

IMPLEMENTATION OF VIOLENCE AND HARASSMENT PREVENTION AND PROBLEMS IN LABOR RELATIONS

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Abstract. *The prevention of violence and harassment in labor relations is important because it directly affects the well-being of employees, the functioning of organizations and the overall health of the labor market. Violence and harassment can have serious physical and psychological consequences for employees, causing stress, anxiety, affecting employees' dignity and productivity and other problems. Preventive measures, such as the violence and harassment prevention policy, prioritize creating a safe and healthy work environment, promoting a positive atmosphere where employees are more motivated, engaged and productive.*

This scientific article aim is to analyze the legal regulation of the prohibition of violence and harassment, including psychological violence, violence and harassment on the basis of gender, in labor relations, and identify problematical aspects with this legal regulation.

In order to achieve these goals, there will be analyzed international documents and national legal acts defining the concepts of violence and harassment and the legal regulation of the implementation of prevention. Based on survey data, United Nations and International Labor Organization recommendations, the scale of the problem and possible solutions are reviewed.

Keywords: *prevention of violence and harassment, psychological violence and harassment, sexual violence and harassment, economic violence, labor relations.*

Introduction

In November 1, 2022, new amendments to Article 30 of the Law on the Approval, Enforcement and Implementation of the Labor Code of the Republic of Lithuania (hereinafter - Labor Code of the Republic of Lithuania) entered into force, providing for the prohibition of violence and harassment, including psychological violence, gender-based violence and harassment (violence and harassment directed against persons because of their gender or disproportionately affecting persons of a certain gender, including sexual harassment) (State Labor Inspectorate, 2022). One year later, it is relevant to assess how the regulation on the prohibition of violence and harassment has changed, what changes have been introduced in the new legal regulation and what problems are encountered in this area of legal regulation today.

In addition to the obligations imposed on the employer by previous legal regulation, to provide workers with a work environment in which they do not suffer hostile, unethical, degrading, aggressive, abusive, offensive actions that encroach on the honor and dignity of an individual employee or their group, physical or psychological inviolability of a person, or that seek to intimidate, degrade or place the employee or their group in a defenseless and helpless position (Article 30, part 1 of the Labor Code of the Republic of Lithuania), amendments to the Labor Code, established the obligation for employers to take all necessary measures to ensure the prevention of violence and harassment and to provide active action to assist persons who have experienced violence or harassment (Article 30, part 3 of the Labor Code of the Republic of Lithuania). Also, employers with an average number of employees of more than fifty, after completing information and consultation procedures in accordance with the procedure established by the Labor Code, are required to approve the violence and harassment prevention policy, to publish and implement it in the usual ways in the (Article 30, part 4 of the Labor

Code of the Republic of Lithuania). It should be noted that this requirement does not limit the rights of other employers with a smaller number of employees to adopt and apply these and other measures to ensure the well-being of employees at work.

Prevention of violence and harassment is understood as one of the most effective ways to ensure that employees do not suffer hostile, unethical, degrading, aggressive, abusive, offensive actions that encroach on the honor and dignity, physical or psychological inviolability of an employee or group of employees, or that seek to intimidate, belittle or place an employee or group of employees in a defenseless and helpless position. Based on the recommendations of the State Labor Inspectorate, awareness of forms of violence and harassment, recognition, intolerance, prohibition, as well as timely investigation of reports of violence and harassment and the application of responsibility to the abuser allow not only to deter the abuser, but also contribute to creating an emotionally favorable working environment for employees (State Labor Inspectorate, 2022).

In the light of the above, this article analyzes the definitions of the prohibition of violence and harassment, including psychological violence, violence and gender-based harassment in employment relations, legal regulation and cases that are not classified as violence and harassment. The second part of the article analyzes the requirements for employers related to the implementation and enforcement of the requirements for the prohibition of violence and harassment, as well as the problematic aspects of this regulation.

The relevance of this scientific article is associated with ensuring the implementation of the requirements for the prohibition of violence and harassment and identifying the nature of the problematical aspects of this regulation.

The **purpose of this scientific article** is to analyze the legal regulation of the prohibition of violence and harassment, including psychological violence, violence and harassment on the basis of gender, in labor relations, and identify problematical aspects with this legal regulation. In order to achieve these goals, there will be analyzed international documents and national legal acts defining the concepts of violence and harassment and the legal regulation of the implementation of prevention. Based on survey data, United Nations and International Labor Organization recommendations, the scale of the problem and possible solutions are reviewed.

Subject of the scientific article is implementation of the prevention of violence and harassment in labor relations.

The following theoretical and empirical methods are used in the scientific article: the method of comparative analysis, logical - analytical and systematic analysis. The comparative analysis method was used to compare the concepts and forms of violence and harassment established by legal regulation. The logical-analytical method analyzes the requirements imposed on the employer when implementing the policy of violence and harassment, creating *suitable* work environment for employees and identifies problematical aspects in this legal regulation area. Logical-analytical and systematic analysis methods are used to reveal the relationship between legal acts and legal doctrine, different legal norms, summarize the scientific article, reveal the main problem, and formulate conclusions.

Identification and legal regulation of violence and harassment prevention

In order to identify violence and harassment as a phenomenon that has a negative impact on workers, this section will reveal the concepts and content of violence and harassment and discuss legal regulation.

Pursuant to Article 30, Part 2 of the Labor Code of the Republic of Lithuania, violence and harassment, including psychological violence, violence and gender-based harassment (violence and harassment directed against persons because of their gender or disproportionately affecting persons of a certain gender, including sexual harassment), are any unacceptable behavior or the threat of it, regardless of whether the unacceptable behavior is intended to cause a physical, psychological, sexual, or economic effect once or repeatedly, whether this effect is caused or may be caused by the unacceptable behavior, whether such behavior violates the dignity of a person or creates an intimidating, hostile, humiliating or offensive environment or/and physical, property and/or non-property damage has occurred or may occur. Thus, **violence** is understood as an intentional physical, mental, sexual, economic impact on another person by a person's action or inaction, related to work, as a result of which the employee suffers or may suffer non-pecuniary or material damage (State labor Inspectorate, 2023).

Article 7, Clause 6 of the Law on Equal Opportunities of the Republic of Lithuania establishes that when implementing equal opportunities, the employer, regardless of gender, race, nationality, citizenship, language, origin, social status, faith, beliefs or views, age, sexual orientation, disability, ethnic affiliation, religion, must ensure that persons seeking employment, employees or civil servants are not subjected to harassment, sexual harassment and no discrimination instructions are given at the workplace. Parts 5 and 6 of Article 2 of the Law on Equal Opportunities for Women and Men of the Republic of Lithuania define **harassment** as unwanted behavior when, due to a person's gender, it is intended to insult or offend a person's dignity and it is intended to create or creates an intimidating, hostile, humiliating or offensive environment; and **sexual harassment** - as unwanted insults, verbal, written or physical behavior of a sexual nature towards a person, when such behavior is determined by the purpose or its effect of harming the dignity of the person, especially by creating an intimidating, hostile, humiliating or offensive environment.

Harassment can occur both verbally and in writing, although less often, but also through physical actions. Harassment can include insulting comments, jokes, humiliation, not sharing important information, excluding a person from other colleagues, meetings or consultations, being ignored, assigning tasks unrelated to work functions, etc. **Main difference between violence and harassment** is that harassment is an ongoing process, i.e. – a repeated unacceptable behavior, and violence is usually one-time, sudden (acute) outburst of inappropriate behavior (State Labor Inspectorate, 2022). Harassment and violence can occur in any workplace and can affect an employee of any link, regardless of the size of the company, field of activity or form of employment relationship. However, it can be distinguished that in certain sectors (transport, health care, social care, education, catering, retail, leisure etc.) the risk of experiencing harassment and violence may be significantly higher. In the work environment, violence can occur horizontally - between colleagues at the same level and vertically - between managers and their subordinates and employees and other individuals, such as customers, consumers, etc. (Methodological recommendations of the State Labor Inspectorate, 2022).

Economic violence could be understood as the humiliation of an employee due to economic dependence and economic damage experienced as a result of abuse by the abuser. This can manifest itself as the effect of dealing with the employee financially, threats not to award incentives or stop paying them, devaluing the employee according to his merits and qualifications, not allowing him to work, etc. (see Table 1.).

Table 1. Concepts and forms of violence and harassment

Source: Davulis, 2018; International Labor Organization Convention No. 190 on the elimination of violence and harassment in the world of work, 2019; Labor Code of the Republic of Lithuania, 2016; Law on Equal Opportunities of the Republic of Lithuania, 2003; Law on Equal Opportunities for Women and Men of the Republic of Lithuania, 1998; Methodological recommendations of the State Labor Inspectorate, 2023.

Concepts and forms of violence and harassment			
<p>Violence can be manifested by a person's action or inaction causing an intentional physical, mental, sexual, or economic impact on another person, related to work, as a result of which the employee experiences or may experience non-pecuniary or material damage. Violence is usually one-time, sudden (acute) outburst of misconduct.</p>		<p>Harassment can be manifested both verbally and in writing, less often through physical actions: insulting comments, jokes, humiliation, not sharing important information, excluding a person from other colleagues, meetings or consultations, being ignored, assigned tasks unrelated to work functions, etc. Harassment is a continuous process, i.e. – a repeated unacceptable behavior.</p>	
Psychological violence and harassment	Physical violence	Economic violence	Sexual violence and harassment
<p>harassment:</p> <ul style="list-style-type: none"> - repeated and deliberate abuse, insult; - bullying subordinates or co-workers, including family, sexuality, gender identity, race or culture, education, economic status; - insults; - threatening; - humiliating in work-related circumstances; - assignment of impossible goals and deadlines or meaningless tasks that have nothing to do with work; - deliberately changing working hours or schedules to cause inconvenience to specific employees; - deliberate failure to provide information necessary for effective work; - avoidance, exclusion, marginalization of a subordinate or co-worker in order to exclude from work activities <p>violence:</p> <ul style="list-style-type: none"> - one or more employees or managers are attacked in work-related circumstances (these actions may be carried out by one or a group of employees, customers, service users or other persons with the aim of violating the dignity of the manager or employee and creating a hostile work environment) 	<ul style="list-style-type: none"> - assault; - pushing; - grabbing; - pushing; - slapping; - biting; - scratching ; - smacking; - kicking; - throwing things and other actions. 	<ul style="list-style-type: none"> - humiliation of the employee due to economic dependence; - dealing with the employee financially; - threats not to award incentives or to stop paying them; - devaluation of the employee according to his merits and qualifications; - not allowing the employee to work 	<ul style="list-style-type: none"> - sexual assault, rape, stalking or obscene communication; - unwanted physical contact, including stroking, pinching, tickling, hugging, touching, etc.; - asking intrusive questions about an employee's private life or body; - offensive comments or jokes about someone's gender identity or sexual orientation; - repeated dating requests, despite the fact that such requests have already been rejected; - request a service of a sexual nature in exchange for a promised job or promotion; - sharing or displaying sexually explicit photos, videos, etc.; - emails or text messages of a sexual nature

Amendments to the Labor Code of the Republic of Lithuania define and expand the places of prohibition of violence and harassment:

- 1) in workplaces, including public and private places, when the employee is at the disposal of the employer or performs duties according to the employment contract;
- 2) during breaks to rest and eat or when using household, sanitary and hygienic premises;

- 3) during work-related trips, trips, trainings, events or social activities;
- 4) during work-related communication, including communication using information and electronic communication technologies;
- 5) in housing provided by the employer;
- 6) on the way to or from work (Article 30, part 2 of the Labor Code of the Republic of Lithuania).

Naturally, the question is whether the new legal regulation is not too focused on preventing violence and harassment. However, "The survey on violence and harassment at work" conducted in 2021 (the survey conducted approximately 125,000 interviews in 121 countries and territories in 2021 to collect information about people's experiences of violence and harassment at work) revealed that violence and harassment at work is a widespread phenomenon worldwide. The study aimed to reveal the frequency of the main forms of violence and the prevalence of workplace harassment:

- 1) physical violence and harassment, such as hitting, restraining or spitting;
- 2) psychological violence and harassment, e.g., insults, threats, bullying or intimidation
- 3) sexual harassment and violence, e.g., unwanted sexual touching, comments, photos, emails or sexual requests.

It should be noted that not all actions of the employer, which, although they are not pleasant in relation to the employee, but are objective and reasonable and are carried out without the employer abusing his position as a stronger party in labor relations, are treated as violence or harassment. Employer's everyday decisions, legitimate comments, and advices related to job tasks, including negative feedback from managers and executives about job performance or work-related behavior, implementation of company policies, or warnings about breach of job duties, are not considered harassment, even if they involve unpleasant sensations (Saskatchewan, 2022).

Polite, respectful, consensual, non-violent communication that is appropriate in the workplace and acceptable to both parties is not considered violence or harassment. Other situations that are not violence and harassment may include physical contact necessary to perform a job according to accepted industry standards, or disagreements at work that are not based on race, gender, age, ethnicity, religion, sexuality, or personal characteristics. Cultural differences can sometimes lead to misunderstandings, but it may not necessarily be violence and harassment (ILO, Violence and harassment at work: A practical guide for employers, 2022) (see Table 2.).

There is no doubt that the well-being of workers is related to all aspects of working life, from physical quality and a safe environment, how employees feel in their work environment, what the working climate is and the organization of work. Employee well-being includes both physical and mental aspects.

Table 2. Cases that are not classified as violence and harassment

Source: ILO Violence and harassment at work: A practical guide for employers, 2022; Saskatchewan 2022; Recommendations of the State Labor Inspectorate, 2023.

Cases that are not classified as violence and harassment	
Constructive criticism of the employer, respectful comments	Constructive criticism of the employer, respectful expression of comments are not considered psychological violence, since it is part of the labor process and these actions are aimed at the quality of work. The employer has the right to assess the employee's professional qualities and work results.
Establishment of reasonable operational objectives, standards and deadlines	Subordination to the employer means the performance of a work function, when the employer has the right to control or direct both the entire work process and a part of it, and the employee obeys the employer's instructions or the procedure in force at the workplace (Article 30, parts 1 and 2 of the Labor Code of the Republic of Lithuania). Nevertheless, an unreasonably increased demand towards only one employee could be treated as psychological violence.
Distribution and planning of workloads	The employer is responsible for the procedure for organizing work, who may require the employee to perform the assigned tasks correctly, on time and with high quality. The employer's demands on the employee are not in themselves considered violence or harassment, if the determination and distribution of the workload is actually carried out.
Proposal to change the terms of the employment contract	Changing the necessary conditions of the employment contract, additional conditions of the employment contract, the established type of working time regime or transferring the employee to work in another location at the initiative of the employer is possible only with the written consent of the employee (Article 45, part 1 of the Labor Code of the Republic of Lithuania). The employee's consent or refusal to work under the proposed amended necessary or additional conditions of the employment contract, in another type of working time regime or in another locality must be expressed within the time limit set by the employer, which may not be less than five working days (Article 45, part 2 of the Labor Code of the Republic of Lithuania). The refusal of the employee to work under the proposed changed conditions can be considered as a reason for termination of the employment relationship at the initiative of the employer without the fault of the employee in accordance with the procedure laid down in Article 57 of the Labor Code of the Republic of Lithuania. Refusal of an employee to work for a reduced salary cannot be considered a legitimate reason for termination of the employment contract.
Decision not to select an employee for promotion, following a fair and documented process	The employer's position or comments, the decision not to select an employee for promotion, explaining the decision in a correct, non-offensive, non-humiliating and ethical manner cannot be considered psychological violence. It is the employer's right to make substantive comments related to the employee's proper performance of job duties or appointment to higher positions.
Informing the employee about unsatisfactory work results	The results of the employee's work may be the reason for termination of the employment contract if the employee has been indicated in writing about the shortcomings of his work and personal results have not been achieved, and a plan for improving results has been jointly drawn up, covering a period of at least two months, and the results of the implementation of this plan are unsatisfactory (Article 57, part 5 of the Labor Code of the Republic of Lithuania).
Termination of the employment contract due to a breach of duty caused by the employee's actions or omissions	The reason for termination of the employment contract may be a gross violation of the employee's labor duties or a second violation of the same labor duties committed by the employee in the last twelve months (Article 57, part 2 of the Labor Code of the Republic of Lithuania). An

	employment contract for a second violation of the same job duties committed by an employee may be terminated only if the first violation was also detected, the employee had the opportunity to explain himself about it and the employer warned the employee about the possible dismissal for a second such violation within one month from the date of disclosure of the violation (Article 58, part 4 of the Labor Code of the Republic of Lithuania).
Notice of anticipated dismissal on the grounds provided for in Labor Code	The organization of work, the reception and dismissal of employees is the responsibility of the employer. His right to terminate employment contracts with employees is regulated in the Labor Code Article 57 (termination of the employment contract at the initiative of the employer without the fault of the employee), Article 58 (termination of the employment contract at the initiative of the employer due to the fault of the employee), Article 59 (termination of the employment contract at the will of the employer), Article 36 (trial results) etc.
Proposal to terminate the employment contract by agreement of the parties	Pursuant to Article 54 of the Labor Code, any party to the employment contract may offer the other party to the employment contract to terminate the employment contract. The proposal to terminate the employment contract must be made in writing. It must state the terms of termination of the employment contract (from when the employment relationship ends, what is the amount of compensation, what is the procedure for granting unused leave, settlement procedure, etc.). If the other party to the employment contract agrees to the offer, it shall express its consent in writing. It should be emphasized that the employee is free to express his will on the termination of the employment contract and, if he does not agree with the employer's proposal to terminate the employment contract by agreement of the parties, has the right not to sign the agreement on the termination of the employment relationship.

The mental aspects of employee well-being include fear, depression, fatigue, self-esteem and anxiety, while the physical aspects include headache, muscle pain and discomfort, etc. The well-being of employees is important not only for ensuring the employee's own good physical and mental health, but also for the successful organization of work, the achievement and implementation of the goals of the organization itself, therefore it is necessary for employers to understand how the working environment and microclimate affect the well-being of employees (Zhou, Rasool, Ma, 2020). In view of this, the next section will discuss the employer's responsibilities for the implementation of the policy of violence and harassment.

Implementation and problematic aspects of violence and harassment prevention

Naturally, the question is whether the new legal regulation is not too focused on preventing violence and harassment. However, "The survey on violence and harassment at work" conducted in 2021 (the survey conducted approximately 125,000 interviews in 121 countries and territories in 2021 to collect information about people's experiences of violence and harassment at work) revealed that violence and harassment at work is a widespread phenomenon worldwide. The study aimed to reveal the frequency of the main forms of violence and the prevalence of workplace harassment:

- 1) physical violence and harassment, such as hitting, restraining or spitting;
- 2) psychological violence and harassment, e.g., insults, threats, bullying or intimidation
- 3) sexual harassment and violence, e.g., unwanted sexual touching, comments, photos, emails or sexual requests;

The research data revealed that more than one in five (22.8 percent or 743 million) working people experienced at least one form of violence and harassment (at work) during their working life. Among employees who experienced violence and harassment at work, about one-third (31.8 percent) said they experienced more than one form of violence and harassment, and 6.3 percent of employees experienced all three forms. Globally, women were 0.8 percentage points more likely to experience violence and harassment during their working age than men. When assessing gender differences in high – income countries, women were more likely to experience violence and harassment during their working lives, at 38.7%, compared to men - 26.3%. Worldwide, 8.5% or 277 million of employed persons have experienced **physical violence and harassment at work**. The distribution by gender shows that men face physical violence and harassment at work more often than women (9.0% and 7.7%, respectively) (Experiences of violence and harassment at work: A global first survey, 2022).

In the world, 17.9 percent of people, or approximately 583 million working people have experienced such unacceptable behavior in their working lives as insults, threats, bullying or intimidation. Almost 80 percent of victims, or approximately 463 million working people, regardless of gender, had their last incident in the past five years. In general, manifestations of **psychological violence and harassment** among women, although with a small difference, are more common among women than men (1.3 percentage points and 0.6 percentage points, respectively). More than three out of five working people who experienced psychological violence and harassment at work reported that this happened to them three or more times (63.2 percent). The study also revealed that 6.3 percent or approximately 205 million of employees had experienced **sexual violence and harassment** at work, of which more than two-thirds (71.4%) had encountered these incidents in the last five years. A total of 8.2 percent of working women have experienced sexual violence and harassment during their professional lives, compared to 5.0 percent of men. Of the three forms of violence and harassment, sexual harassment and violence make up the largest gender gap (Experiences of violence and harassment at work: A global first survey, 2022).

It is worth noting that during another empirical study, which was funded by the Icelandic Gender Equality Fund, the European Research Council, and the Icelandic Center for Research, over 30 thousand women living in Iceland, aged 18 to 69, participated in a survey, of which 15 799 women answered the item about exposure to workplace sexual harassment or violence. 5291 (33.5%) of the 15 799 participants reported experiencing sexual harassment or violence in the workplace during their lifetime, and 1178 (7.5%) in their current workplace. The study's findings revealed that sexual harassment and workplace violence was more common among women who worked shifts and irregular hours than among women who worked during the day. The reasons for this may have been due to the fact that women working evenings and nights often work alone and may meet third parties (e.g., patients, clients, etc.). While most jobs in Iceland and other Western countries in Europe and North America have implemented procedures to prevent sexual harassment and violence, train employees and take other actions to combat this phenomenon. However, the study found that sexual harassment and violence in the workplace were more common among young, single women, highly educated, sexual minorities, high earners, and those who worked long or irregular shifts, or in the tourism service, legal and security, manufacturing sectors, performed repair work, in health care or as a public figure (Jonsdottir, Hauksdottir, Aspelund ir kt., 2022).

Part 1 of the article 30 of the Labor Code of the Republic of Lithuania provides that the employer is not only obliged to create a safe working environment for employees among themselves, as well as with employers and third parties, in which the employee does not suffer

hostile, unethical, degrading, aggressive, abusive, offensive actions that encroach on the honor and dignity of the employee, physical or psychological inviolability or are intended to intimidate, degrade or put him in a defenseless and helpless position. However, parts 4 and 5 of the article 30 of the Labor Code of the Republic of Lithuania obliges the employer, whose average number of employees is more than fifty, after completing the information and consultation procedures in accordance with the procedure established by the Labor Code, to approve the violence and harassment prevention policy, to publish and implement it in the usual ways in the workplace. The policy for the prevention of violence and harassment must establish: methods of recognizing violence and harassment, possible forms of violence and harassment, the procedure for familiarization with violence and harassment prevention measures, the procedure for submitting and examining reports of violence and harassment, the protection of persons who reported violence and harassment and the victims measures and support provided to them, rules of employee behavior (work ethics) and other information related to the prevention of violence and harassment. The employer is also obliged to update the policy on the prevention of violence and harassment, taking into account the reports received about violence and harassment, the identified cases of violence and harassment, the change of their possible dangers or the emergence of new ones or at the request of the labor inspector of the State Labor Inspectorate of the Republic of Lithuania.

Many factors contribute to violence and harassment at work, including psychosocial hazards and occupational stress. In such a situation, Recommendation No. 206 Clause 8 recommends that factors that increase the likelihood of violence and harassment, including psychosocial hazards and risks, be taken into account in occupational risk assessment. Particular attention should be paid to hazard and risk factors that:

- occur due to working conditions and agreements, work organization and human resource management;
- include third parties such as customers, customers, service providers, users, patients, etc.;
- occur as a result of discrimination, abuse of power relations, gender, cultural and social norms;

Psychosocial risks that cause occupational stress can also increase the risk of violence and harassment at work. Violence and harassment can be caused by many individual, social and organizational factors, for example, bullying can prevail in stressful work environments where employees face high levels of interpersonal conflict, harmful leadership style, cultural and linguistic differences, etc. For these reasons, Convention No. 190 and Recommendation no. 206 mandate workplace risk assessment and management to take into account any factors that may increase the likelihood of violence and harassment. Only after all the risks have been identified and the risks involved have been assessed, the next step is to adopt appropriate measures to prevent or control such risks in order to reduce their impact and prevent similar effects in the future (Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206, 2019).

Workplace harassment and violence are potential sources of post-traumatic stress at work. Post-traumatic stress can occur in any workplace and in any employee, regardless of the size of the company, field of activity, form of employment contract and interpersonal relationships. Stress at work is mainly caused by manifestations of violence and harassment. The State Labor Inspectorate notes in its recommendations that solving the problem of stress at work can increase labor productivity, improve the safety and health of workers, and, as a result, increase the economic and social benefits for employers, employees and society as a whole. The preparation and implementation of the policy in the workplace allows not only to identify and

punish the abuser, but also provides the conditions to eliminate the causes of the conflict at work, to resolve it, to provide assistance to the employee who has experienced violence and harassment, to anticipate and implement effective actions in the event of violence and harassment, and to protect employees from their threat. The policy of violence and harassment, approved by the internal local legislation of the company, applies to all employees of the company, institution, organization without exception, regardless of the position they hold or the type of employment contract concluded (State Labor Inspectorate, 2022).

The Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206), 2019 are the most recent and fundamental international standards for violence and harassment in the world of work, covering equality and non-discrimination, occupational safety and health and comprehensively covering all cases of violence and harassment to all employees and other persons at work. The convention requires the establishment of a common framework for the prevention, resolution and elimination of violence and harassment, which provides for actions related to prevention, protection, enforcement, remedies, guidelines, training and awareness raising, including requiring employers to take specific measures and take into account third parties (ILO Violence and harassment at work: A practical guide for employers).

Considering aspects of Convention No. 190, in recent years, special provisions have been added to the labor law to protect workers from various manifestations of violence and harassment, including specific categories of workers (remote workers, migrant workers or workers with disabilities). The provisions include definitions and prohibitions of violence and harassment, or forms of violence and harassment, e.g., sexual harassment or bullying in the workplace. Each party to the Convention shall adopt laws, regulations and administrative provisions requiring employers to take appropriate action appropriate to their level of control to prevent violence and harassment in the world of work, including violence and gender-based harassment, and in particular, to the extent reasonably practicable:

- to adopt and implement policies on workplace violence and harassment in consultation with employees and their representatives;
- to take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;
- identifying risks and assessing the risks of violence and harassment and taking measures to prevent and control them through the participation of employees and their representatives;
- to provide information and training to employees and other related persons in an accessible form, as appropriate, about the identified dangers and risks of violence and harassment and related prevention and protection measures, including the rights and responsibilities of employees and others (Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206).

Pursuant to Article 30, Part 3 of the Labor Code of the Republic of Lithuania Taking into account the possible dangers of violence and harassment, the employer takes measures to eliminate and control them, establishes the procedure for reporting and examining reports of violence and harassment and familiarizes employees with it, organizes training for employees on the dangers of violence and harassment, prevention measures, the rights and responsibilities of employees in the field of violence and harassment. Article 42 of the Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and part 4 of the article 42 of the Labor Code imperatively establishes the obligation of the employer to familiarize employees with the working conditions, the rules of labor law that determine the procedure at the workplace, the

requirements for the safety and health of workers. Thus, this provision also includes the requirement that the employer must also familiarize employees with the measures to prevent violence and harassment implemented in the company, institution, organization, for example, where the text of the prepared and published policy can be accessed, reports of violence and harassment must be submitted, how long they are examined, etc.

The State Labor Inspectorate states that in order to properly investigate reports of violence and harassment, it is recommended that the policy clearly declare that the investigation of reports is based on five principles:

1. immediacy - all persons involved (the victim, the complainant, the witness) are given every opportunity to provide explanations for their actions;
2. promptness - reports are processed in the shortest possible time;
3. assistance to the victim - upon receipt of a report of harassment and (or) violence, psychologically safe working conditions are created;
4. objectivity and impartiality - the investigation is carried out objectively, without prejudice to the assessment of circumstances;
5. innocence - the complainant is considered innocent until a decision is made on the violation or his misconduct (Methodological recommendations of the State Labor Inspectorate, 2022).

States that have ratified International Labor Organization Convention No. 190, should require employers to provide information and training to employees and other relevant persons, in an appropriately accessible format, about the identified dangers and risks of violence and harassment and related prevention and protection measures, including the relevant rights and responsibilities (International Labor Organization Convention No. 190). Providing information and training can contribute to a workplace culture that allows you to reduce the risk of violence and harassment. It also helps to ensure that in the event of violence or harassment, employees know how to act, to whom they must report, etc.

The State Labor Inspectorate also notes that the Violence and harassment prevention policy must specify the procedure for reporting violence and harassment, i.e. regulated, in what form, by what terms and in what order the said notification is submitted. All reports of violence and harassment submitted must be recorded and investigated. The report must contain detailed explanations about the situation of violence and harassment experienced, manifestations and circumstances of violence, indicate possible witnesses, available evidence added (for example, correspondence, etc.). The policy must determine to whom and in what way the employee must submit the notification. If a responsible person is appointed in the company, it must be discussed what action he must take after receiving such a notification, how long after receiving a notification of possible violence and harassment he must submit it directly to the head of the company, institution, organization and, in his absence, to his deputy. The head of the company, institution, organization is recommended to forward the received report to a pre-formed commission for investigation, which usually consists of 3-5 members, and one of the members of the commission is elected as its chairman. It is recommended to include employee representatives (for example, members of the works council, trade union, employee trustee, employee safety and health representative) and specialists from different fields (for example, a lawyer, a psychologist, etc.) in the commission. The policy must regulate the procedures and deadlines for handling reports of violence and harassment. The deadline for conducting the investigation and submitting conclusions should not exceed 1 month from the date of receipt of the notification. Its members shall ensure the confidentiality of the notifier during the investigation of reports (Methodological recommendations of the State Labor Inspectorate, 2022).

Depending on the specific case and the existing impact on the emotional health of employees, the protection measures and assistance of those affected can take various forms, for example, making it possible for employees who have experienced violence to use all the necessary specialists (psychologists, psychiatrists, etc.) services; paid for the services of those specialists; work rotation is carried out; transfer of an employee to another place of work; granting leave, etc. The policy on the prevention of violence and harassment recommends that specific measures be provided for employees who have been subjected to violence or harassment, including a provision on the obligation of the responsible person to inform the victim of these measures (Methodological recommendations of the State Labor Inspectorate, 2022).

Taking into account part 4 of the article 30 of the Labor Code, the Violence and harassment prevention policy must specify the rules of employee behavior. If there is an approved code of ethics at the workplace, then it makes sense to transfer its provisions to politics, that the rules of conduct can indicate the principles of not only proper behavior, but also unacceptable behavior. In accordance with article 58 of the Labor Code, violence or harassment, including psychological violence or gender-based harassment, shall be considered a gross violation of labor discipline, therefore companies, institutions and organizations must not tolerate harassment, violence, insult or humiliation of a person and encourage all employees not to be passive.

Jonsdottir, Hauksdottir, Aspelund, et al. (2022) argue that in certain work environments, more refined and targeted preventive and intervention efforts are needed to eliminate harassment and violence, including training for employees, the adoption of specific strategies to reduce the risk of harassment and violence. Given the high prevalence of harassment or violence, and the increased risk of jobs where employees interact with third parties, community interventions are needed to change public discourse, practices and norms related to this problem, both inside and outside the workplace.

It should be noted that some companies, institutions, organizations also apply other preventive measures in their practice, for example, a stress reduction procedure, a description of conflict solutions, and so on. In order to prevent violence and harassment, other measures can be applied and implemented, such as collective unification practices, such as joint meetings, trips, cultural events, etc. As well as improving the competencies of managers, the purpose of which is to notice undesirable behavior of employees; assess the possible consequences of a conflict at work and provide measures that would help prevent the manifestation of violence and harassment in the work environment, help employees affected by psychological violence at work, ensure the confidentiality of information about employees who have experienced violence in accordance with current legislation and promote a work environment based on mutual respect. Managers' conversations with employees, the purpose of which is self-development, are very significant. Internal communication of a company, institution, or organization is the provision of information to employees. It is recommended to periodically remind employees of possible situations of violence and harassment, their decisions, ways of communication and behavior that help to avoid or reduce conflicts at work and promote an emotionally safe work environment and opportunities for defense of violated rights, etc. It is also worth mentioning the extreme measure - the application of measures of impact by the employer to the violent employee, which can be applied when violence or harassment at work is objectively proven, all parties involved in the conflict have been heard, and the explanations, circumstances, and previous behavior of the abuser have been taken into account (Methodological recommendations of the State Labor Inspectorate, 2022).

Organizations that prioritize the prevention of violence and harassment demonstrate a commitment to ethical and responsible business practices. This can improve the organization's reputation both internally among employees and externally in the wider community. The prevention of violence and harassment in the workplace is essential to creating a positive and healthy workplace that respects the rights and well-being of employees. This contributes to regulatory compliance, risk management and the overall long-term success and sustainability of organizations.

Conclusions

In accordance with international and national legislation, violence manifests itself as a one-time, sudden act or inaction of a person, when there is an intentional physical, mental, sexual, economic impact on another person related to work, as a result of which the employee suffers or may suffer non-pecuniary or property damage. Harassment can be manifested both verbally and in writing, less often through physical actions: insulting comments, jokes, humiliation, not sharing important information, excluding a person from other colleagues, meetings or consultations, being ignored, assigned tasks unrelated to work functions, etc. Harassment is a continuous process, i.e., a repeated unacceptable behavior. There are distinguished such forms of violence and harassment as physical, psychological, economic and sexual.

Such actions of the employer as constructive criticism, respectful comments, establishment of reasonable performance goals, standards and deadlines, distribution and planning of workloads, decision not to select an employee for promotion, proposal to change the terms of the employment contract, informing the employee about unsatisfactory work results, termination of the employment contract due to violation of duties by the employee through guilty acts or inaction, warning about the expected dismissal and other cases, - which, although they are not pleasant towards the employee, but are objective and reasonable and are carried out without the employer abusing his position as a stronger party in the employment relationship, are not treated as violence or harassment.

Although Western countries are complying with the International Labor Organization's provisions and conventional obligations by transposing them into national law, the results of global research reveal that violence and harassment in labor relations is a sensitive issue on a global scale, with forms of physical violence and harassment, psychological violence, sexual harassment and violence being common.

In recent years, both in Lithuania and in other countries, that ratified the International Labor Organization Convention No. 190, special provisions were introduced into labor law to protect workers from various manifestations of violence and harassment, including Approval of policies to prevent violence and harassment in workplaces, indicating the procedure, form, deadlines for reporting violence and harassment, etc. Considering the fact that it is not enough, at the same time, it should be emphasized that, in addition to the statutory requirements, employers themselves must take action to improve the microclimate of the organization, the elimination of violence and harassment and strengthen the relationship and mutual trust between employees. Such actions of employers may include internal communication with employees, training of employees about possible situations of violence and harassment, their decisions, ways of communication and behavior in order to achieve an emotionally safe work environment, the application of measures of the employer's impact on the abusive employee, etc.

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