

## The Power of a Law

Portugal, where the law against Mobbing was strengthened in 2017, recently saw a case of abusive dismissal and subsequent mobbing to reach the bars of courts with a final favorable decision for the complainant.

The worker in question has a child diagnosed with autism (Asperger's syndrome), single-parent family, with no other income beyond her work, little or nothing could she do to defend herself.

In this case, however, the existence of legislation and the good performance of the Portuguese equivalent to ITM, assisted by the Union lawyers, allowed Cristina Tavares to access to the courtroom and fight for her legal rights.

Cristina Tavares employer "Fernando Couto Corks" was fined with the global value of almost 50.000 euros and a historical conviction by Mobbing against the employee.

The cork company was also condemned to reinstate Cristina Tavares in its former job and to compensate her financially for the harm done.

The company was forced to comply with the court order, but retaliated against the worker: Cristina began to wear a uniform different from her colleagues and was placed in a place to work alone. "For the first two days [after I was reinstated] I was standing, doing nothing, for nine hours. When I leaned against a wall, they said I couldn't even do that," said the employee.



Knowing that she suffered from vertigo, the bosses put her to work in a high area, an elevated platform, located about 5 meters high, to "make pallets" of bags, containing 5.000 cork stoppers, which weighed "more than 15 kilos each" and where temperatures exceeded 40 degrees, making her bleed continuously from her nose.

"I had to stack the bags manually and then I'd come to the end and I'd undo it all. Over and over again," She said, adding that she even made "26 pallets" in one day.

Cristina, who suffered from "hernias, tendinitis and vertiginous syndrome", said that this work was "exhausting" because the heat "was immense", adding that sometimes she felt sick, with "dizziness".

In addition to working with pallets, Cristina Tavares said she also did cleaning at the manufacturing unit, cleaning sectors that were not in use and others she had just cleaned the day before.

"It was very difficult. I'm still taking sleeping pills today," she said emotionally, unable to hold back her tears.

She was forbidden to talk to her colleagues and banned from using the same bathroom. They attributed her a toilet with a glass door that exposed her to her male colleagues forcing Cristina to take a cloth from home, which hung on the glass whenever she had to do her needs.

Cristina Tavares reported what they were doing to the ACT (equivalent to the ITM), and continued every day, rain or shine, to go to work. "It's for my son that I can take all this," she said.

During that time, Cristina claims that one of the administrators of the factory told her: "Your son is like this, he has the disease he has, because you are a despicable person".

ACT Inspectors (ITM) made two visits to the company and proved all these practices. The file contains the photos and testimonies that document these barbarities. But the company, even after being convicted of mobbing, continued.



On January 10, 2019, the worker was again fired, based on the claim that the worker, for having spoken about the case, "defied the company".

Cristina Tavares said she never wanted to defame the company and assured that she was not the one who made the facts public.

"I never thought it would work out. I was just trying to get my job back (...) I've always been good with the bosses and that's why I feel wronged, because I gave everything for that company," she said.

In June 2019, the company agreed to reinstate the worker for the second time, before the start of the trial aimed at challenging the second dismissal, and she returned back to work, to her former place as feeder and receiver of stoppers.

At the time, the company's management explained that it decided to "turn the negative page", creating conditions to focus on its activity "in legal peace". In addition to the worker's reintegration, the company agreed to pay compensation for moral damages of around 11,000 euros, as well as the salaries that the worker stopped receiving during that period.

According to the indictment, the defendants carried out a "vast" set of miss conducts that aimed to "create a hostile, intimidating and degrading environment, discriminating her from other employees, giving her inhumane tasks and burdening her with excessive work"

\* This article compiles public information from different Portuguese press agencies.

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