

**Prevention of Workplace Harassment: An Essential Initiative  
for Modern Enterprises**

Workplace harassment, also known as mobbing, is a troubling reality in global work environments, and the Dominican Republic is no exception. Companies must assume a proactive preventive role in addressing this issue, not only due to the legal implications involved but also because of the detrimental effects on corporate reputation and the loss of valuable talent.

### **I. LEGAL IMPLICATIONS OF WORKPLACE HARASSMENT**

Our jurisprudence has defined mobbing as "acts or behaviors, discriminatory or demeaning, carried out over time, intentionally, within the dependent work environment, either by the employer or their subordinates or by other colleagues, characterized by a persecution or psychological violence with degrading, humiliating, isolating purposes that attack the dignity, the person themselves of the worker, and job stability" (Sentence No. 434, Supreme Court of Justice).

From a legal perspective, it is important to consider that although the figure of workplace harassment is not specifically addressed in local regulations, it falls within the fundamental principles established in the Labor Code, particularly in Principle XII, which recognizes the basic right of all workers to have their physical integrity, privacy, and personal dignity protected.

Likewise, Article 42 of the Constitution of the Dominican Republic of January 26, 2010, enshrines the right to personal integrity, implying that employers have an obligation to ensure that workers are not subjected to degrading procedures or treatments that may affect their physical and mental integrity, good name, honor, privacy, and image, thus respecting human dignity as a fundamental principle of the social state of law. In particular, workplace harassment may violate various labor, human rights, and occupational health regulations.



From the above, it is evident that assuming a preventive role in companies and ensuring that their workers have a safe and harassment-free work environment can prevent employers from facing severe sanctions, labor lawsuits, and considerable economic losses.

## **II. THE NEED FOR RATIFICATION OF CONVENTION 190 IN THE DOMINICAN REPUBLIC**

In the international context, we must mention International Labour Organization (ILO) Convention 190 on the elimination of violence and harassment in the world of work. This convention, which entered into force in 2021, establishes that governments should adopt laws and regulations prohibiting violence and harassment at work and provides a clear normative framework for companies to implement prevention and response policies.

However, it should be noted that until now, this convention has not been ratified in the Dominican Republic due to multiple barriers and reluctance, mainly due to the low level of social awareness about workplace violence, which has hindered the possibility of influencing aligned actions that would break down paradigms about labor relations, leading them to the framework aspired by Convention 190.

Nevertheless, it is imperative that the Congress move forward in assessing this important legal instrument. Its ratification would not only align the country with international standards on labor rights but would also compel companies to adopt stricter, more specific, and effective measures against workplace harassment, safeguarding the constitutional guarantees conferred to every citizen.

### III. REPUTATIONAL REPERCUSSIONS AND TALENT LOSS

Beyond the legal implications, workplace harassment has a devastating impact on a company's reputation. In the information age, where news spreads instantly through social media and other channels, a harassment scandal can irreparably damage corporate image. Moreover, a hostile and unsafe work environment leads to talent loss, as employees prefer to leave the organization rather than face a toxic work environment.

Talent loss implies not only the leakage of invaluable knowledge and skills but also an increase in recruitment and training costs for new employees. It also affects the morale and productivity of the remaining team, which can negatively impact the company's financial results.

### IV. ACCIONES BÁSICAS PARA PREVENIR Y GESTIONAR EL ACOSO LABORAL

Companies must implement clear and effective policies to prevent and manage workplace harassment. Some essential actions include:

**Development of a Zero Tolerance Policy:** Companies should develop and clearly communicate zero-tolerance policies against workplace harassment. These policies should include specific definitions of what constitutes harassment, examples of unacceptable behaviors, and procedures for reporting incidents.

**Training and Awareness:** Providing regular training for employees and managerial staff on harassment prevention, workers' rights and responsibilities, and internal procedures for reporting and handling complaints. This training should not only be present during induction but also within the company's internal communication plan and annual employee training.

**Creation of Internal Communication Channels:** Developing secure, confidential, and accessible communication channels for employees to report harassment incidents without fear of reprisals.

**Investigation and Prompt Action:** Investigating all harassment complaints quickly and thoroughly, taking corrective action when necessary.

**Records of Complaints:** Keeping a record of complaints, verifying the results of the investigations, which could identify subtle behaviors that would later become evident.

**Support and Follow-up:** Providing psychological support to harassment victims to help them recover and continue their work activities in a safe environment. This not only helps victims recover but also demonstrates the company's commitment to the well-being of its employees.

## V. SOLUTIONS TO A POTENTIAL WORKPLACE HARASSMENT SITUATION

It is important to note that the solutions a company can provide in the face of a harassment situation do not necessarily result in the dismissal of the accused worker. There are alternative solutions such as telecommuting and alternating schedules so that workers do not coincide, timely feedback, coaching sessions, movement to other work teams, as well as other alternatives that can lead to a favorable solution for all parties.

Considering the above, we must emphasize that the solution cannot arise from a scant and empty verification of the situation but rather as the result of a critical analysis of the situation, in contrast to the impact it would have on the involved parties, how this affects their employment contract, the legal consequences, and the repercussions this would have on the company's operations.

In any case, the measures that companies can take should be the best way to promote a safe environment, respecting the dignity of each of the parties involved, mitigating legal risks for the company.

Finally, it must be considered that the best way to mitigate risks, preserve corporate reputation, and retain talent is through the implementation of preventive measures, which not only constitutes a legal and ethical obligation but also a vital strategy for the sustainability and growth of the company. Ultimately, companies must adopt a robust and comprehensive preventive approach to workplace harassment, ensuring the well-being of their employees and the sustained success of the organization.

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