rozmer-a-prostriedky-pravnej-ochrany>>.

<sup>50</sup> OLŠOVSKÁ, A.: *Mobbing a bossing na pracovisku*. Bratislava : Inštitút pre výskum práce a rodiny, 2013, p. 85.

<sup>51</sup> More details can be found in ŠVEC, M., HORECKÝ, J., MADLEŇÁK, A.: GDPR in Labour relations – with or without the consent of the employee? In *AD ALTA*, 2018, Vol. 8, No. 2, p. 281-286.

sexting or cybergrooming. Our legislation does not define these terms, but this does not mean that bullying through online technologies, the dissemination of defamatory, false information, threats or harassment have no legal consequences. If we want to defend ourselves against cyberbullying at the criminal law level, we can apply several sections of Act no. 300/2005 Coll. (Criminal Code)<sup>52</sup>:

- Dangerous persecution, so-called stalking (§ 360a);
- Blackmail (§ 189);
- Pressure (§ 192);
- Sexual abuse (§ 201, § 201a, § 201b);
- Defamation (§ 373);
- Infringement of foreign rights (§ 376).

The international portal focused on cyberbullying, [www.cyberhelp.eu](http://www.cyberhelp.eu), states, in addition to the above-mentioned contexts, that since 1 September 2011, stalking has been a criminal offense in our country. A person faces up to one year in prison, and in up to three years in particularly serious cases. Section 360a of the Criminal Code defines the essence of the criminal offense of dangerous persecution as follows:

*„Whoever persecutes others for a long time in such a way that it may give rise to reasonable concern for his or her life or health, the life or health of a person close to him or her or substantially impair his or her quality of life, by:*

- a) threatens to injure him or her, or otherwise harm him/her or a person close to him/her,
- b) seeks out his/her personal closeness or stalks him/her,
- c) contact him/her through a third party or electronic communication service, in writing or otherwise against his/her will,
- d) misuse his/her personal data for the purpose of obtaining personal or other contact, or
- e) otherwise restricts him/her in his/her usual way of life, *shall be punishable by a term of imprisonment of up to one year.*<sup>53</sup>

Dangerous persecution via the Internet or mobile phone, i.e. the cyberstalking mentioned above, has also become a criminal offense.

We also consider happy slapping to be interesting in the legislative context. In the Slovak Republic, happy slapping is not a crime, but it is not unpunished. For instance, situations where the aggressor – mobber attacks the victim while they are filmed by an accomplice on a smartphone, and then places a video together on the Internet, can probably be assessed as several crimes: e.g. injury (§155 of the Criminal Code) (in case of paralysis and other similar damage to health), non-prevention of a crime (§ 341 of the Criminal Code) and failure to report a crime (§ 340 of the Criminal Code) (by an accomplice), subsequently failure to provide assistance (§ 177 of the Criminal Code). However, it always depends on the specific course of the proceedings. Therefore, e.g. incitement to hatred against a group of persons or restriction of their rights and freedoms (§ 424 of the Criminal Code), approval of a criminal offense (§ 338 of the Criminal Code), incitement to a criminal offense (§ 337 of the Criminal Code) and others is also conceivable. Less serious proceedings are most often related to one of the offenses against civic cohabitation. Some European countries have happy slapping directly enshrined in their criminal codes, e.g. in France, happy slapping is seen in the same way as a crime such as rape and faces up to 5 years in prison.<sup>54</sup>

<sup>52</sup> Zákon č. 300/2005 Z. z. *Trestný zákon*. [online]. [2020-04-19]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/300/>>.

<sup>53</sup> *ibid.*

<sup>54</sup> *Happy Slapping*. [online]. [2020-04-19]. Available at: <<http://www.eisionline.org/index.php/sk/ss-zlpas-blog>>.

In connection with cyberbullying, we can also talk about crimes related to extremist materials (their production, distribution or storage) or related to defamation of the nation, race and beliefs or support and promotion of groups aimed at suppressing basic human rights and freedoms, e.g. in the case of identity theft, when cybermobbers on the Internet act on behalf of the victim. The above-mentioned crimes are primarily and most often related to cyberspace in the sense that they can be carried out in public (show affection, support, spread, promote, etc.) – also via computer networks. In these cases, the following sections of the Criminal Code may be used to examine the proceedings from a legislative point of view:

- Support and promotion of groups aimed at suppressing fundamental rights and freedoms (§ 421, § 422);
- Production, dissemination and storage of extremist materials (§ 422a, § 422b, § 422c);
- Denial and approval of the Holocaust and crimes of political regimes (§ 422d);
- Defamation of the nation, race and beliefs (§ 423);
- Incitement to national, racial and ethnic hatred (§ 424);
- Incitement, defamation, and intimidation of persons for their affiliation with any race, nation, nationality, colour, ethnic group or origin of the family (§ 424a).<sup>55</sup>

It is gratifying that also a country like Slovakia is constantly striving to strengthen cyber security. In 2016, a new committee was established within the Security Council of the Slovak Republic – the Committee for Cyber Security. Its aim is to prepare, and coordinate measures aimed at maintaining the security of the cyberspace of the Slovak Republic. In 2014, the Government of the Slovak Republic approved a document entitled *Preparing the Slovak Republic for Cyber Defence Tasks*, and a year later adopted a key strategic document – *the Slovak Republic's Cyber Security Concept for 2015-2020*, which in the outline of the institutional framework proposed the National Security Office as the central institution of cyber security. Its aim is to draw attention to the importance of cybersecurity and to propose measures and solutions to eliminate cyberattacks on individuals, systems, and society as a whole.

### **Other means of legal protection against mobbing**

Although the Labour Code, in conjunction with the Anti-Discrimination Act, probably provides the most effective and comprehensive protection against mobbing, bossing and other forms of bullying in the workplace, seeking protection of rights through other legal means is not excluded.

Mobbing and its various forms may in a specific case be, for example, disproportionate to even inadmissible interference with the personal rights of the individual, while the means of protection of personality are regulated in § 11 et seq. Act no. 40/1964 Coll. Civil Code as amended (hereinafter also referred to as the „*Civil Code*“). Directly mentioned § 11 of the Civil Code determines that an individual has the right to protection of their personality, especially life and health, civil honour and human dignity, as well as privacy, their name and expressions of a personal nature.<sup>56</sup>

Another alternative is to report the offense, which in relation to mobbing or bossing would probably be an offense against civic cohabitation. In more serious cases, it is also possible to file a criminal report on suspicion of committing a criminal offense, because bullying proceedings, to which mobbing undoubtedly belongs, may fulfil the elements of the factual nature of certain criminal offenses within the meaning of the Criminal Code, e.g. the criminal offense of defamation, extortion, unauthorized handling of personal data, etc. However, the filing of a criminal report should not be purposeful otherwise the notifier himself/herself could be prosecuted for the crime of false accusation.

<sup>55</sup> *Kyberšikanovanie*. [online]. [2020-04-21]. Available at: <<http://www.zodpovedne.sk/index.php/sk/ohrozenia/kybersikanovanie>>.

<sup>56</sup> *Zákon č. 40/1964 Z. z. Občiansky zákonník*. [online]. [2020-04-23]. Available at: <<https://www.zakonypreludi.sk/zz/1964-40>>.

In connection with protection against mobbing and its forms, it is possible to turn to several institutions, e.g. labour inspectorates or the Slovak National Centre for Human Rights. Within the scope of **labour inspectorates**, there is, among other things, supervision over compliance with labour law regulations, i.e. primarily the Labour Code. The employee may turn to the relevant labour inspectorate with a complaint in accordance with Act no. 125/2006 Coll. on Labour Inspection and on Amendments to Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on amendments to certain acts, as amended, or with a complaint pursuant to Act No. 9/2010 Coll. on Complaints as amended.

In 2004, the **Slovak National Centre for Human Rights** became the Slovak anti-discrimination body for assessing compliance with the principle of equal treatment under the Anti-Discrimination Act. The Centre issues expert opinions on discrimination in the provision of legal services, represents participants in proceedings in cases of violation of the principle of equal treatment, provides legal assistance to victims of discrimination and intolerance, has the right to request courts, prosecutors, other state authorities, local authorities, interest bodies municipalities and other institutions to provide information on respect for human rights.

Another alternative for protection against bullying in the workplace is the institute of the **Public Defender of Rights – the Ombudsman**, who can also help resolve the situation based on their powers. However, to completely eliminate the realization of psychological terror in the workplace, these institutions are not enough, comprehensive legislation is needed.

Another possibility is the use of **mediation** as a way of out-of-court dispute resolution, where a qualified mediator invites the employer, the aggressor and the victim to resolve the dispute without legal proceedings in order to conclude a mediation agreement. The mediator is an impartial and independent party in the process, which creates suitable conditions for equal communication between the employee and the employer, or between the employees concerned. Because the process is confidential, the risk of the problem moving outside the business environment or the spreading of related information in the workplace is minimized. Employees are interested in a quick and effective solution to the current problem, for the employer, executive employees are especially important, who cooperate and do not fight among themselves, not excluding the positive image in the internal environment, where the employer clearly shows that they care about employees and are interested in a real solution to an employee problem.

In addition to the above, we also consider it important to conclude by mentioning the fact that all advanced companies and corporations have codes of ethics in their internal regulations. Most of them also contain certain clauses on the ethical behaviour of all employees. The application, enforcement, and possible sanctioning of breaches of these clauses can make a significant contribution to the prevention and elimination of mobbing and cybermobbing in the context of workplace communication.

Although mobbing and its forms present significant problems in the workplace not only for the victim but also for the entire organization, its consequences can be mitigated and do not have to grow to maximum dimensions. However, this is only possible if this phenomenon is not overlooked but is addressed in a timely manner. The implementation of various preventive strategies in the context of these adverse events is therefore one of the basic attributes of their elimination and prevention of occurrence in the workplace. As there is no antimobbing law in Slovakia, every organization, company, or enterprise, regardless of its focus, should have developed and prepared a plan for the solution of mobbing in the workplace. The role of the employer is to inform and instruct managers and other employees about the issue, identification and especially about the possibilities of its solution.

**At the level of the employer – the organizational level of the company** – we present several preventive solutions:

1. Formulate an internal antimobbing rule that would define exactly what behaviour is mobbing in the workplace, defining how the groups or individuals concerned can defend themselves in the event of a threat and violation of their rights.
2. Update corporate codes of ethics with the explicit definition that no manifestations of mobbing, unethical behaviour, discrimination, or other psychological terror in the workplace will be tolerated.
3. Include specific clauses in employment contracts in which the connections with the issue of mobbing will be regulated and defined, e.g. application of sanctions in case of violation of the set rules.
4. Bring and disseminate information and education on mobbing and its consequences. We consider education in this context to be one of the most basic measures that can eliminate the occurrence of mobbing in the workplace. *“These educational activities must be attractive enough and respect the uniqueness and the needs of the individual target groups.”*<sup>57</sup> Education can take place through:
  - various professional seminars, lectures, trainings, or courses focused on building quality working relationships and a healthy working climate,
  - personalized training programs focused on personal development of employees, e.g. conflict resolution culture, correct and effective use of assertive communication and other communication techniques as well as non-verbal communication, stress management, tolerance and empathy training in interpersonal relationships, improving social perception, optimizing self-regulation of behaviour, developing and training work skills and competencies, etc.
5. To be able to identify and detect undesirable behaviour in the form of mobbing – to implement into the structure of mandatory legislative training on safety and health at work also the issue of mobbing and its forms, health consequences, quality of life, as well as the overall work environment and employee performance.
6. Introduce the institution of annual job evaluations of the employee’s performance, within which the employee has the opportunity to draw attention in the open atmosphere to the presence of mobbing towards themselves as well as towards co-workers; if this institute is established in organizations, define the communication space also for the issue of mobbing.
7. Ensure framework agreements with institutions focused on occupational psychology, if necessary, enable the victim to intervene within working hours with a vision of improving work performance.
8. Appoint a supervisor – a person from the human resources department authorized to monitor, control, and inform the company’s management about the occurrence of mobbing and bossing.
9. Increase individual responsibility for bullying and workplace behaviour.
10. Appeal to compliance with netiquette and cybersecurity in the work environment.
11. Create space for informal meetings of employees, e.g. through teambuildings to strengthen working relationships and a healthy working atmosphere.

It can be stated that a manager is often co-responsible for cases of mobbing, whose role is, among other things, to participate in the creation of a suitable working environment and climate. As a rule, the manager performs several functions in the organization: they are a leader, guide, administrator, organizer, coordinator, decides on goals and procedures, and in connection with the topic of violence in the workplace may also be in the job of providing assistance

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<sup>57</sup> PETRANOVÁ, D., VRABEC, N.: Age as a Factor in Evaluation of Media Literacy Levels in Slovakia. In *International Journal of Media and Information Literacy*, 2016, Vol. 1, No 1. p. 25.

to victims of mobbing, a role in prevention, and in dealing with this undesirable phenomenon. To fulfil this wide range of functions, the manager must have, in addition to professional and managerial competencies, also moral competencies – the ability to select people and lead them appropriately, to influence their attitudes and communication skills.

**Within the level of management**, we propose:

1. To build trust and empathy between subordinates and the whole work team. Trust in superiors of potential victims will cause greater openness to conversation and thus contribute to resolving the situation.
2. To train moral competencies, which should guarantee confidence in the fair resolution of potential conflicts, help for victims of mobbing, overall friendly and pleasant atmosphere in the workplace for all employees, e.g. through socio-psychological training in practice.
3. Respond flexibly to warning signals, e.g. restlessness in the workplace, tension, sadness, deterioration of work ethic and atmosphere, and thus a decline in the performance of their subordinates and, based on the findings, to solve problems.
4. Conduct informal interviews with subordinates (e.g. twice a year) to identify undesirable manifestations of communication or other suspicions of mobbing.
5. To intervene in an adequate and immediate form in the manifestation of mobbing and its forms and to deduce responsibility and consequences for aggressors.
6. Implement self-education, e.g. by applying Self-Managed Learning.
7. Be open to the completion of special management training programs to eliminate bossing aimed at resolving conflicts arising from management positions.

Within the collective level, cooperation and communication of employees is important, it is necessary not to overlook even small manifestations of mobbing and its forms. Employees should have the courage to name the situation and possible conflicts, or iniquity to always communicate. One of the consequences for aggressors is the moral condemnation of other collaborators.

**Within the societal level**, we propose the following preventive activities:

1. Promote prevention projects and activities in the context of assistance to victims of mobbing and cybermobbing, e.g. Internet psychological counselling centre IPčko.sk, which provides free psychological and social counselling or OZ Práca a vzťahy dedicated to victims of mobbing and activities to improve the situation in the Slovak Republic.
2. Carry out research in the field of mobbing, disseminate the results and possibilities of the solution to the professional and lay public.
3. Implement profesiograms and personality tests in job interviews to (among other things) eliminate pathological personalities and aggressors.
4. Obtain and consolidate the so-called social skills and soft skills, where we include e.g. self-knowledge and self-motivation, perception, communication, conflict resolution, teamwork, development of empathy, aggression management, assertiveness, and the support of personal and professional growth.
5. To create educational programs in the context of violence, undesirable behaviour and strengthening communication in the workplace.
6. Appeal the importance of adhering to netiquette and cybersecurity in the electronic form of communication.

## 5. Conclusion

At present, there is no specific law in the legislation of the Slovak Republic yet, nor has an official institution or organization been established exclusively focused on mobbing in the workplace, or its sequel in cyberspace. However, based on our analysis of mobbing, it can be stated that the Slovak legal system provides victims of mobbing and cybermobbing with a relatively sufficient number of alternatives to legal protection and various procedures and options for the defence and elimination of undesirable situations. It can also be appreciated that in recent decades, several institutions have been established in Slovakia, whose mission is to protect human rights. Nevertheless, they do not have the competence to deal with or sanction (e-)mobbing aggressors.

This necessarily requires legislative regulation, specifically and in particular the explicit definition of the forms and manifestations of mobbing and cybermobbing in the work environment, the introduction of sanctions for mobbing practitioners, the competence of individual cases, the method of filing remedies and other legislative contexts. However, in addition to legislation, it is also necessary to create relevant protection mechanisms and forms of counselling for victims and employers.

Although the issues of mobbing and cybermobbing are partially discussed, we believe that employees as well as the public still do not have enough information and knowledge in this area. Therefore, it is important to provide essential and crucial information and training for employees (e.g. in the form of courses in the context of communication), as well as professionals who deal professionally with this issue, as well as the general education of society. Paying attention to these issues also poses a challenge for personnel management, which should address psychosocial issues not only in terms of ethics, but also in terms of the overall performance of the company and employees – only a satisfied and non-frustrated employee can deliver quality performance.

## Bibliography and sources

- Aktiv gegen CyberMobbing*. [online]. [2020-04-13]. Available at: <[https://www.saferinternet.at/fileadmin/categorized/Materialien/Aktiv\\_gegen\\_Cyber\\_Mobbing.pdf](https://www.saferinternet.at/fileadmin/categorized/Materialien/Aktiv_gegen_Cyber_Mobbing.pdf)>.
- BELSEY, B.: *Cyberbullying*. [online]. [2020-04-15]. Available at: <<http://www.cyberbullying.ca/>>.
- ÇELİKÖZ, M., ÇELİKÖZ, N.: Exposure to Mobbing: Perceptions of Primary School Teachers. In *Journal of Education and Practise*, 2017, Vol. 8, No. 3, p. 195-201. ISSN 2311-6897.
- DIVÍNOVÁ, R.: *Cybersex: forma internetové komunikace*. Praha : Triton, 2005.
- DRGOŇOVÁ, Z.: Mobbing a ďalšie nové formy násillia na pracovisku. In *Zamestnanosť a sociálna politika*, 2009, Vol. 11-12, p. 4-5. ISSN 1336-5053.
- DUFFY, M., SPERRY, L.: *Mobbing*. New York : Oxford University Press, 2012.
- DVONČOVÁ, M.: *Mobbing a bossing – právny rozmer a prostriedky právnej ochrany*. [online]. [2020-04-17]. Available at: <<https://www.pravnenoviny.sk/mobbing-a-bossing-pravny-rozmer-a-prostriedky-pravnej-ochrany>>.
- GÁLIK, S.: Influence of cyberspace on changes in contemporary education. In *Communication Today*, 2017, Vol. 8, No. 1, p. 30-38. ISSN 1338-130X.
- GÁLIK, S., GÁLIKOVÁ-TOLNAIOVÁ, S.: Influence of the internet on the cognitive abilities of man. Phenomenological and hermeneutical approach. In *Communication Today*, 2015, Vol. 6, No. 1, p. 4-14. ISSN 1338-130X.
- GÁLIK, S., HLADÍKOVÁ, V., PAVLÁK, L.: Cyberbullying and Opportunities for its Prevention. In *Media Literacy and Academic Research*, 2018, Vol. 1, No.1, p. 6-17. ISSN 2585-8726.
- HALÍK, J.: *Vedení a řízení lidských zdrojů*. Praha : Grada, 2008.

- Happy Slapping*. [online]. [2020-04-19]. Available at: <<http://www.eisionline.org/index.php/sk/ss-zlpas-blog>>.
- Hermeneutika*. [online]. [2020-08-19]. Available at: <<http://film.ff.cuni.cz/rozcestnik/metodika/hermeneutika.pdf>>.
- HLADÍKOVÁ, V., GÁLIKOVÁ-TOLNAIOVÁ, S.: Cyberaggressors, their motives, emotions and behavioural tendencies in the process of cyberbullying. In *AD ALTA*, Vol. 9, No. 2, p. 71-76. ISSN 1804-7890.
- HOLDOŠ, J.: Disinhibičný efekt používateľov internetu v čase sociálnych sietí. In *ALUMNI Conference of Graduates*, Ružomberok : Verbum, 2016.
- HOLLÁ, K.: *Kyberšikana*. Bratislava : Iris, 2013.
- HOLUBOVÁ, B.: Šikanovanie? Zažili ho už dve tretiny ľudí. In *Hospodárske noviny*, 2007, Vol. 43, No. 22, p. 13-17. ISSN 1337-1258.
- HORSKÁ, B. et. al.: *Internet jako cesta pomoci*. Praha : Sociologické nakladatelství, 2010.
- HOWARD, J. L.: Workplace Violence in Organizations: An Exploratory Study of Organizational Prevention Techniques. In *Employee Responsibilities and Rights Journal*, 2001, Vol. 3, No. 2, p. 57-75. ISSN 0892 7545.
- HUBINÁKOVÁ, H., MIKULA, M.: The Importance of the Internet in the Life of Students of Media Studies. In *Media Literacy and Academic Research*, 2018, Vol. 1, No. 1, p. 31-42. ISSN 2585-8726.
- HUNT, M. L., HUGHEY, A. W.: Workplace Violence: Impact and Prevention. In *KCA Journal of Business Management*, 2010, Vol. 29, No. 1, p. 39-43. ISSN 2072-7992.
- CHAN, S. et al.: Understanding 'happy slapping'. In *International Journal of Police Science & Management*, 2012, Vol. 14, No. 1, p. 42-57. ISSN 1461-3557.
- KAČINOVÁ, V.: The Topic of Media-Disseminated Mis-Information and Dis-Information As An Integral Part of General Education in Slovakia. In *Media Literacy and Academic Research*, 2020, Vol. 3, No. 1, p. 18-31. ISSN 2585-8726.
- KALLWASS, A.: *Das Burnout-Syndrom*. Stuttgart : Kreuz Verlag, 2007.
- KOHUT, M.: *The complete guide to understanding, controlling, and stopping bullies: a complete guide for teachers&parents*. US, Florida, Ocala : Atlantis Publish Group, 2008.
- KONČEKOVÁ, L.: Prieskum mobbingu u pracovníkov troch slovenských miest. In KUBÁNI, V. et al.: *Psychologická revue III*. Prešov : Prešovská univerzita v Prešove, 2009, p. 118-133.
- KOWAL, J., GWIAZDA-SAWICA, G.: Mobbing as a problem in management ethics. In *Annales. Ethics in Economic Life*, 2018, Vol. 21, No. 5, p. 132-145. ISSN 1899-2226.
- KRATZ, H. J.: *Mobbing, jak ho rozpoznat a jak mu čelit*. Praha : Management Press, 2005.
- Kyberšikanovanie*. [online]. [2020-04-21]. Available at: <<http://www.zodpovedne.sk/index.php/sk/ohrozenia/kybersikanovanie>>.
- LAPIDOT-LEFLER, N., BARAK, A.: The benign online disinhibition effect: Could situational factors induce self-disclosure and prosocial behaviors? In *Cyberpsychology: Journal of Psychological Research on Cyberspace*, 2015, Vol. 9, No. 2, Article 3. [online]. [2020-08-20]. Available at: <<https://cyberpsychology.eu/article/view/4335/3402>>. ISSN 1802-7962.
- Legislatíva*. [online]. [2020-04-21]. Available at: <<http://kybersikanovanie.sk/index.php/legislativa>>.
- MAKAROVA, E. A. MAKAROVA, E. L. MAXIMETS, S. V.: Intentional Concepts of Verbal Bullying and Hate Speech as a Means of Expressing Intolerant Attitude to the Speech Object. In *Media Education(Mediaobrazovanie)*, 2020, Vol. 60, No. 3, p. 443-453. ISSN 1994-4160.
- NOVÁK, T., CAPPONI, V.: *Sám sobě psychologem*. Praha : Grada, 2003.
- OLŠOVSKÁ, A.: *Mobbing a bossing na pracovišku*. Bratislava : Inštitút pre výskum práce a rodiny, 2013.
- ONDREJKOVIČ, P.: Násilie – spoločensky nežiaduci jav. In *Sociológia*, 2008, Vol. 40, No. 5, p. 391-416. ISSN 0049-1225.

- PETRANOVÁ, D., VRABEC, N.: Age as a Factor in Evaluation of Media Literacy Levels in Slovakia. In *International Journal of Media and Information Literacy*, 2016, Vol. 1, No 1. p. 18-26. ISSN 2500-1051.
- RASOOL, S. F., et al.: Sustainable Work Performance: The Roles of Workplace Violence and Occupational Stress. In *International Journal of Environmental Research and Public Health*, 2020, Vol. 17, No. 3. ISSN 1660-4601. [online]. [2020-08-19]. Available at: <<https://www.mdpi.com/1660-4601/17/3/912/htm>>.
- RITOMSKÁ, M.: *Mobbing, história a príčiny vzniku*. [online]. [2020-04-17]. Available at: <<https://euractiv.sk/section/podnikanie-a-praca/opinion/mobbing-historia-a-priciny-vzniku-017785/>>.
- SÁMELOVÁ, A., STANKOVÁ, M.: Some Ideas On Facts and No Facts Within Media Language. In *European Journal of Media, Art & Photography*, 2018, Vol. 6, No. 2, p. 118-123. ISSN 1339-4940.
- SARDÁ, T. et al.: Understanding online anonymity. In *Media Culture & Society*, 2019, Vol. 41, No. 4, p. 557-564. ISSN 0163-4437.
- SMITH, P. K. et al.: Cyberbullying: Its nature and impact in secondary school pupils. In *Journal of Child Psychology and Psychiatry*, 2008, Vol. 49, No. 4, p. 367-385. ISSN 1469-7610.
- STEFFGEN, G.: Physical violence at the workplace: Consequences on health and measures of prevention. In *European review of applied psychology – Revue européenne de psychologie appliquée*, 2008, Vol. 58, No. 4, p. 285-295. ISSN 1162-9088.
- SULER, J.: *The Online Disinhibition Effect*. [online]. [2020-04-19]. Available at: <<http://users.rider.edu/~suler/psycyber/disinhibit.html>>.
- ŠMAHEL, D.: *Psychologie a internet. Děti dospělými, dospělí dětmi*. Praha : Triton, 2003.
- ŠVEC, M., HORECKÝ, J., MADLEŇÁK, A.: GDPR in Labour relations – with or without the consent of the employee? In *AD ALTA*, 2018, Vol. 8, No. 2, p. 281-286. ISSN 2464-6733.
- VYBÍRAL, Z.: Výzkum disinhibice u mladých uživatelů chatu. In PLAŇAVA, I., PILÁT, M. (eds.): *Deti, mládež a rodiny v období transformace*. Brno : Barrister&Principal-studio, 2002.
- VYDROVÁ, J.: Fenomenologický a estetický postoj. Poznámky k ich svojbytnosti a prekryvaniu. In *Filozofia*, 2008, Vol. 63, No. 7, p. 619-624. ISSN 0046-385X.
- WAGNEROVÁ, I.: *Psychologie práce a organizace: Nové poznatky*. Praha : Grada, 2011.
- ZAPF, D.: Organisational, work group related and personal causes of mobbing/bullying at work. In *International Journal of Manpower*, 1999, Vol. 20, No. 1-2, p. 70-85. ISSN 0143-7720.
- Zákon č. 300/2005 Z. z. Trestný zákon*. [online]. [2020-04-19]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/300/>>.
- Zákon č. 311/2001 Z. z. Zákonník práce*. [online]. [2020-04-21]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/311/20200617>>.
- Zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon)*. [online]. [2020-04-21]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/20160102>>.
- Zákon č. 460/1992 Z. z. Ústavný zákon*. [online]. [2020-04-22]. Available at: <<https://www.zakonypreludi.sk/zz/1992-460>>.
- Zákon č. 40/1964 Z. z. Občiansky zákonník*. [online]. [2020-04-23]. Available at: <<https://www.zakonypreludi.sk/zz/1964-40>>.

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