HARASSMENT, WORKERS' MENTAL HEALTH AND THE POTENTIAL OF ILO
CONVENTION NO. 190: AN ANALYSIS BASED ON THE FRANCE TÉLÉCOM
CASE

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ABSTRACT

Objective: In the process of being privatized, France Télécom implemented the "NExT" and "Act" plans, containing a series of internal policies aimed at reducing jobs, causing suffering to workers. Upon analysing the case, the French Judiciary observed the occurrence of the crimes of institutional moral harassment, condemning both the company and the individuals responsible for its management. The objective of this study is to examine the influence of organizational aspects on the balance of the work environment and on the workers’ mental health, in light of the France Télécom case and the theory of the labour-environmental perspective.

Method: The methodology adopted for this research comprises the bibliographic research technique, the documentary method, and the case method, as methods of procedure; and the inductive method, as a method of approach.

Results and Discussion: A close relationship is observed between labour-environmental organizational aspects and harassment in the work context, influencing the balance in the work environment and workers’ health.

Research Implications: This study highlights the importance of regulations such as ILO Convention No. 190 to enhance the protection of workers’ mental health, suggesting organizational changes that prioritize well-being in the work environment.

Originality/Value: This study contributes to the field of labour studies by integrating legal and psychosocial analysis, demonstrating the significance of organizational policies in the development and maintenance of workers' mental health.

Keywords: moral harassment, institutional harassment, Convention No. 190, ILO, labour-environmental balance.

ASSÉDIO, SAÚDE MENTAL DOS TRABALHADORES E O POTENCIAL DA CONVENÇÃO N° 190 DA OIT: UMA ANÁLISE DA PARTIR DO CASO FRANCE TÉLÉCOM

RESUMO

Objetivo: Durante o processo de privatização, a France Télécom instituiu os planos “NExT” e “Act”, contendo uma série de políticas internas voltadas à redução de postos de trabalho, causando sofrimento nos trabalhadores. Ao analisar o caso, o Poder Judiciário francês reconheceu a incidência do crime de assédio moral institucional, condenando tanto a empresa, quanto as pessoas físicas responsáveis pela sua gestão. Neste contexto, o objetivo deste estudo é examinar a influência dos aspectos organizacionais no equilíbrio do meio ambiente do trabalho e na saúde mental do trabalhador, à luz do caso da France Télécom e da perspectiva labor-ambiental.

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Método: A metodologia adotada para esta pesquisa compreende a técnica de pesquisa bibliográfica, o método documental e o método de caso, como métodos de procedimento; e, como método de abordagem, o inductivo.

Resultados e Discussão: Observa-se a estreita relação entre aspectos organizacionais labor-ambientais e assédio no contexto laboral, de modo a influir no equilíbrio do meio ambiente do trabalho e na saúde dos trabalhadores.

Implicações da Pesquisa: O estudo realça a importância de regulamentações como a Convenção n° 190 da OIT para fortalecer a proteção à saúde mental dos trabalhadores, sugerindo mudanças organizacionais que priorizem o bem-estar no ambiente laboral.

Originalidade/Valor: Este estudo contribui para o campo de estudos laborais ao integrar a análise jurídica com a psicossocial, evidenciando a relevância das políticas organizacionais no desenvolvimento e manutenção da saúde mental dos trabalhadores.


RESUMEN

Objetivo: Durante el proceso de privatización, France Télécom implementó los planes “NExT” y “Act”, que contenían una serie de políticas internas destinadas a reducir puestos de trabajo, causando sufrimiento a los trabajadores. Al analizar el caso, la Justicia francesa reconoció la incidencia del delito de acoso moral institucional, condenando tanto a la empresa como a los responsables de su gestión. El objetivo de este estudio es examinar la influencia de los aspectos organizativos en el equilibrio del ambiente de trabajo y la salud mental del trabajador, a la luz del caso de France Télécom y la perspectiva laboral-ambiental.

Método: La metodología adoptada para esta investigación comprende la técnica de investigación bibliográfica, el método documental y el método de caso, como métodos de procedimiento; y como método de enfoque, el inductivo.

Resultados y Discusión: Se observa una estrecha relación entre los aspectos organizativos laborales-ambientales y el acoso en el contexto laboral, influyendo en el equilibrio en el ambiente laboral y la salud de los trabajadores.

Implicaciones de la investigación: Este estudio resalta la importancia de regulaciones como la Convención N° 190 de la OIT para fortalecer la protección de la salud mental de los trabajadores, sugiriendo cambios organizacionales que prioricen el bienestar en el ambiente laboral.

Originalidad/Valor: Este estudio contribuye al campo de estudios laborales integrando el análisis jurídico con el psicosocial, evidenciando la relevancia de las políticas organizacionales en el desarrollo y mantenimiento de la salud mental de los trabajadores.

Palabras clave: Acoso Moral, Acoso Organizacional, Convenio núm. 190, OIT, Equilibrio Del Ambiente Laboral.

1 INTRODUCTION

The imbalance of the work environment can affect the psychophysical health of workers, serving as both a stage and a driver of human development, because the internal
conditions of the worker are influenced by and influence external conditions (environmental and from other workers), thus showing an interaction.

According to the theoretical framework of the labour-environmental perspective (Almeida, 2013), among these external conditions, understood as environmental aspects of the work environment, are organizational aspects, which relate to the "[...] resources allocated within the organization, serving institutional objectives, which even influence individual and collective satisfaction of workers in the context of work and interpersonal relationships in the labour environment" (Costa, Almeida, 2017, p. 58). These include "[...] organizational structure (procedures), organizational culture, company regulations, hierarchical structure, work schedules, breaks/pauses, tools for disciplinary control and evaluation, among others" (Costa, Almeida, 2017, p. 58).

However, depending on these goals, such aspects can lead to acts of violence or harassment, triggering or contributing to the psychophysical illness of the worker. This scenario unfolded during the privatization of France Télécom, when the "NExT" and "Act" plans (2007 to 2010) were established to flex the labour organization, drastically reducing the workforce (Lerouge, 2021; Tessier, 2021; Mazza, 2021). In this scenario, an imbalance in the work environment was observed, characterised by a context of hostility, pressure, and anxiety, which aimed to push workers to resign.

This article examines the influence of organizational aspects on the balance of the work environment and the mental health of workers, focusing on the France Télécom case and the labour-environmental perspective. Additionally, it explores Convention No. 190 (C190) of the International Labour Organization (ILO), as a potential mechanism to enhance the protection of workers' mental health and restore the labour-environmental balance in harassment cases.

After over a decade of discussions, the ILO adopted C190 at the 108th International Labour Conference (ILC) on June 21, 2019. This convention aims to prohibit violence and harassment in the work context and establish control mechanisms and sanctions, ensuring that every worker can protect themselves, without retaliation, from situations posing an imminent and serious danger to their life or safety.

The methodologies adopted for this study include: bibliographic research, which focused on a detailed examination of the France Télécom case and doctrinal outlines regarding moral and institutional harassment; the documentary method, employed to analyse ILO Convention No. 190; and the case study method, which proved instrumental in examining the specific phenomena observed in the France Télécom situation. The study also employed the inductive approach method, which allowed the derivation of general conclusions about the
intrinsic relationship between labour-environmental organizational aspects and both moral and institutional harassment within the work context. This approach also helped in assessing the impact of these factors on worker health and evaluating the role of ILO Convention No. 190. These conclusions were drawn from the specific factual details of the France Télécom case, providing a grounded understanding of the concrete realities faced by the workers.

Thus, the article begins by discussing the France Télécom case, elucidating both the factual and legal aspects. The second section examines the notions and characterizing elements of moral and organizational harassment. The third section explores the relationships between work, violence, and mental health within the theoretical framework of the labour-environmental perspective. The fourth section analyses ILO Convention No. 190, focusing on its application to violence and harassment in the context of the France Télécom case.

2 FROM "CORPORATE POLICY" TO CONDEMNATION: THE CASE OF FRANCE TÉLÉCOM

In contemporary law, the primary goal extends beyond regulating social relations to promoting the well-being of individuals within a balanced and healthy work environment. However, certain cases stand out due to their complexity and the severe impact on fundamental worker rights.

One notable instance occurred in France on September 14, 2009 when a trade unionist from the Solidaires Union Syndicale (SUD) lodged a formal complaint against France Télécom (known as Orange SA since 2013) based on reports from labour inspections (Saada, 2021). The complaint highlighted severe risks to workers’ lives, attributing them to a policy of management and organization that not only fostered moral harassment at work but also led to numerous employee suicides, both attempted and completed (Lerouge, 2021).

Between 2007 and 2008, the company experienced a tragic period with nineteen employees committing suicide, twelve attempting suicide, and eight others suffering from depression or work stoppage (Deharo, 2019; Pilorget-Rezzouk, 2019). Many of those who took their own lives, some even at their workplace, left behind letters that explicitly cited France Télécom as the motive for their actions.

This series of distressing events led to legal action, with the case being brought before the French judiciary to explore the link between the suffering of employees and the company's practices related to moral harassment. The trial included several high-ranking officials within the company: the president and CEO at the time, the former second-in-command, the former
director of human resources, two territorial directors, the human resources manager, and the former director of the "Act" program.

Under French law, moral harassment at work constitutes both a criminal offense and a prohibited labour practice (Tessier, 2021). While governed by separate legal frameworks, both define the offense in the same way, requiring a repeated pattern of behaviour that degrades the working conditions of the victims, with the intent or effect of damaging their mental health or jeopardizing their professional careers (Lerouge, 2021). In this specific case, the discussion centred around the crime of moral harassment as defined in Article 222-33-2 of the French Penal Code.

During the investigation, the 31st Correctional Chamber of the Paris Court of Grand Instance (31e Chambre Correctionnelle du Tribunal de Grande Instance de Paris) focused on the period from 2007 to 2010, which marked the privatization of France Télécom and the implementation of the “NExT” and “Act” plans. These initiatives aimed to restructure the company, targeting a reduction of 22,000 job positions and the transfer of 10,000 employees (Lerouge, 2021; Tessier, 2021; Mazza, 2021).

Given that the company was a state entity prior to privatization, most employees enjoyed civil servant status with corresponding job security (fonctionnaires). The restructuring plans therefore necessitated that these employees resign, effectively releasing the company from its employment obligations.

To maximize the effectiveness of these restructuring efforts, the leadership enacted a corporate policy that fostered an environment of hostility, pressure, and anxiety. According to Waters (2014), the managerial strategies employed included reassigning employees to new roles, forcibly transferring them, and utilizing psychological tactics to influence behaviour.

The first aspect of the restructuring involved a broad redistribution of employees to different roles for which they generally had little or no prior experience. Notably, about 90% of the workforce was over 40 years old, with decades of service, which made the shift particularly jarring. The 'NExT' plan promoted mobility with slogans like "se mettre en mouvement" and "se placer dans une perspective de mouvement", emphasizing movement and change (Waters, 2014, p. 134). Employees resistant to these changes were made to feel guilty, as if their lack of mobility hindered the collective progress of the company (Waters, 2014; Mazza, 2021).

4 “To get moving”.
5 “To place oneself in a perspective of movement”.

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The second aspect involved forcibly transferring employees to geographically distant branches. According to Waters (2014), this had no purpose other than to destabilize the workers through chaotic and unplanned measures. Additional tactics to undermine worker stability included assigning mothers to locations over two hours from their homes and failing to provide adequate workplace accommodations—leaving them without necessary equipment, seats, or desks, and isolated from colleagues for weeks (Cazi, 2016).

The third aspect centred on the use of psychological techniques designed to foster greater personal and emotional investment in the company. This approach emphasized desirable emotions, behaviours, and personalities rather than the skills and professional knowledge of the employees. As part of this strategy, emails encouraging resignation were commonly sent to employees (Waters, 2014; Cazi, 2016).

Given the strategies implemented by France Télécom’s leadership to reduce the workforce, the conditions crucial for labour performance progressively worsened, leading to an unbalanced work environment. The organization of work and interpersonal relations were manipulated to destabilize employees, ultimately pushing them towards resignation.

On December 20, 2019, the court meticulously reviewed the actions of both the corporate entity and the individual executives involved. This case was notable for its judicial innovation; the court recognized that harassment at work could manifest through organizational practices and company policies designed to degrade and destabilize both the work environment and interpersonal relationships (Tessier, 2021; Lerouge, 2021). This legal interpretation solidified the concept of institutional moral harassment (harcèlement moral institutionnel), which views certain strategies—reflected in the company’s policies—as an attack on the dignity and integrity of individuals, even if rationalized by economic constraints or managerial decisions (Saada, 2021; Lerouge, 2021).

The court ruled that institutional moral harassment entails a disruption in the organization of work, driven by initiatives and plans that induce suffering and show a disregard for worker dignity (Saada, 2021). This form of harassment is distinct from directive power, which seeks constructive organizational changes.

Ultimately, the court convicted the corporation and its executives under Article 222-33-2 of the French Penal Code. Waters (2014) points out that the suicides at France Télécom were not tragic accidents but the consequences of a deliberate management strategy to cut costs, perceived as barriers to financial goals. The verdict underscored the criminal nature of such corporate policies, attributing responsibility to both the legal entity and the individuals.
involved, each according to their role in devising and implementing these strategies within the company (Lerouge, 2021).

It should be noted that the scenario of privatizing public companies, including in the telecommunications sector and the dismantling of the state’s productive sector, also occurred in Brazil at the end of the 1990s. This period was marked by the “[...] recent context of globalization, new technologies, and the privatization of telephony where economic power predominates” (Silva, 2004, p. 10). Similar to France, this era in Brazil saw the elimination of numerous state job positions, replaced by the creation of thousands of precarious and poorly paid jobs (Almeida, 2013).

This shift illustrates a predominance of economic power over the human centrality and social value of work, often justified by cost reductions and profit increases—key factors driving the imbalance in labour-environmental conditions. In this context, Arendt (2011, p. 8) notes: “Whatever touches human life or maintains a lasting relationship with it immediately assumes the character of a condition of human existence.” This underscores the essential nature of labour under appropriate conditions, as “[...] any decline of the human body has to do with labour in the process of life” (Arendt, 2011, p. 8). Therefore, inadequate labour conditions, particularly when they fail to prioritize the worker, can lead to violence, harassment, and ultimately damage to the psychophysical health of the worker.

Following this trend, the cost-cutting measures pursued by France Télécom significantly impacted its employees. The company adopted practices that not only encouraged workers to resign but also attacked their dignity. These practices represent the institutionalization of workplace violence, particularly psychological, facilitating moral harassment.

3 NOTIONS AND CHARACTERIZING ELEMENTS OF MORAL HARASSMENT AND INSTITUTIONAL MORAL HARASSMENT

To fully comprehend the case at hand and the factors that led to convictions by the French judiciary, it is crucial to analyse the concepts of moral harassment and institutional moral harassment.

According to Hirigoyen (1999, 2006), moral harassment at work involves a series of aggressive gestures, words, behaviours, and attitudes that cumulatively constitute abusive conduct. This abuse impacts the dignity and physical or psychological integrity of individuals, carrying a significant destructive potential due to its repetitive nature, which not only threatens the victim’s employment but also degrades their work environment (Hirigoyen, 2006).
Soboll (2008) identifies key elements of this type of harassment as habituality, personal attacks, psychological assaults, and intentionality. The conduct, characterized by its deliberate nature, seeks to “[…] diminish, humiliate, vex, constrain, discredit, and psychologically demolish an individual or group” (Freitas et al., 2008, p. 37). Within an abuse of power context, this behaviour aims to enforce a group’s logic, effectively alienating those who do not conform, leading to a loss of identity, domination, and destabilization, thus rendering any form of response ineffective (Hirigoyen, 2006).

This type of harassment also sees the legitimization of strategies that deteriorate the quality of life for certain workers. Such strategies typically involve the systematic use of procedures targeting groups of workers, aiming to destabilize, undermine, and isolate them. This leaves no room for dialogue or response, with the ultimate goal of reducing job positions and pushing employees toward resignation.

Institutional moral harassment—also referred to as organizational moral harassment—possesses a collective character, evident from organizational strategies designed to coerce worker compliance with productivity-maximizing imperatives (Seligmann-Silva et al., 2015). In these scenarios, the structuring and institutionalization of abusive and violent policies eclipse any consideration of social purpose, well-being, or sociality. Consequently, management practices become rooted in causing injury, stress, and fear, “[…] relying on hostile acts, excessive pressures, humiliations, constraints, degrading exposures, and negative rewards” (Soboll, 2008, p. 83).

This form of harassment leverages management strategies and corporate policies that seek validation through a predominantly economic rationale, where the fundamental rights of workers are diminished in light of demands for heightened productivity and socio-organizational control. According to Soboll (2008), this form of violence is defended by a rhetoric that justifies, at all costs, the pursuit of excellence and competitive superiority in a globalized market, thus normalizing harassment practices.

In the specific case of France Télécom, institutional harassment is embodied in the core of its corporate policy, characterized by the initiatives, discourses, and managerial strategies implemented, including assigning new roles, forcibly transferring employees, and utilizing psychological tactics. The institutionalization of these policies within the work organization was aimed solely at destabilizing and pressurizing individuals, thereby cultivating a work environment that was inherently hostile to the employees themselves.
4 THE RELATIONSHIPS BETWEEN WORK, HARASSMENT, AND MENTAL HEALTH IN LIGHT OF THE LABOUR-ENVIRONMENTAL PERSPECTIVE

Understanding the dynamic interrelationship between the worker and the work context is essential for grasping the complexity of the work environment. This complexity can be effectively analysed through the lens of the labour-environmental perspective theory, which serves as a robust theoretical framework.

According to this theory, the work environment is intricately connected with various environmental dimensions of the human context—natural, artificial, and cultural. It includes a range of environmental factors, such as geographical, architectural, technological, cultural, and organizational elements, alongside personal factors of the worker like biogenetic, psychological, and behavioural traits. Both sets of factors—environmental and personal—are interrelated and exert influence on the labour-environmental balance. This influence can be either positive or negative, contingent upon the specific conditions of the work setting (Almeida, 2013, 2015).

Given this understanding, it becomes clear that imbalances in the work environment can significantly affect the psychophysical health of workers. Such environmental manifestations serve dual roles as arenas and drivers of human development. Therefore, the internal conditions of the worker are influenced by and also influence external conditions (both environmental and those stemming from other workers), thereby creating a dynamic interaction.

This dynamic relationship underscores why individuals and their environments are both constructed and transformed through a reciprocal and dialectical process (Rossetti-Ferreira et al., 2004). It highlights the fundamental concept that a work environment cannot exist without the worker, nor can a worker exist without a work environment (Almeida, 2013). Ignoring this interdependence would mean overlooking the dynamic elements of the work environment, including the workers and their personal rights, such as personality rights and fundamental rights, which are crucial for recognizing any personal (or non-pecuniary) harm, including harassment, that might occur within the work context.

It is important to note that not all aspects highlighted by the labour-environmental perspective theory necessarily impact the balance of every work environment with equal significance. Depending on various factors such as the context, the activities involved, the individuals, the timing, and the spatial conditions, it is conceivable that one or more aspects may influence and trigger an imbalance in the labour-environmental equilibrium.
Given the challenge of covering all the aspects previously listed, this analysis focuses on the impacts of organizational aspects—an environmental factor according to the labour-environmental perspective theory—on the balance or imbalance of the work environment. This focus is particularly relevant as both the France Télécom case and C190 identify these aspects as key drivers of harassment.

Organizational aspects include the resources allocated by and within an organization that serve institutional objectives. These encompass organizational structure (such as procedures), organizational culture, company regulations, hierarchical structures, working hours, breaks, pauses, rest periods, and tools for disciplinary control and evaluation.

According to Dejours (1986), these aspects impact the human psychic apparatus in ways that can trigger suffering, which varies depending on the attributes of the work organization. This suffering might manifest as dissatisfaction from repetitive tasks leading to mental breakdowns or somatic diseases, or as specific fears stemming from hazardous work tasks.

Dejours (2012) argues that transforming suffering—which is an inherent aspect of work, even in its most refined forms—into pleasure is not merely a function of individual talent but also heavily dependent on the organization of work. This organizational element can significantly shape labour relations; for instance, through the implementation of individualized performance evaluations that pit workers against each other, undermining what might be considered ideal work relations based on cooperation. Such conditions can lead to severe outcomes, including workplace suicides, a stark manifestation of violence. Moreover, these organizational pressures foster both inter- and intrasubjective tensions, which can escalate conflicts among workers, particularly intrapersonal ones. These tensions, arising from the discrepancy between what one is compelled to do and what one wishes to do, can lead to somatic diseases, depression, and even suicide (Dejours, 2012).

Thus, the mental illnesses of workers can often be traced back to the organizational aspects of their work. In the case of France Télécom, for instance, management practices such as reassigning roles, forcibly transferring employees, and applying psychological techniques were implemented to destabilize employees and compel them towards resignation, or tragically, in some cases, to suicide.

France Télécom intentionally manipulated the work organization to foster an environment filled with hostility, pressure, and anxiety. The company imposed conditions that made employees feel unfit and guilty, while simultaneously encouraging greater personal and emotional investment through compelling narratives. Essentially, France Télécom dedicated itself to destabilizing the work environment by mismanaging organizational aspects, thereby
affecting worker satisfaction and creating conditions that favoured corporate interests through resignation or, in extreme situations, suicide.

Such cases highlight the urgent need to rethink work organization. Implementing control mechanisms and sanctions to prohibit workplace violence and harassment is crucial for restoring a balanced work environment. Such measures ensure that the workplace serves as a platform for human development and dignity.

A recent development in this area is the International Labour Organization's Convention No. 190, which addresses violence and harassment in the workplace. This treaty underscores the impact of organizational factors on the labour-environmental balance and, consequently, on the psychophysical health of workers.

5 ILO CONVENTION NO. 190 ON VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

The International Labour Organization (ILO) approved Convention No. 190 at the 108th International Labour Conference on June 21, 2019, in Geneva, following over a decade of discussions. This convention, which addresses violence and harassment in the workplace, came into force 12 months after ratification by two member states. Additionally, the ILO approved Recommendation No. 206 and a resolution on the subject. The vote at the conference showed strong support, with 439 votes in favour, 7 against, and 30 abstentions.

By ratifying this convention, member countries commit to adopting policies that raise awareness and internalizing the treaty’s guidelines through legislation. These measures aim to prohibit violence and harassment in the workplace and establish control mechanisms and sanctions to ensure that every worker can protect themselves, without retaliation, from situations that pose an imminent and serious danger to their life or safety. According to Jordan, the rapporteur of the normative committee, the evolving dynamics of the workplace, enhanced by new technologies, supported the drafting of a document intended to lay the foundation for future labour relations characterized by dignity and respect, thereby eliminating violence and harassment (ILO, 2019b).

According to Article 1(a) of Convention No. 190, the concept of "violence and harassment" in the world of work encompasses a range of unacceptable behaviours and practices manifested in one or repeated situations that are intended to, cause or are likely to cause physical, psychological, sexual, or economic harm, including those based on gender. These, according to Article 1(b), refer to violence and harassment directed at persons because
of their sex or gender, or that affect persons of a particular sex or gender disproportionately, including sexual harassment.

Articles 2 and 3 of the convention expand the scope of protection to cover workers and other individuals in both public and private sectors, across formal and informal economies, and in rural and urban settings, irrespective of the contractual relationship. This protection extends to individuals in training, such as apprentices and interns, dismissed workers, volunteers, job seekers, and those in positions of authority or responsibility typical of an employer. Moreover, C190 encompasses violence and harassment occurring during work, related to work, or resulting from work, whether at the workplace, during commuting, at work-related events, through work-related communications, including digital platforms, or in employer-provided accommodations.

Based on these articles, violence and harassment in the workplace are categorized respectively as genre and species, capable of causing physical, psychological, sexual, or economic harm.

C190 proposes an expansive interpretation of labour relations, which ensures that protections extend beyond traditional employment relationships. This broad scope is particularly pertinent in scenarios like the post-privatization environment at France Télécom, where workers, including fonctionnaires, were linked by various contractual arrangements. Therefore, harassment—both moral and organizational—targeted the entire workforce, not just those with specific types of contracts.

Article 4 of C190 mandates that every ratifying member state must respect, promote, and ensure a work environment free from violence and harassment. To achieve this, states are required to adopt an inclusive, integrated approach that incorporates gender considerations to prevent and eliminate such practices. This approach must prioritize the legal prohibition of violence and harassment, the development of comprehensive strategies for prevention and response, the establishment of sanctions, and the assurance of effective inspection and investigation mechanisms.

Article 5 of C190 outlines that, for the prevention and elimination of violence and harassment in the workplace, states must respect, promote, and actively enforce the fundamental principles and rights at work as recognized by the International Labour Organization (ILO) as core labour rights. Additionally, states are urged to promote decent and

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6 The International Labour Organization’s 1998 Declaration on the Fundamental Principles and Rights at Work set forth rights considered fundamental to the labour relationship. Known as core labour rights, these rights include: a) freedom of association and the effective recognition of the right to collective bargaining; b) the elimination of
safe work, which, according to the ILO (2022), hinges on four strategic objectives: a) upholding fundamental principles and rights at work; b) fostering employment and work; c) ensuring social protection; and d) enhancing social dialogue (Fonseca, 2017). These objectives can be advanced through normative and political orders, the former based on ILO’s international labour standards—conventions, protocols, and recommendations—and the latter potentially influencing public policy implementation (Fonseca, 2017).

Furthermore, Article 6 mandates the enactment of laws and public policies by states that secure the rights to equality and non-discrimination in employment or occupation, including protections for workers and individuals from vulnerable groups.

Articles 4, 5, and 6 fall under the umbrella of “fundamental principles”, sharing a commitment to eliminating, combating, and preventing violence and harassment by adopting inclusive measures that acknowledge and address differences such as gender specifics and the unique challenges faced by vulnerable groups, collectively emphasizing the necessity for equality, equity, and non-discrimination in the workplace.

This framework is particularly relevant in cases like that of France Télécom, in which managerial strategies profoundly influenced and destabilized workers. Notably, harassment tactics were sharply tailored to exploit the vulnerabilities of individuals, such as assigning mothers to workstations over two hours from their homes—a measure designed to disrupt their lives and heighten their stress, ultimately destabilizing them emotionally.

Articles 7, 8, and 9 of C190 delineate the responsibilities of member states to define, prohibit, and prevent practices of violence and harassment at work, also mandating that employers take necessary actions within their control to address and prevent such issues, including those motivated by gender. Article 9 specifically offers guidelines for states in formulating laws, emphasizing that such legislation should account for violence, harassment, and associated psychosocial risks when managing health and safety in the workplace.

These articles focus on “protection and prevention” concerning workplace violence and harassment, asserting that effective protection is inherently tied to prevention. According to Melo (2020), prevention involves adopting measures that mitigate known or potential risks to both the environment and human beings. Figueiredo (2007) notes that prevention must address known environmental impacts. Consequently, understanding the manifestations of violence and harassment, such as stress, anxiety, depression, and psychosomatic disorders, and in severe
cases, suicide, is crucial (Hirigoyen, 2006). It underscores the necessity for both state and employer-led initiatives to actively intervene and prevent these issues.

In the case of France Télécom, from the initial incidents in 2007 through 2010, the company failed to implement measures to halt or reassess its detrimental internal policies. This inaction illustrates a clear link between the absence of preventive actions and the significant incidence of worker suffering, including depression, work stoppage, and the recorded attempts and completions of suicide.

Article 10 establishes critical measures for enforcement control and outlines the avenues for recourse and redress. It mandates that member states adopt measures to ensure that every worker has the right to withdraw from a work situation without facing retaliation or undue consequences, especially if they reasonably believe that acts of violence and harassment pose a serious and imminent danger to their life, health, or safety. This provision aligns seamlessly with the preventative goals discussed in earlier articles, emphasizing the necessity for workers to have the option to remove themselves from potentially harmful work conditions. In the specific context of France Télécom, having such measures in place could have potentially prevented several tragedies.

Article 11 details the responsibilities incumbent upon each member state, alongside organizations representing employers and workers, to address violence and harassment effectively. These responsibilities include integrating these concerns within national policies related to occupational safety and health, equality, non-discrimination, and migration; providing guidelines, resources, training, and other tools specific to workplace violence and harassment; and conducting awareness campaigns to educate about the risks and prevention strategies. This comprehensive strategy highlights the importance of a proactive and systemic approach to reduce the risks and adverse outcomes associated with workplace violence and harassment.

Finally, Articles 12 and subsequent ones elaborate on the application of C190, detailing the procedures for its internalization and ratification. Specifically, Article 14 clarifies that the convention comes into international effect 12 months after the date on which it is ratified by two member states, and for each member state, it becomes effective twelve months from the date of registration of its ratification.

Thus, C190 addresses one of the most pressing issues of the 21st century by detailing critical measures for preventing and combating workplace violence and harassment. This convention aims to eliminate and/or neutralize the labour-environmental risks associated with
these harmful practices, with a particular focus on the organizational aspects of the work environment.

Although not yet ratified by Brazil, the principles laid out in this normative instrument align with and could significantly contribute to fulfilling the mandate in Article 7, subsection XXI, of the Constitution of the Federative Republic of Brazil of 1988. This mandate focuses on reducing risks inherent to work, aiming to build a robust foundation for labour relations grounded in the principles of human dignity (Article 1, subsection III) and the social values of human labour (Article 1, subsection IV). These foundational principles are only fully realized in environments free from violence and harassment. This connection highlights the critical role that international labour standards play in shaping domestic policies and practices. By aligning with global standards, countries like Brazil can better safeguard workers' rights and well-being in an increasingly globalized economic landscape.

6 CONCLUSION

Using an inductive approach, this study examined the impact of organizational aspects on the work environment's balance and the mental health of workers, particularly through the lens of the France Télécom case and the labour-environmental perspective. The ruling in this case acknowledged the responsibility of both the corporate entity and its leaders and managers for institutional moral harassment, attributing the suffering and suicides of workers to a deliberately implemented corporate policy.

A calculated and intentionally designed scenario became evident when examining key elements of work organization, such as organizational structure, culture, control instruments, and managerial strategies. The engineered environment was primarily designed to foster hostility, pressure, and anxiety, preventing workers from feeling integrated and competent. This approach not only promoted feelings of exclusion and inadequacy but also demanded substantial personal commitment through persuasive narratives.

In such a deliberately unbalanced work environment, the malicious management of organizational aspects precipitated mental health issues among employees, resulting from institutional aggression that permeated the sociocultural and professional milieu. This case underscores the urgent need for laws and policies that not only outlaw such detrimental practices but also vigorously advocate for a healthy and equitable work environment. The ramifications of this case transcend the specific situation at France Télécom, serving as a stark
reminder of the severe consequences that can arise from disregarding the human dimensions of work organization.

This study focused on the influence of organizational aspects—an environmental factor—on the balance or imbalance of the work environment, highlighting them as critical factors in workplace harassment. This emphasis aligns with insights from the France Télécom case study and the principles outlined in C190. It is well-documented that the mental health of workers can be affected by work organization since the internal conditions of the worker are shaped by—and in turn, shape—external organizational conditions, creating a dynamic interaction.

Given these dynamics, it is imperative for states to establish robust legal frameworks and effective oversight mechanisms that guarantee a work environment free from violence and harassment. Similarly, it falls upon employers to deploy effective tools and strategies to maintain a balanced labour environment. On the international stage, the role of entities like the International Labour Organization (ILO) in formulating labour standards—including conventions and recommendations—plays a pivotal role in setting unified parameters across member states to protect human, fundamental, and labour rights. This approach does not merely address the need for legal reforms and oversight but also underscores the necessity for a comprehensive strategy encompassing education, awareness, and preventative measures to foster a globally respectful and safe working environment.

C190 specifically addresses violence and harassment in the workplace by affirming every individual's right to work free from violence and harassment, including gender-based motivations. It recognizes that such workplace behaviours not only violate or abuse human rights, potentially threatening equal opportunities but are also fundamentally incompatible with the principles of decent work. Additionally, the Convention acknowledges the extensive impact of workplace violence and harassment on the psychological, physical, and sexual health of individuals, as well as on their dignity and social environments, further emphasizing the urgency and importance of global standards in safeguarding workplace environments.

As a multilateral international treaty awaiting ratification by states, C190 aims to establish a new paradigm in labour relations—a work environment devoid of violence and harassment. This initiative underscores the incompatibility of such detrimental practices with the principles of decent work, particularly highlighting their adverse effects on the psychophysical health of workers. Through this convention, international law intensifies its focus on fostering a healthy and balanced work environment, with special attention to organizational aspects that often contribute to workplace conflicts.
The convention raises global awareness about violence and harassment, pushing beyond previous limitations by delineating clear roles for states and employers in creating and maintaining safe labour conditions. This shift emphasizes the critical role of international norms in influencing domestic policies and practices, which are crucial for protecting the dignity and well-being of workers worldwide.

Therefore, it is incumbent upon member states not only to formally ratify C190 but also to fully internalize its provisions to ensure their practical application. Although this study highlighted a specific case from France, the implications extend globally, prompting reflections on similar needs in other national contexts, such as Brazil. As stipulated in Article 7, subsection XXI, of the Constitution of the Federative Republic of Brazil of 1988, there is a domestic imperative to mitigate workplace risks comprehensively.

This global and national need underlines the necessity to understand the diverse risks present in all work environments—public or private, formal or informal, rural or urban—regardless of the contractual specifics. In Brazil, for instance, establishing conditions for the ratification and implementation of C190 is essential for effectively combating workplace violence and harassment, grounded in a preventative strategy.

Ultimately, achieving a balanced work environment free from violence and harassment represents the ideal standard for safeguarding worker health and safety, securing their fundamental rights, and ensuring their dignity as individuals. This comprehensive approach goes beyond mere regulatory compliance, aiming to foster a genuinely humane and supportive workplace environment across the globe.

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