

Veštačenje mobinga

Zoran Ivanov¹, Milena Ivanov¹, Okiljević Zora²

¹prim. dr.sci. specijalista za medicinu rada, Udruženje veštaka »Vojvodina« Novi Sad, dr.zoran.ivanov@gmail.com

¹prim. mr.sci. specijalista za medicinu rada, Udruženje veštaka »Vojvodina« Novi Sad, dr.zoran.ivanov@gmail.com

²prim. specijalista za medicinu rada, Zavod za zdravstvenu zaštitu radnika »Železnice Srbije« Beograd, »Signal« Novi Sad, Srbija, zookiljevic@gmail.com

Rezime: Mobing je engleska kovanica i prevodi se kao psihičko zlostavljanje, psihičko maltretiranje, psihički teror, moralno zlostavljanje. U stručnoj periodici koriste se i drugi nazivi koji se odnose na ovaj pojam tako da u engleskom govornom području susrećemo termin *bullying*. U američkoj literaturi su prisutni termini *work abuse* ili *employee abuse*. Na srpskom jezičkom području koristi se izraz *zlostavljanje na radu*.

Zlostavljanje na radu provodi se sistematskim aktivnostima koje je teško dokazati u postupku. Ove aktivnosti neprekidno „mutiraju“ pronalazeći nepogrešivo put do žrtve sa ciljem da je ponize, izvrgnu ruglu, destabilizuju i na kraju primoraju da napusti posao.

Zdravstvene **posledice** zlostavljanja na radnom mestu (*»mobingovanje«*) sve češći su razlog obraćanja pacijenata izabranom lekaru, zaštitniku građana i advokatima. Šira edukacija o uzrocima nastanka i posledicama mobinga demistifikovala bi ovaj fenomen, olakšala njegovo prepoznavanje i realno sagledavanje i ukazala na mogućnosti za rano prepoznavanje, ublažavanje ili eliminisanje ove negativne pojave. Psihološka podrška i sam osećaj zlostavljene osobe da ima kome da se obrati i zatraži pomoć u velikoj meri bi olakšala rešavanje ove problematike.

Postupak zaštite od zlostavljanja kod poslodavca preduslov je sudske zaštite, osim naznačenog *ex lege* izuzetka kada je kao akter zlostavljanja označeno odgovorno lice u pravnom licu ili poslodavac sa svojstvom fizičkog lica.

U slučaju da postupak posredovanja nije uspeo, a osoba smatra da je zlostavljana, može podneti tužbeni zahtev Osnovnom sudu mesne nadležnosti. U ovom sporu zaposleni treba da učini verovatnim da je izvršeno zlostavljanje, dok je na poslodavcu da dokaže da nije bilo ponašanja koje predstavlja zlostavljanje.

Kod zlostavljanja duševni bolovi su primarni, nastaju zbog povrede ugleda, časti i prava ličnosti u dokazanom šikaniranju. Naknada za povredu ugleda, časti, slobode ili prava ličnosti dosuđuje se ako se omalovaži neko lice u toj meri da to činjenje predstavlja i duševni bol zbog povrede ugleda i časti, a izvršeno je nešto neistinito, uvredljivo izneto u neposrednom kontaktu između štetnika i oštećenog. Oštećeni mora da dokaže da je zbog protivpravnog ponašanja (*mobizirajuće aktivnosti*) štetnika pretrpeo duševni bol, a samim tim i moralnu štetu zbog koje ima pravo na novčanu naknadu.

Procena intenziteta duševnih bolova je složeno. Oni bi indirektno mogli da se određuju na osnovu objektivizovanog „*rizika količine mobinga*“ i služi kao osnova za određivanje nematerijalne štete zbog povrede ugleda, časti i dostojanstva ličnosti.

Težište ovog fenomena se obično prebacuje na posledice, odnosno poboljevanje lica koje se smatra zlostavljanim koje se dijagnostikuju kao: F45.0 Somatizacijski poremećaj (*Disordo somatisationalis*), F60.3 Emocionalni nestabilni poremećaj ličnosti (*Disordo personae emotionalis instabilis*), Sindromi ponašanja udruženi sa fiziološkim smetnjama i fizičkim činiocima (*Syndromae morum cum disordinibus physiologicis et factoribus physicis associatae*.)

Pored šifre koja ukazuje na prirodu obolenja treba da se navodi **uzrok** iz spoljašnje sredine da bi se dobile dopunske informacije za analizu (*više*) obolenja. Nailazi se u Spoljašnjim uzrocima obolevanja i umiranja (V01-Y98) šifra mesta događaja i šifra aktivnosti u subklasifikaciji označavanja aktivnosti povređene osobe u vreme kada se događaj zbija; (*„u toku obavljanja plaćenog rada“*) kao i „drugi spoljni uzroci povređivanja (W00 – X59) u glavi „nasilje“ (X85-Y09) navodeći Y07 (*„drugi loši postupci“* kao *mentalna surovost, fizičko zlostavljanje, seksualno zlostavljanje, mučenje*). Preciznije ovi postupci su od „strane zvaničnih autoriteta“ Y07.3 ili „od strane drugih označenih osoba“ Y07.8. Na ovaj način bi mobing bio decidnije određen (*npr, F60.3/Y07.8*) u odnosu Z.56.2 – ugroženost od gubitka posla, Z.56.3 – stres zbog preopterećenosti poslom, Z.56.4 – neslaganje s poslodavcem i kolegama direktnije ukazujući na uzrok osnovnog obolenja.

Postoji mnogo više slučajeva zlostavljanja na radu nego što je evidentirano. Zaposleni se nerado odlučuju na utuženje iz razloga dokazivanja zlostavljanja jer u odsudnom momentu zataje »pouzdati svedoci«.

Expertise in Mobbing

Zoran Ivanov¹, Milena Ivanov¹, Okiljević Zora²

¹prim. mr. sci Occupational Medicine Specialist, „Vojvodina“ Association of Expert Witnesses Novi Sad, dr.zoran.ivanov@gmail.com

¹prim. mr. sci Occupational Medicine Specialist, „Vojvodina“ Association of Expert Witnesses Novi Sad, dr.zoran.ivanov@gmail.com

²prim. Occupational Medicine Specialist, Institute for Workers' Health Protection "Serbian Railways" Belgrade, "Signal" Novi Sad, Serbia, zookiljevic@gmail.com

Rezime: Summary: Mobbing is an English coins and translated as psychological abuse, psychological abuse, psychological terror, moral harassment. The professional journals are also used other names that relate to this concept so that the English speaking world encounter the term bullying. In American literature, the present work terms abuse or employee abuse. On Serbian language area uses the term zlostavljanje at work. Harassment at work is carried out systematic activities that are difficult to prove in the proceedings. These activities are constantly „mutating“ unerringly finding the path to the victims in order to humiliate, ridicule, destabilize and eventually force them to leave the job.

The health consequences of abuse in the workplace („mobingovanje“) are becoming increasingly common reason for addressing patients' general practitioners, the Ombudsman and lawyers. The wider education about the causes of the occurrence and consequences of mobbing demistikovala to this phenomenon, facilitate their identification and realistic consideration and pointed out the possibilities for early recognition, mitigate or eliminate these negative phenomena. Psychological support and a feeling abused person to have one to turn to and ask for help to a great extent to facilitate the resolution of these issues.

A method of protecting against abuse by the employer is a prerequisite of judicial protection, unless specified ex lege exception when an actor abuses indicated responsible person in the legal entity or employer, being a physical person.

In the event that the mediation process has failed, and the person believes that he abused, may submit a claim to the Basic Court of territorial jurisdiction. In this dispute, the employee should make it probable that the abuse was committed, while on the employer to prove that there was behavior that represents abuse.

When abuse is the primary mental pain, are due povrede reputation, honor and rights in proven harassment. Compensation for injury to reputation, honor, freedom or rights of personality awards if to belittle a person to the extent that it represents the commission and distress due to the violation of honor and reputation, and made something untrue, offensive forth in direct contact between the pest and damaged. The injured party must prove that because of the unlawful conduct (mobizirajuće activities) pests suffers distress, and therefore moral damage for which he is entitled to monetary compensation.

Assessment of intensity of emotional pain is složeno. Oni would indirectly be able to determine on the basis of objektivizovanog „risk amount mobbing“ and serves as the basis for the determination of moral damages for injury to reputation, honor and dignity.

The focus of this phenomenon is usually shifted to the consequences or morbidity persons who are considered harassment that are diagnosed as: F45.0 Somatization disorder (Disord somatisationalis) F60.3 emotionally unstable personality disorder (Disord personae emotionalis instabilis), behavioral syndromes associated with physiological disturbances and physical factors (Syndromae morum cum disordinibus physiologicis et factoribus Physicis associatae.)

In addition to the code indicating the nature of the disease should be referred to the cause from the environment to obtain additional information for analysis (more) obolenja. Nailazi in external causes of morbidity and mortality (V01-Y98) code scene and activity code stratifying labeling Activity injured person at the time when the event occurred; („In the course of paid work“) as well as „other external causes of injury (W00 - X59) in the head,“ violence „(X85-Y09) stating Y07 („ other bad practices „as mental cruelty, physical abuse, sexual abuse, torture). Specify these procedures are of „foreign official authority“ Y07.3 or „by other designated person“ Y07.8. This would mobbing was decisive set (eg, F60.3 / Y07.8) compared Z56.2 - the threat of losing their jobs, Z.56.3 - stress due to work overload, Z56.4 - disagreement with the employer and colleagues pointing directly the primary cause of diseases.

There are many more cases of abuse at work than recorded. Employees are reluctant to charge in the court on the grounds of evidence of abuse because at the crucial moment fail „reliable witnesses“.

Due to the injury to reputation, honor and dignity of a person is determined by the existence of temporary mental pain and its intensity based on the degree of risk germinal mobbing and used for judging and claiming non-pecuniary damage.

Pointing to the cause - and effect, temporal and spatial relationship sickness creates conditions for the reduction of life activities after a period of ill-treatment and assessment of the time and intensity of emotional pain, mental suffering and fear after abuse which forms the basis for claims adjudication and non-pecuniary damage

Key words: mobbing, mobbing expertise