

COMPLIANCE AND MENTAL HEALTH IN THE WORKPLACE: THE NEED FOR AN ETHICAL COMMITMENT OF LEADERSHIP TO PREVENT ABSENTEEISM DUE TO PSYCHIC ILLNESS IN PUBLIC ORGANISATIONS

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ABSTRACT

This paper aims to study Compliance as an instrument to protect psychological integrity in the work environment, with the potential to reduce absenteeism rates due to mental illness in Public Organisations. The problem in relation to which the present research intends to investigate is summarized through the following question: why can Compliance Programmes be instruments capable of promoting psychological integrity in the work environment and reducing absenteeism rates due to illness psychic? To answer the research question, the work will be divided into two parts: a first theoretical part, to deepen knowledge about Compliance applied to the protection of human life in the work environment; and another empirical part, to identify absenteeism rates and the main factors that lead to absence from work due to mental health in the Federal Attorney General's Office, a body linked to the Attorney General's Office. Empirical research will be developed through the use of quantitative and qualitative techniques, with data collection and a structured interview with Federal Prosecutors. To analyse the data obtained in the interview, the technique of content analysis will be used.

Keywords: compliance; mental health; absenteeism; work environment.



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1.1 ABSENTEEISM DUE TO PSYCHOLOGICAL ILLNESS: A PERSONNEL MANAGEMENT PROBLEM

Although the definitions of absenteeism have varied over time, for the purposes of this article, it is important to divide it into five categories, as defined by Thelmo Quick and João Lapertosa (1982): 1) Sickness absence: absence justified by sick leave (the classification used in this article); 2) Absenteeism due to professional pathology: caused by a work accident and/or professional illness; 3) Legal absenteeism: supported by law; 4) Compulsory absenteeism: due to suspension imposed by the employer, prison or other impediment to coming to work; and 5) Voluntary absenteeism: for private, unjustified reasons.

For this paper, the concept of absenteeism is adopted as the uninterrupted period of absence from work, due to the individual's temporary incapacity to perform the task assigned to him or her - definition given by the International Labour Organisation - ILO (1989). Based on this concept, the line of approach in this article adheres to the idea brought by Daphnis Souto (1980), for whom absenteeism-disease is essentially a management problem, and any well-structured plan to control absenteeism should develop a climate of interest in the subject throughout the organisation.

When related to psychological illnesses, absenteeism is often caused by factors linked to the institution itself, given the psychological impacts of a deficient management which does not advocate a preventive and humanistic policy, as stated by Silva and Marziale (2000).

The psychiatrist and psychoanalyst Christophe Dejours (1992) treats absenteeism as a manifestation of exhaustion of the worker, that is, a search for balance when one reaches the limit of dissatisfaction with the "sickening work". Although work is an indispensable activity for the individual and collective development of people (Murcho, Jesus, 2014), it can become sickening to the extent that it contains risk factors for the mental health of professionals.

Therefore, absenteeism due to psychological illness is an indicator of both the professionals' mental health and the institution's personnel management policy. It is an indicator of a problem that, if well evaluated, can be the basis for the construction of effective measures of prevention, which will bear fruit for the health of the workers and the quality of the service provided.

Based on all the theoretical aspects exposed, one sought to map absenteeism in the Federal Attorney General's Office and investigate its causes, in order to promote greater reflection and interest in the theme, besides being able to subsidise the preparation of policies and strategies of people management in the institution, especially in the scope of the Compliance Programmes.







2.1 EMPIRICAL RESEARCH

Methodology

From the theoretical knowledge brought in the previous chapters, this moment of the research is dedicated to the analysis of the panorama of protection and promotion of mental health in the Federal Attorney General's Office, a body linked to the Attorney General's Office (AGU). The quantitative technique was used with the objective of collecting the following data: 1) the number of leaves of absence due to mental health among the members of the Federal Attorney General's Office in the years 2016 to 2018; 2) the number of days of absence due to mental health in each year surveyed; 3) the percentage of leaves of absence due to mental illness in relation to the total absenteeism-sickness in the period evaluated.

In turn, the qualitative technique chosen was the completion of a structured interview, in the online survey mode, which is widely used when the proposal is to address sensitive topics (Feferbaum, Queiroz, 2019). Data analysis was performed using the content analysis technique of the thematic categorical type, with the aim of critically understanding the meaning of communications, their manifest or latent content and the explicit or hidden meanings (Chizzotti, 2006).

Fourteen (14) Federal Prosecutors were chosen to answer the open questions of the structured questionnaire, seeking an equal proportion as to gender, age, length of career and occupation of management position. The participation of the interviewees was voluntary and was conditional upon their signature of the Free and Informed Consent Form.

Results and discussions

Quantitative research

The data obtained from the Medical-Social Assistance Service of the AGU indicate that mental and behavioural disorders related to the CIDs listed below, between the years 2016 and 2018, totalled 13,392 days of absence in that period, as shown in the tables below:

Total leave for treatment of one's own health - Federal Attorney General's Office

Year 2016: 608 members with leave for treatment of their own health - total of 22,506 days of absence in the year;

Year 2017: 650 members with leave of absence for treatment of their own health - total of 22,915 days of absence in the year;







Year 2018: 654 members on leave for treatment of their own health - total of 21,190 days of absence in the year.

Absences due to <u>depression</u> by year (CID 10 - F33, F33.0, F33.1, F33.2, F33.3, F33.4, F33.8 e F33.9) – Federal Attorney General's Office

Year 2016: 27 members with leave for treatment of their own health due to depression - total of 1,712 days of absence in the year;

Year 2017: 36 members with leave for treatment of their own health due to depression - total 1,724 days of absence in the year;

Year 2018: 33 members with leave for treatment of their own health due to depression - total 1,932 of days of absence in the year.

Absences due to <u>neurotic disorders, stress-related disorders and psychosomatic disorders</u> per year (CID 10 - F40.0, F40.1, F40.2, F40.8, F40.9, F41, F41.0, F41.1, F41.2, F41.3, F41.8, F41.9, F42, F42.0, F42.1, F42.2, F42.8, F42.9, F43, F43.0, F43.1, F43.2, F43.8, F43.9, F44, F44.0, F44.1, F44.2, F44.3, F44.4, F44.5, F44.6, F44.7, F44.8, F44.9, F45, F45.0, F45.1, F45.2, F45.3, F45.4, F45.8, F45.9, F48, F48.0, F48.8, F48.9) – Federal Attorney General's Office

Year 2016: 44 members with leave for treatment of their own health due to neurotic disorders, stress-related disorders and psychosomatic disorders - total of 1,900 days of absence in the year;

Year 2017: 62 members with leave for treatment of their own health due to neurotic disorders, stress-related disorder and psychosomatic disorders - total of 2,886 days of absence in the year;

Year 2018: 62 members with leave for treatment of their own health due to neurotic disorders, stress-related disorders and psychosomatic disorders - total of 3,238 days of absence in the year.

Given the data obtained, the following table shows the percentage of absenteeism due to

psychological illness in relation to the total number of days of absence for any health reason:

Year	Total members absent	Percentage of members absent
	due to health reasons	due to mental health reasons
2016	608	71 (11.67%)
2017	650	98 (15.07%)







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2	2018	654	95 (14,52%)
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Total days of absence	Percentage of days absent
due to health reasons	due to mental health reasons
22,506	3,612 (16.04%)
22,915	4,610 (20.11%)
21,190	6,894 (24.39%)
	due to health reasons 22,506 22,915

Thus, the quantitative research points to a growth of about 4% per year in absenteeism due to psychological illness in relation to the total absenteeism due to illness, making mental and behavioural disorders the main cause of absenteeism due to illness in the Federal Attorney General's Office between the years 2016 and 2018.

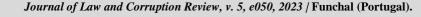
This is alarming data that deserves special attention from public managers, since depressive conditions have a significant impact on the servant's health and also on absenteeism, as they generate prolonged periods of sick leave and a high cost to the treasury. This is what a study conducted in 2019 by the World Health Organisation reveals, for example, when it states that 264 million people suffer depression and anxiety at work, which causes a loss of US \$1 trillion/year due to reduced productivity in the world economy (WHO, 2019).

In addition to the cost mentioned above, the high rate of absenteeism undeniably brings various losses to any organisation, such as staff deficit, service disorganisation, dissatisfaction and overload among the professionals present, drop in quality and amount of work provided, decreased efficiency, increased operating costs, among other consequences.

The panorama of absenteeism tends to become more serious after the advent of COVID-19, in view of the potential impact of the pandemic on the mental health of people around the planet. According to the World Health Organisation (WHO), mental health plays a key role in the crisis response plan, given that the psychological integrity and well-being of populations are dramatically affected by the pandemic (United Nations, 2020).

Regarding the consequences of the pandemic in working conditions, it is worth mentioning the growth of telecommuting in home office mode, which has reached a significant portion of the working class worldwide. Although initially driven as an exceptional measure of protection against the new coronavirus by reducing social contact, telework tends to consolidate itself as a rule in many public and private organisations.







It happens that the institution of telework, by itself, does not guarantee the recognition of people and the promotion of quality of life. This is because the professional activities performed remotely, which a priori could be considered as a privilege, can bring deleterious effects to the mental health of professionals, since the work began to occupy and share space with other activities, mixing and invading spaces that before had clearer limitations.

These considerations make it necessary to continue the research on absenteeism, obtaining data from the COVID-19 pandemic and the implementation of the remote work regime, considering the probability of a substantial increase in the rates of absence due to psychological illness in this "new reality".

Qualitative research: absenteeism due to psychological illness in the Federal Attorney General's Office from the perspective of its members

The qualitative analysis of the data obtained through the structured interview sent to the Federal Attorneys brought more clarity about the factors present in the work environment that are directly related to the psychological illness of the members of the institution.

When asked about what makes them most uncomfortable in relation to the working conditions, the excessive volume and lack of support careers (technicians and analysts, for example) are factors significantly highlighted by the Federal Attorneys, as can be confirmed in the answers below:

Participant 01: The volume of work, which makes a more detailed and specific performance in the phase of defence/procedural instruction unfeasible.

Participant 08: I think that the point of greater emotional instability is the excess of work, either constantly or in "turns".

Participant 14: Excessive workload, inequitable division of the workload, stress generated to be able to meet all the procedural and administrative deadlines, little visibility, support and difficulty of release to exercise other functions.

Participant 10: I have never had any provider directly linked to me, and only three trainees in my seven years of career, still divided with other Attorneys. Therefore, bureaucratic and administrative activities are a constant at work. This also occurs in relation to the prosecutors themselves, who are understaffed. With holidays and leaves of absence, it is quite common for the workload of the Prosecutor to be multiplied by two or even three times, all without aid or financial compensation. This year, just to give an example, for about three months out of six, I did double work and have not taken any holidays so far.

Participant 12: Overwork.

Participant 06: The working conditions are not ideal and cause discomfort insofar as the PGF does not have a support career to assist the Federal Prosecutors, who must cumulatively perform judicial and administrative tasks.

Participant 11: Excessive workload, inequitable division of the workload, stress generated in order to meet all procedural and administrative deadlines.







Feeling overwhelmed by work overload and its precarious conditions causes, most of the time, the physical and mental exhaustion of the servant, influencing productivity, performance, absenteeism, turnover, organisational citizenship, health and well-being, life satisfaction and user satisfaction (Marco et al, 2008). The problem of overwork tends to worsen in the new reality of home office, as addressed earlier. The South Korean philosopher Byung-Chul Ham (2021) states that remote work causes even greater exhaustion than in the office, due to the lack of rituals and fixed temporary structures, in addition to the lack of social contacts. The work began to accompany the individual in moments and spaces that would be dedicated to leisure, family interaction, rest and physical and mental rehabilitation. As stated by Losekann and Mourão (2020), the individual in telework remains online and responsive, recording the achievement of goals and deadlines and avoiding any impression of idleness about their hours. This context is clearly portrayed in the speech of the following participant:

Participant 14: I suffer from anxiety and stress caused by the need to meet deadlines and tasks with a high workload, which generates the fear of making mistakes. The excess of work takes away part of the time to accomplish other important things in life.

The above passage needs reflection. Even before the COVID-19 pandemic, our society was already suffering from fatigue caused by an exaggerated need for performance, an internal and external imperative to have to produce more and more, something that is propagated *en masse* on social networks. The subject is exploited by others, but also by the author. Without consistent attention to mental health, this logic of the "entrepreneurs of oneself" tends to further increase the rates of psychological illness in society, because, in addition to leading to physical and mental exhaustion, it greatly reduces the individual's time for leisure, for leisure and for the "accomplishment of other important things in life", as said by the participant.

The excessive workload reported by the prosecutors becomes an even more complex problem due to the absence of public competitions for the position - the last one took place in 2013. With the occurrence of retirements over the past few years, the staff deficit and the increase in the workload are inevitable. This is a context that requires the adoption of strategic solutions by management in order to make working conditions more satisfactory and less prone to illness.

Another relevant issue highlighted by the Federal Prosecutors is directly related to problems in people management. A feeling of injustice was noted whether due to pressure from superiors, the existence of a work environment in which there is no recognition of the professionals, or even the distribution of positions and functions that does not have merit or the profile of the Prosecutors as determining criteria:





Participant 13: What bothers me about the work environment is the lack of objectivity in the analysis of the professional performance of the Prosecutor for job offers or even to change the area of activity within the body. The impression is that it is not enough to be professional and technical, constitutional criteria for the exercise of the position, it is necessary personal links that are aligned - not with the public interest of the institution - but with the private interest of the manager. And in relation to working conditions, the annoyance is the lack of interest of the managers who pass through the institution to take care, observe, effectively ensure the health of the work environment - based on objective criteria - that assess the quality of work coupled with the quality of health of the member and thus base the movement of prosecutors within the career.

Participant 03: Absence of management measures that take into consideration the reality of those who work with the cases. There is a management of numbers and not of people [...] Valuing subservience. Lack of objective rules for choosing coordinators.

Participant 04: Personally, the biggest inconveniences I've had in relation to the work environment and conditions were related to the misconduct of certain situations by managers [...] in any case, what bothered me most, without a doubt, was the pressure exerted by managers - DAS occupants - for certain work to be done this way or that way. Although I never gave in to pressure, this resistance almost cost me a leave of absence for psychiatric reasons and made me need controlled medication for a certain period.

Participant 05: I feel most uncomfortable with the managerial distancing and the position of superiority adopted by members of the same career who assume management and command positions [...] A veiled pressure (arising from the separation of "castes") that drives vanities and does not always turn to the best interest of the Autarchies. As an example, I remember inopportune messages from a coordinator (sent in a WhatsApp group) requiring greater effort in the search for favourable judicial decisions. Obviously, after 21 years serving the Union and seven years as federal prosecutor, I am not shaken by the power game of the Prosecutor's Office, but I intuitively imagine that unreachable goals and contempt for the efforts of others generate 'psychological suffering', especially among the younger ones. Because we exercise an activity of means (not of result), dependent on the appreciation of third parties, the Magistrates, it does not seem right to me the creation of a trophy gallery, on the one hand, with subliminal criticism to those who face difficulties.

Participant 06: Add this to the fact that we have a naturally hierarchical career based on functions often assigned arbitrarily and we have an environment conducive to emotional destabilisation. First, because the Prosecutor does not perform quantitatively and qualitatively the work he or she understands as ideal. Second, because when he tries to do a good job, despite all this, he ends up being penalized with more work and little recognition. The environment does not stimulate growth, but rather stagnation. In the end, the discouragement opens the doors to illness.

The above reports point to a need for greater cooperation in work relationships, especially between hierarchical levels. The experience of cooperation favours the construction of meaning of work, strengthens the empowerment, as well as provides the acquisition of technical and behavioural skills, which tends to reduce the sense of injustice in the work environment.

In order to evaluate the satisfaction with work on the part of the participating Federal Prosecutors, they were asked to comment on moments in which they feel more tired or discouraged with their work and career, and on situations in which they feel pleasure and fulfilment with the work they perform. Once again, we observed a significant incidence of management problems as the factors that most generate dissatisfaction among the professionals, as reported below:







Participant 12: I feel discouraged when changes occur in the way of working as a result of new administrative organisation.

Participant 13: The times I feel most tired are when I am charged for high productivity in a few hours of work. As if it were a trophy race to accomplish more distributions and procedural dispatches in less time. It is a feeling that the "boss" wants the prosecutor to be available for 24 hours. An example that I see with great care and even a certain fear is the "wave" of robots within the institution - mechanical work and with algorithms that we do not know the criteria elected for the analysis of lives that are behind these processes. The moment that I feel discouraged with the work occurs in situations in which I verify the total absence of professionalism for change of area of performance, of the prosecutor, within the institution or to assume high positions; the lack of stimulus, praise for work performance are factors that cause discouragement. We know that we are a career with many members, but it is necessary to create "eyes" for these lives that perform, with dedication, this essential function of justice.

Participant 07: I feel tired and discouraged at times when I need support from the career management. Lack of prerogatives for better performance of the function. Lack of career support for "middle" jobs. Much worse structure in comparison with other legal careers.

Participant 14: Discouragement is present due to the excessive amount of work, which makes the provider afraid of "missing something" or making some mistake, since he/she has to rush to accomplish his/her tasks. The beginning of each week always generates a lot of discouragement due to the demand that arrives. It is also discouraging because some prosecutors can more easily assume more interesting functions, which characterizes a certain privilege when compared to the others.

Participant 03: When I see friendship/contacts being more important than efficiency. When we know that some decisions could be taken to improve the quality of life, but that, although evident, are ignored.

Participant 02: Lack of concern for the emotional well-being of colleagues. Deficit of empathy from higher bodies. Gap between colleagues from higher bodies of the AGU with the other colleagues from the base.

Participant 05: When precious time is wasted on ineffective debates, unfounded impositions, dispensable meetings and untimely rule-setting. The climate of dispute and the attempt to gain ground by power generate two categories of federal prosecutors who should never be distanced.

In general, the Federal Attorney General's Office has highly motivated members who are satisfied with their remuneration, aware of the importance of their functions, and eager to do quality work. Satisfaction and motivation, however, are hindered by obstacles directly related to personnel management, as the following answers make clear:

Participant 06: The moments I feel most fulfilled are those when I perform a good job, which I can be proud of having done. If this is accompanied by procedural victories and institutional recognition, the satisfaction is even greater. Unfortunately, as said, recognition is a rarity, and there is no proportionality between recognition/responsibility, which would be quite salutary for the institution.

Participant 03: I think that the career is focused on numbers, on how to extract more productivity, but prosecutors are people, not numbers. Prosecutors are not human resources, who exhaust their capacities and then are discarded. I think it is the AGU's duty to focus efforts on people management, to periodically assess the physical and emotional well-being of its employees.

Once situations and factors that truly act as motivators of human behaviour at work in a certain circumstance have been identified, it is up to management to act to provide the full development of people based on the diagnosis made.







3.1 COMPLIANCE AND THE PROTECTION OF MENTAL HEALTH IN THE WORK ENVIRONMENT

In current times, the debates on ethics have brought the Compliance Programmes very much to the fore. Such programmes were conceived to increase organisational management, with the purpose of preventing infractions and controlling moral risks, by means of a new model of compliance of management rules that offers new perspectives on the place of ethical behaviour in the organisations. It so happens that most discussions and academic work on this topic, especially in Brazil, are limited to studying it strictly as a mechanism for combating corruption, that is, as an instrument of compliance with the anti-corruption legislation in force in the country.

The fight against corruption constitutes a fundamental agenda, but not the only one when it comes to Compliance, because, as pointed out by the American David Hess (2017), the respective Programmes need to fundamentally seek the protection of human rights, in a positive motivation that can influence the organisational behaviour. Being an instrument of protection of human rights, the Compliance should also focus on mental health, a theme that is increasingly closer to the daily life of the Brazilian and world population, and that has a significantly humanistic content. The protection of mental health in the work environment should be part of the Compliance commitment of every institution, in face of the need of the organisations themselves to implement a system of attention to the psychological integrity based on the compliance with the rules in effect, and within a standard of ethics, governance and respect to the human rights.

Having said this, how can Compliance improve the mental health management model in organisations and contribute to the psychological integrity of employees in the workplace?

Firstly, it is necessary to highlight that to monitor absenteeism periodically, assess its rates, causes and consequences, consists of an important personnel management instrument. The International Labour Organisation (ILO) itself, through Convention 161, recognizes that the records of absences from work contribute to the knowledge of the dimension of the problem, to the identification of possible causes, as well as to the formulation of measures to minimize the rates of absences and illnesses.

Caring for the psychological integrity of workers means protecting human rights in the work environment. Mental health is expressly provided for in the list of human rights, as can be inferred from Article 25 of the Universal Declaration and the repeated statements of representatives of the United Nations. There is no health without mental health, and





psychological illness is taking on ever greater proportions, as already mentioned. Protecting the mental health of employees is, then, an ethical responsibility on the part of managers.

Being an instrument of protection of human rights, as previously mentioned, the Compliance must also focus on mental health, a subject which is increasingly closer to the daily life of the Brazilian and world population, and which has a significantly humanistic content.

The protection of the mental health in the work environment must be part of the Compliance commitment of every institution, due to the need of the organisations themselves to implement a system of attention to the psychological integrity based on the compliance with the rules in force, and within a standard of ethics, governance and respect to the human rights.

The purposes of Compliance Programmes vary according to the activities performed by the organisation and the risks it faces. For a Programme to be considered effective, it must be integrated to the totality of risks to which an organisation is subject. There is, however, a type of risk present in all organisations, whether public or private: psychosocial risks, which constitute the factors that may contribute to or cause stress and mental illness among professionals within an organisation. Psychosocial risks at work, according to Luciana Baruki (2018), are related to the way work is conceived, organised or managed. They are harmful agents associated especially with the mental health of the worker, the emotional demands and the psychic energy needed to perform the work. They include the methods of charges and demands on the abilities and skills that may affect the psychological well-being of the worker, going through forms of management and work organisation.

It is necessary to point out that since January 1st, 2022, Burnout Syndrome is considered an occupational illness, according to the new classification of the World Health Organisation (WHO). If before, exhaustion, stress and reduced productivity were worrying factors for companies, now the Burnout Syndrome has become another factor of financial and legal risk. Also known as professional burnout syndrome, it is developed by exhausting work and manifests itself from mental exhaustion linked to stress, high demand, excessive responsibility and competitiveness in the work environment.

In view of the new classification, organisations must pay attention to take all measures to prevent the psychological exhaustion of their employees, avoiding, inclusive, being held responsible for the development of the syndrome by their employees.

Hence, the importance of using the Compliance Programmes as a legitimate mechanism for the protection of mental health in the workplace, which can contribute in two main ways:





- by being a human rights protection instrument that advocates the compliance with the current regulations, Compliance can boost the increase of human and financial resources for the protection of mental health in the work environment, as well as the compliance of the organisations in relation to the current regulations. Mental health is an investment - according to WHO, for every US\$ 1 invested in employee wellbeing, US\$ 4 are obtained in ROI - Return on Investment (WHO, 2020).
- 2) in the case of the Federal Attorney General's Office, object of this qualitative and quantitative research, it became clear the existence of psychosocial risks in the work environment with strong potential to lead the professionals to psychological illness, highlighting the excessive volume of work, the pressure for productivity and results, and the feeling of injustice caused by the lack of recognition and minimum meritocratic criteria in the offer of career opportunities. In this context, Compliance can enable the implementation of a preventive legal regime, composed by a set of good practices in mental health, besides a management model of the referred psychosocial risks, which performs the prevention, detection and repair of such risks within the respective work environments.

In view of the true pandemic situation of psychic illness of the population, there are several contributions to be made by Compliance in favour of psychological integrity in the work environment. The focus on mental health is essential for organisations to truly understand their impact - positive and negative - on employees, communities and society at large, and Compliance provides a mechanism to track this impact over time.

4.1 FINAL CONSIDERATIONS

The analysis of absenteeism due to psychological illness in the Federal Attorney General's Office allowed us to better understand the panorama within the institution and to reinforce the thesis that it is a problem linked to people management, with a strong ethical content involved. The results obtained can collaborate to spread the importance of the theme, as well as to broaden the vision of managers about the need not only to provide better working conditions for their teams and greater recognition to professionals, but, above all, to evolve the concepts and the treatment given to mental health in the work environment. This is a problem which requires the implementation of a people management policy based on prevention and humanistic values.

Compliance appears as a protagonist in this context, as an instrument able to drive the increase of human and financial resources for the protection of the mental health of the







professionals, to promote the conformity of the organisations in relation to the rules in force, as well as to implement a model of management of psychosocial risks in the work environment. These measures have the potential to promote psychological integrity and reduce absenteeism due to psychological illness in organisations.

The relations suggested in this paper were produced with the purpose of subsidizing good people management practices, through the discovery of the factors that generate absenteeism due to psychological illness in the organisation, in addition to encouraging future research to advance in the proposed theme.

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